

No 238

<sup>in</sup>  
Circuit

Court

John P Bowen

Plaintiff

vs

D. J. Kinsey

Defendant

Action for Money

Docket

Page

Hyde & Hyde

Attorney for Plaintiff

Attorney for Defendant

REVEREND CHIEF JUSTICE  
JAMES M. WELLS  
COURT HOUSE  
NEW YORK

1889  
 Jan 9 Petition rec Viewers app'd  
 Journal B p 473  
 Mar 6 Appraisers app'd  
 Journal B p 518  
 July 3, Order opened  
 - Jul B p 558

Road

Commencing at S E cor of S W 1/4 Sect 5 1 8  
 R 39 E to S W cor of S E 1/4 Sec 10 9 1 8  
 R 39 E

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

STATE OF OREGON,  
COUNTY OF UNION. } ss.

I John Macdonald being first duly sworn, say that I posted ~~three several~~ notice, of which the notices 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~~

~~Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the~~  
~~day of~~ 1888, and that thereafter ~~and thirty days~~ <sup>or about 17<sup>th</sup></sup> ~~previous to the presentation of said road petition therein mentioned, to-wit: on the~~  
day of November 1888, I posted a true and correct copy of said notice at the place of 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.

Subscribed and sworn to before me this 8<sup>th</sup> day of Jan 1889  
John Macdonald  
By J. Neill clerk  
By J. Howard

# Petition for County Road

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY OREGON

The undersigned householders of Union County Oregon residing in the vicinity where the hereinafter described road is proposed to be, respectfully petition your Honorable body to lay out, alter and establish a County road within said County on the following line or route to wit

To commence at the South East corner of South West 1/4 Sec 1 Town 1 South Range 38 E thence West to the South East corner of Sec 4 Town 1 South Range 38 East thence South to the North East corner of Sec 16 Town 1 South Range 38 E thence East to the South West corner of the South East 1/4 Sec 10 Town 1 South Range 38 East and there terminate

And in duty bound your petitioners will ever pray &c

NAMES

NAMES

James E. Woods

B. H. Meyer

John Coontree

John Lewis Sr

John Lewis Jr

H. G. Perkins

J. C. May

E. F. Shattuck

P. C. Palmer

J. M. Knehr

John White

M. M. Murchison

K. M. Murchison

S. J. Brooks

C. S. Knapp

J. A. B. B. B.

J. A. B. B. B.

C. A. B. B. B.

J. W. Norvell

H. W. Oliver

Wm. M. Gibson

A. Shaw

J. S. Williams

J. C. McDowell

E. B. Morelock

John York

J. S. McKenney

H. Mira

G. P. Wade

J. S. W. W. W.

B. D. Hubers

J. S. W. W. W.

H. W. Leavelle

B. S. S. S.

E. D. York

J. S. W. W. W.

Jacob Collins

Wm. B. B. B.

W. E. B. B. B.

R. S. B. B. B.

G. W. B. B. B.

R. D. B. B. B.

James P. B. B.

J. M. B. B. B.

J. W. B. B. B.

L. E. B. B. B.

E. D. B. B. B.

W. C. B. B. B.

A. B. B. B.

C. W. B. B. B.

Filed Jan'y 8<sup>th</sup> 1889  
At Hall Clerk  
By Thomas Oliver Esq

STATE OF OREGON,  
COUNTY OF UNION. } ss.

I R. C. Palmer

being first duly sworn, say that I

posted three several notice, of which the notices 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 on a pine tree at the S. E. corner of SW 1/4 Sec. 1 T. 1 S. R. 38 E. W. M. (the beginning). one on the abandoned of J. H. Kimbarto, near Summerville - and one at the NW corner of of the S. E. 1/4 Sec. 10. T. 1 S. R. 38 E. W. M. (the terminus), all being in the vicinity of said road

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 17<sup>th</sup> day of November 1888, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: on the day of 1888, I posted a true and correct copy of said notice at the place of 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.

Subscribed and sworn to before me this

8<sup>th</sup> day of January 1889  
R. C. Palmer  
Attest  
W. H. Duck

Filed Jan'y 8<sup>th</sup> 1889  
A. G. Hall, Clerk  
By J. Thunroder, Secy

# 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 9<sup>th</sup> day of January 1889, respectfully present to said Court a petition praying said Court to lay out and establish a County road within said County on the following line or route, to wit

To commence at the South East corner of South West 1/4 Sec 12  
 Town 1 South Range 38 East - thence West to the South East  
 corner of Sec 4 Town 1 South Range 38 East, thence South  
 to the North East corner of Sec 16 Town 1 South Range 38 E  
 thence East to the South West corner of the South East  
 1/4 Sec 12 Town 1 South Range 38 East

of 2 1/2 rods.  
 John Cornitt et al  
 John Lewis sr  
 John Lewis jr  
 E. G. Palmer  
 R. A. Palmer

B. F. Hooper  
 Road Engineer  
 B. F. Hooper  
 B. F. Hooper  
 W. E. Lyons

J. M. Buehart  
 Alice Choate  
 M. M. Morrison  
 R. M. Morrison  
 E. P. Brackets  
 E. S. G. G. G.  
 A. G. G.  
 L. M. G.  
 W. M. G.  
 E. B. Morlock  
 John York  
 J. C. M. G.  
 H. Myers  
 U. S. Wade  
 O. W. G.  
 R. A. Hubers  
 S. S. Whitley  
 W. M. G.  
 B. S. G.  
 E. R. York  
 S. G. G.

J. F. G.  
 C. A. Beeler  
 J. W. Norval  
 J. H. G.  
 W. M. G.  
 Jacob Gollins  
 J. M. G.  
 W. E. G.  
 R. J. Childers  
 A. W. G.  
 G. D. G.  
 James O. Childers  
 J. H. G.  
 J. M. G.  
 W. G. Robinson  
 L. G. G.  
 E. J. G.  
 W. G. G.  
 R. G. G.  
 L. W. G.



Filed Jan 8th 1889  
A. P. Nell clerk  
By Thomas Oliver Deputy

# Know all Men by these Presents:

THAT ~~we~~ *R. C. Palmer* 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 *One hundred* Dollars, the payment of which, well and

truly to be made, ~~we~~ bind ~~ourselves~~ <sup>myself</sup> ~~our~~ <sup>my</sup> heirs, executors and administrators, firmly by these presents.

Signed this *8<sup>th</sup>* day of *January* 188*8*.

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by *James E. Woods* and others, and presented at the *January*

Term, 1887, of the County Court of said *Union* County, commencing at the *S. E. corner of S. W. 1/4 Sec. 1, T. 1, S. R. 38 E. thence West to the S. E. corner of Sec 4, T. 1, S. R. 38 E. thence South to the N. E. corner of Sec 16, T. 1, S. R. 38 E. thence East to the N. W. corner of S. E. 1/4 Sec 10, T. 1, S. R. 38 East the said line terminates.*

be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

*R. C. Palmer*

## STATE OF OREGON,

County of *Union* } ss.

*R. C. Palmer* and

being duly sworn ~~each for himself~~ says that I am worth the sum of *Two* 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.

*R. C. Palmer*

Subscribed and sworn to before me, this *8<sup>th</sup>* day of *January* A. D. 18*88*

*J. A. Miller* Clerk,

By \_\_\_\_\_ Deputy.

**Board of Road Petitioners**

Viewers appointed  
in the meeting read  
as follows to wit  
George Johnson  
David Hery and  
James E. Woods  
Thomas N. Small  
and M. Kimball

Petitioners. must at Richmond to hold  
Jan 16 1889 at 9 o'clock

Filed Jan 8 1889

A. J. Neill

County Clerk.

By James Oliver

Deputy.

## REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 8 day of January, 1882, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by R. C. Palmer, et al, beg leave to report that on the 16 day of January 1889, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should        be laid out and established as a public highway of UNION COUNTY, OREGON. That the same is practicable and would add much to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be        laid out and declared a public highway of said county.

Henry Gressman  
H. McDonald

Filed July 7<sup>th</sup> 1889  
A. J. Will check  
By J. C. Hunter Deput

Sec

4

Sec

3

Sec

2

Sec

1

T1S R38 E W 1/4

County Road 2m of R.C. Palmer and others 1m

Proposed  
3m

Sec

9

Sec

10

Sec

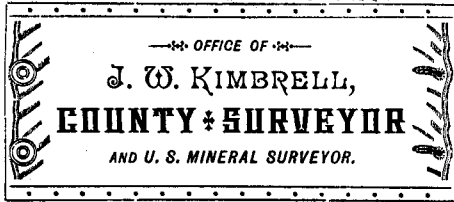
11

Sec

12

2

1/4



Or., 1889

Field Notes of Survey of the Proposed  
County Road of R. C. Palmer and Others  
I commenced by planting a Stone marked R. at the  
S.E. corner of the S.W. 1/4 Sec. 1, in T. 1, S. 16, 38, E. W. 110.

Thence west var,  $20^{\circ} 45' E$ , at 320 Rods Planted a Stone  
marked 1.M. as by Law required

Thence west var,  $20^{\circ} 45' E$ , at 320 Rods Planted a Stone marked  
2.M. as required by Law.

Thence west var,  $20^{\circ} 45' E$ , 167 Rods and 18 lks to the S.E. corner Sec  
4 in T. 1, S. 16, 38, E. W. 110. A. 1.

Thence South 152 Rods and 7 lks Planted a Stone marked 3.M.  
as by Law Required

Thence South 170 Rods and 2 lks. to the S.W. corner Sec 10 in T. 1,  
S. 16, 38, E. W. 110. A 2

Thence East 150 Rods and 23 lks Planted a Stone marked 4.M.

Thence East 10 Rods and 5 lks to the S.E. corner S.W. 1/4 Sec.  
10 in T. 1, S. 16, 38, E. W. 110. a Stone marked R. T.

This the 16<sup>th</sup> day of Jan 1889

J. W. Kimbrell Co. Surveyors

St. Paul, Jan'y 24<sup>th</sup> 1889  
Chas. H. Hall Clerk  
Business Office



In the County Court of the County of  
Union and State of Oregon  
To the Hon County Court of  
the above County

In the matter of laying out a road  
petitioned for by Palmer and others  
the accurate description in which is unknown to petitioner  
Your petitioner John Murchison  
respectfully represents that he is a  
<sup>of said county</sup> resident and owner of the following des-  
cribed land to wit the N.  $\frac{1}{2}$  of the N. E.  $\frac{1}{4}$   
and the N. E.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section  
eleven in Township one South of R. 38  
East of Willamette Meridian.  
That one Palmer and others have or are  
about to petition your hon. body to lay out  
survey and locate a public road begin-  
ning near the N. E. corner of the <sup>said</sup> lands  
of the said John Murchison and thence  
running west a distance of about 1280  
rods along the north boundary of your pe-  
titioner's land x That the said lands  
which will be occupied by the said  
proposed road are petitioner's meadow  
and valuable hay land x That  
your petitioner will be damaged  
by reason of the location of said road  
to the amount of \$230 x That your petitioner  
further believes that the location and

building of said road will deflect  
the waters rising on or near the line of said  
proposed road from your petitioner  
said land and make your petitioner  
said meadow lands less productive  
and valuable. That your petitioner  
further represents that his lands above  
described are already cut up by reason  
of another road running north from  
D. D. Glenn's to lands occupied by  
J. P. Childers and that the west forty  
acres of your petitioner's land is  
thus cut off from the east portion  
of said John Murchison. That  
the public uses said road. That  
your petitioner has never been  
remunerated for said land  
occupied by said road running  
north. That your petitioner believes  
that your Hon. body should from  
an equitable point of view, see that  
those petitioning for said road in Union County  
should recompense your petitioner for any  
and all roads hereafter to be laid out  
or created on his said lands.

Dated at Sumnerville Or.  
Jan 7th A.D. 1889

John <sup>his</sup> Murchison  
mark

Receipt for Damages  
of John Murchison  
Esq. in case of a Road  
Road between the  
Road between the

of Dalmen & others  
in the year 1889  
Sum of Twenty  
Pounds - 20

Attest Jany 8<sup>th</sup> 1889

Attest Jany 8<sup>th</sup> 1889  
J. Murchison  
Deputy

Be it remembered that at a Regular Term of the County Court of Union County begun and held at the Court House in the City of Union on Wednesday the 9<sup>th</sup> day of January A.D. 1889, the same Wednesday after the first Monday in said month and the time fixed by law for holding a regular term of said Court, and from day to day thereafter during the continuance of said term.

Present: Hon. O.P. Goodall County Judge  
 Hon. John McDonald Commissioners  
 W. 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 Road }  
 petitioned for by James }  
 E. Woods et al }

Comes now R. C. Palmer one of the petitioners for the above proposed County Road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit: Commencing at the South East corner of South West 1/4 Sec 1 Town 1 South Range 38 E. thence West to the South East corner of Sec 4 Town 1 South Range 38 East, thence South to the North East corner of Sec 16 Town 1 South Range 38 E. thence East to the South West corner of the South East 1/4 Sec 10 Town 1 South Range 38 East and there terminate. And it appearing to the Court that said petition is signed by more than twelve householders of this County residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to-wit: at Court House door, County of Union State of Oregon, and also in three public places in the vicinity of said proposed road, to-wit: One on a pine tree at the S.E. corner of SW 1/4 Sec 1 SR 38 E. W.M. (the beginning) one on the warehouse of J. H. Rinehart near Summerville, and one at the S.W. corner of the N.E. 1/4 Sec 10 SR 38 E. W.M. (the terminus) all being in the vicinity of said road for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned that application would be made to this Court at the present session of this Court, and that the notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been duly given. It is therefore ordered that Henry Greensman, David Hugg and Brian McDonald be appointed Viewers of said road,

and that J. W. Kimbrell be appointed Surveyor of said road, and that they meet at Kimbrells Mill on the 16<sup>th</sup> day of January 1889 at the hour of 9 o'clock A.M. and after qualifying to view, survey and lay out said road according to law.

In the matter of the  
Proposed County Road  
petitioned for by James  
W. Slater et al.

Comes now James W. Slater, one of the petitioners for the above named proposed county road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit: Beginning at the North East corner of Section sixteen (16) of Township two (2) South of Range Thirty nine (39) E. W. M. Thence West on the North line of said section one half mile to the one fourth stake on said section line thence South one half mile to the center of said section, thence West one half mile to the one fourth stake between said sections sixteen (16) and Section Seventeen (17) thence South to the South West corner of said section sixteen (16), thence West on section line between section seventeen (17) and Twenty (20) one mile, thence South on section line between sections nineteen (19) and Twenty (20) and sections twenty nine (29) and Thirty (30) one mile and one half to one half mile stake between said sections Twenty nine (29) and Thirty (30), in said Township two (2) South of Range Thirty nine (39), E. W. M. Said road to be forty feet wide.

And it appearing to the Court that said petition is signed by more than twelve householders of this County residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to-wit: at Court House Door, County of Union State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit: One at a point on the line of said road about one fourth of a mile from the commencement of said proposed road, one at a point on the proposed road one and one half miles from the terminus of the same as described in said notice, and one at the terminus of said road, for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned, that application would be made to this Court at the present session of this Court; and that the notices so posted were in due form and duly

As it remembered that at a Regular Term of the County Court of the State of Oregon for Union County begun and held at the Court House in the City of Union on Wednesday the 6<sup>th</sup> day of March 1889, the same being the Wednesday after the 1<sup>st</sup> Monday in said month and the time fixed by law for holding a Regular Term of this Court, when there were present:-

The Hon O. P. Goodall	County Judge
" " John McDonald	Commissioner
" " G. W. Bennehoff	"
W. Neill	Clerk
A. N. Hamilton	Sheriff

When on Wednesday the 6<sup>th</sup> day of March A.D. 1889 on the first judicial day of said Term, due proclamation of the opening of Court having been made the following proceedings were had, to-wit:-

In the Matter of the }  
Road petitioned for by }  
J. E. Woods et al. }

This matter came on to be heard at this time 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.

And it appearing to the Court that claim for damages has been filed herein by John Murchison, It is therefore ordered by the Court that P. E. Wade, S. L. Brooks and Thos. S. Clark be appointed to appraise the damages that will accrue to said John Murchison by reason of the construction of said proposed road and that they meet at Summerville on Saturday March 23<sup>rd</sup> 1889 at 10 o'clock A.M. and after subscribing an oath to faithfully and impartially perform their duties in this behalf that they proceed to view the premises of said John Murchison the whole distance through which the said proposed road will pass and report how much less valuable said premises will be rendered by reason of the construction of said proposed road, and that they file their report in writing before the next Term of this Court.

In the Matter of a }  
Justice of the Peace for }  
Halgard Precinct }

Comes now S. S. Apple and presents to the Court the petition of the Citizens of Halgard Precinct for his appointment to the office of Justice of the Peace of Halgard Precinct, and it appearing

First Judicial Day

Wednesday July 3rd 1889.

In the Matter of the }  
 Bridges near the McAlister }  
 place in Road Dist No 3. } At this time it appearing to the Court that the  
 County bridge near the old McAlister place on the County road leading  
 from Island City to Fall Ground is in very bad condition and there  
 is not sufficient work in said District to place the same in  
 repair. It is ordered that J. E. Jones Road Supervisor of said Road  
 District No 3 be instructed to employ such men and teams as  
 may be necessary for said work and proceed to place said bridge  
 in good repair and condition and that he be authorized to  
 shorten said bridge by filling in part of the slough across  
 which the said bridge is built with earth and rocks if he  
 thinks the same to be to the best interest of said road  
 and the County and that he render his bill for said work  
 to the County Court to be paid out of the County Treasury.

In the Matter of the }  
 Road petitioned for by }  
 J. E. Woods and others }  
 of

This matter came on to be heard at this time, and  
 it appearing to the Court that this proposed road was heretofore  
 petitioned for, surveyed, laid out and ordered opened when the  
 petitioners had paid the damages awarded by the appraisers to  
 John Murchason, and said petitioners having paid said damages  
 and filed the receipt of said Murchason for the same, and the  
 reports of the viewers and Surveyor herein having been read  
 on two different days of this Court and all the proceedings herein  
 having been regular and according to law and there being  
 now no remonstrance or further claim for damages herein.  
 It is considered and ordered by the Court that said viewers  
 report be placed on record in this <sup>Court's</sup> Journal and that said  
 Surveyors Plat and Field Notes be placed on the County Road  
 Plat Book and that said Road be declared a public high  
 way of Union County and that S. L. McKenzie and Henry Green  
 men the Supervisors of Road Districts Nos. 12 & 13 respectively,  
 the same being the Road Districts in which said road is situ-  
 ated, be ordered to open up said road according to law.

Report of Viewers

To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 9 day of January 1889,

First Judicial Day

Wednesday July 3rd 1889

appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by R. B. Palmer et al beg leave to report that on the 16 day of January 1889, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out and established as a public highway of Union County Oregon. That the same is practicable and would add much to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be laid out and declared a public highway of said County

Henry Gressman  
H. McDonald

In the Matter of the }  
Proposed County Road }  
petitioned for by O. D. }  
Thomlinson et al. }

This matter came on to be heard at this time 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 of Court.

Thereupon it was ordered that Court be now adjourned until Friday morning July 5th at 9 o'clock A.M.