

No 239

in

Circuit Court

Court

George Wright et als

Plaintiff

vs

John S. Clark et als

Defendant

First
Action for Foreclosure

Docket A - Page 524

B. L.

Attorney for Plaintiff

Attorney for Defendant

THE
LIBRARY
OF THE
COURT
OF
COMMON
PLEAS
IN
THE
COUNTY
OF
COLUMBIA
MAY 1 1911

1869

July 3 Petree Brewer affid -
 Jul 3 p 581 -
 Sep 4 - 1st Reading Reports N & S
 Jul 3 p 629
 Sep 5 - Ordered opened
 Jul 3 p 633 -

Road
 petitioned for by J J Turner et al

Beginning at a point in SE⁴ of N8⁴ Sec 13
 T6 S R 40 E 1/4 M S 4⁴⁵ N 100 rods from
 NE corner of said Sec 13 to the
 NW⁴ Sec 11 T6 S R 40 E 1/4 M
 (Road around Lyons Hill)

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

I J. J. Turner 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 at the temple on a Post fronting the road One at the beginning part of the road the same to a post and also one my own home on the public road leading from Union to Big Creek & Ponderosa river

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 27th day of May 1889, 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 3rd day of July 1889
J. J. Turner
J. M. Carroll
Notary Public
for Oregon

Printed July 3rd 1889
A. W. Hill. Clerk
Baylumses Church, N. H.

Filed May 28th 1889
A. J. Howell Clerk
Regiment Kansas Army

STATE OF OREGON

Notice of Road Petition

To all Persons Concerned You and each and all of you will take notice that the undersigned

holders of Union County Oregon residing in the vicinity where the hereinafter described road is proposed to be laid out will at the next session of the County Court for Union County Oregon to wit On

Wednesday the 3^d day of July A D 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

Beginning at a point on the SE 1/4 of NE 1/4 Sec 13 Township 6 South of Range 40 East of the Willamette Meridian S 40° 45' 27 1/2 rods from the NE corner of said Sec 13. Thence S 49° 20' 16 rods thence S 35° 20' 60 rods thence S 69° 36' 20 1/4 rods thence N 74° 20' 14 rods thence N 75° 30' W 10 rods thence S 46° 45' W 29 rods thence S 43° 20' 28 rods thence S 64° 18' W 16 rods thence S 24° 30' W 29 rods thence S 70° 30' W 25 rods thence S 44° 20' 44 rods thence N 95° 30' W 24 rods thence N 72° 30' W 23 rods thence N 21° W 33 rods thence N 61° 30' W 43 rods thence N 10° W 73 rods thence N 29° 45' E 21 rods thence N 32° E 6 rods thence N 1° W 37 rods thence N 71° W 34 rods thence N 10° 30' W 36 rods thence S 64° 13' W 40 rods thence N 81° 30' W 16 rods thence N 72° W 36 rods thence N 60° W 24 rods thence S 52° 30' W 37 rods thence N 33° 30' W 43 rods thence N 14° W 64 rods thence N 38° 45' W 36 rods thence N 51° W 74 rods thence N 15° 30' W 14 rods thence N 3° W 44 rods thence N 11° E 27 rods and terminating at a point on the NW 1/4 Sec 11 from which the SW corner of the NW 1/4 Sec 11 Township 6 South of Range 40 East of the Willamette Meridian bears south 16° W 77 rods distant

Names

Names

- J. J. Turner -
Elymus Barnes
Isaac Goble
J. B. Dolby
W. O. Turner

- S. A. Spears
J. B. Hesson
E. M. Turner
J. B. Sarno
Single Hoffman
George E. Karpis
John. M. Blurg
Fred Cope
D. H. Miles
D. A. Miles
J. B. Martin
Wm Wilson
Wm Francis
W. A. Carr

W. O. Turner

State of Oregon

County of Union I J. W. Shelton being
first duly sworn say that I posted a
notice of which the notice hereto attached
is a true copy at the place of holding
County Court for Union County Oregon
to wit: on the Court house door in the
Town of Union in said County thirty
days previous to the presentation of the
said petition therein mentioned to
wit: on the 28th day of May 1889. And
that said notice remained posted 30
days previous to the presentation of said
petition as I truly believe.

J. W. Shelton

Subscribed & sworn to before me this
2nd day of July 1889

J. M. Carroll
Notary Public
for Oregon

County Court
Newson County

On the matter of
the Road between
John B. J. Summers
vs
J. J. Summers

Proof of Debt

Dated July 3rd 1889
J. J. Summers
Debtors
vs
John B. J. Summers
Creditor

Know all Men by these Presents:

THAT WE, *J. J. Turner* and
S. M. Bloom 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, our heirs, executors and administrators, firmly by these presents.

Signed this *32* day of *July* 188*9*

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by
Turner & Bloom and others, and presented at the *July*

Term, 1889 of the County Court of said *Union* County, commencing *at a point*
in the SE 1/4 of NE 1/4 Sec 13 Township 6 S of
R 40 E N W and terminating at a point
S 45 N 100 Rods from the NE Cor of said
Sec 13 and terminating at a point on
the NE 1/4 Sec 11 from which the SW Cor
of N W 1/4 Sec 11 T 6 S of R 40 E N W has
North South 16 N 77 Rods distant

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

J. J. Turner
S. M. Bloom

STATE OF OREGON,

County of *Union* } ss.

S M Bloom and

J J Turner 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.

J. J. Turner
S. M. Bloom

Subscribed and sworn to before me, this *30* day of *July* A. D. 188*9*

J. M. Carroll Clerk,
Notary Public Deputy-
for Oregon

Bond of Road Petitioners

J. J. James
Orville

Petitioners.

Filed *July 3rd* 188*9*

A. J. Hall

County Clerk.

By *James Olevick*

Deputy.

REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 3rd day of July, 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 J. J. Turner, et al, beg leave to report that on the 24 day of July, 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.

Wm. Morrison
J. L. Haller
Wm. Morrison Jr. *Witness*

RECEIVED BY THE CLERK

STATE OF NEW YORK

Filed Aug 27th 1889
Attest Clerk
By James O. W. DePuy

R.T

11

12

Proposed Co Road of J. J. Turner

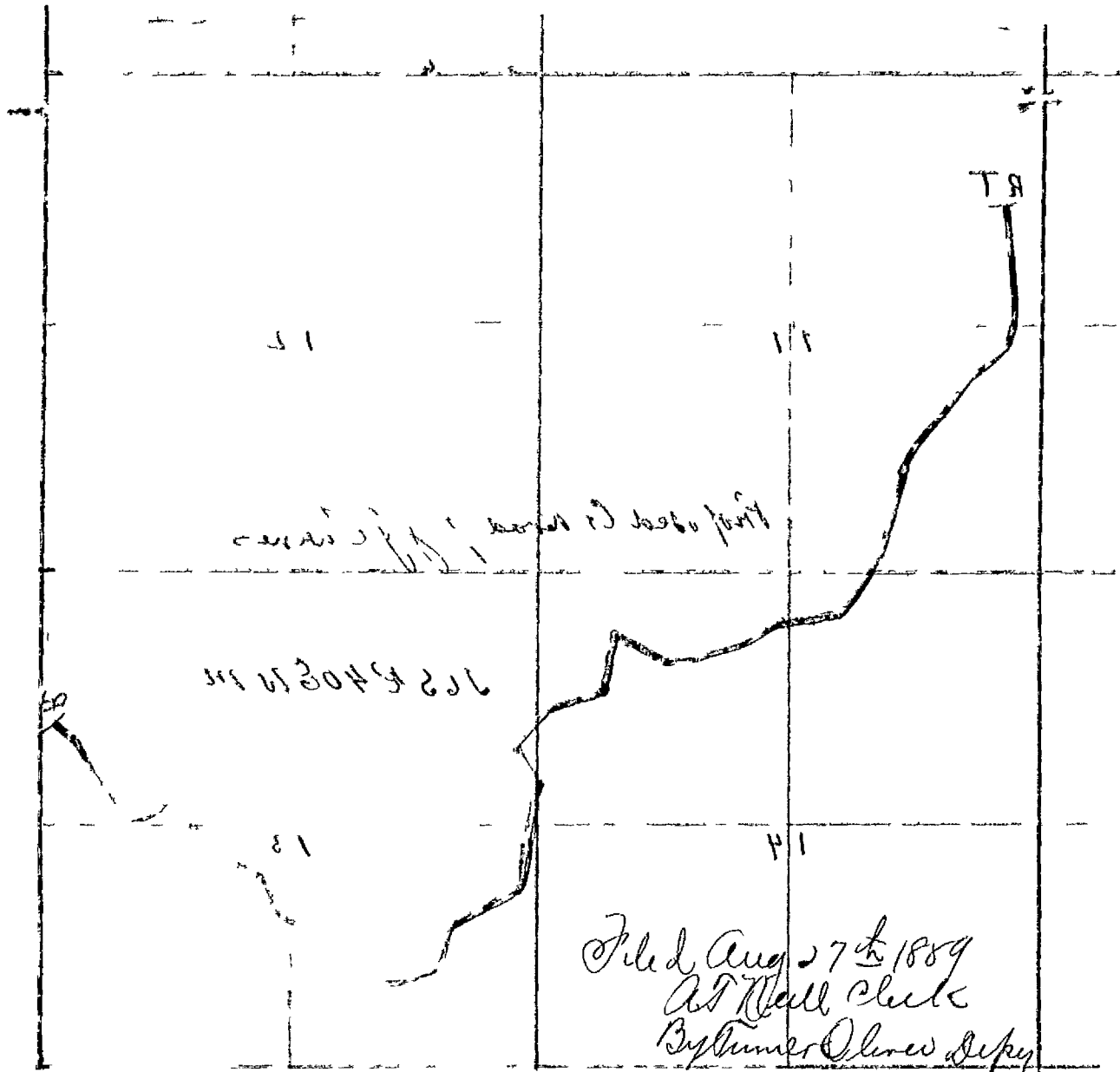
165 R 40 E W m

14

13

Original
Plan of
the
Creek
of
1887

18





OFFICE OF
J. W. KIMBRELL,
COUNTY SURVEYOR
 AND U. S. MINERAL SURVEYOR.

Field Notes of Survey of the Proposed
 County Road of J. Furness and others

I commenced at a point in the S E 1/4 N 8 1/4 sec 18 in T 6 S R
 40 E, W, M, Set Post in Mound of Stone marked R.

from which the N E corner Sec 18 Bears N 4 1/4° E 100 Rods distant.

Hence S 49° W 16 Rods A 1

" S 35° W 60 " A 2

" S 69° W 4 " A 3

" N 74° W 14 " A 4

" N 45 1/2° W 10 " A 5

" S 46 3/4° W 28 " A 6

" S 45° W 28 " A 7

" S 64 1/2° W 16 " A 8

" S 24 1/2° W 28 " A 9

" S 70 1/2° W 28 " A 10

" S 44° W 44 " A 11

" N 88° W 24 " A 12

" N 72 1/2° W 20 " A 13

Stone marked 2 M. N 21° W 33 " A 14

" N 61 1/2° W 43 " A 15

" N 10° W 6.9 " A 16

" N 29 3/4° E 21 " A 17

" N 52° E 6 " A 18

" N 41° W 37 " A 19

" N 71° W 36 " A 20

" N 10 1/2° W 36 " A 21

" S 64° W 39 " A 22

Stone marked 2 M.

Hence N 8 1/2° W 16 Rods A 23

" N 72° W 32 " A 24

" N 60° W 24 " A 25

" S 82 1/2° W 37 " A 26

" N 33 1/2° W 48 " A 27

" N 14° W 64 " A 28

" N 38 3/4° W 36 " A 29

" N 51° W 58 a Stone

marked 3 M.

" N 51° W 20 Rods A 30

" N 15° W 14 " A 31

" N 3° W 44 " A 32

" N 11° E 27 " Stone

marked R T.

Sec 10 1/2 11 Bears S 16° W 77 Rods distant

J. W. Kimbrell Co Surveyor

from which the 1/4 Sec corner between

Filed Aug 27th 1889
W. Nail Clerk
By James Oliver Soper

To the Hon. County
Court of Union County
Oregon I would most
Respectfully Represent to
your Honorable body
that I have completed
the work on the Lyons
Hill Wagon Road as
Directed by you and make
this my Report I
attach hereto an Itemized
act of all expenses and
Credits and ask that
this Report ~~be~~ and act
be allowed I also
Present a Bill for my
services in the same
which I also ask to
be allowed

Respectfully Submitted
this Nov 25th 1890

Warren Frasier

Corbridge

1850 Wagon Frasier in apt
with Union County
Oregon on apt of Road
Oct work on Lyons Hill
Wagon Road

Labors

...	J H Hudson	33.00
...	Oliver McKeiver	39.00
...	J Frasier	30.00
...	W ^m Frasier	24.00
...	Bridge Spikes	1.00
	Total	127.00

allowed Dec 2 1850

in the County
Court of the
State of Oregon
Report of

Wesley J. Pasier
for work on
Lyons Hill
Wagon Road

Filed Dec 11 / 1890
Turner Oliver Clerk
By J. P. Oliver Deputy

1890 Union County Oregon dr
to Warren Frasier for
Supervising Work on Lyons
hill Wagon Road

14 days @ 2.00 per day

Team days 2 @ 1.00 per day

28.00

12.00

40.00

Allowed Dec 2 1890

To The Hon County Court
of Union County Oregon
I would most
~~most~~ Respectfully Represent
to your Honorable body
that I have expended the
sum of \$2,700 on the
Lyons Hill Wagon Road
as was directed by you
and make this my Report
I attach hereto an Itemized
acct of all expenses and
Credits and ask that this
Report and acct be allowed
I also present a Bill
for my services in the
same which I also ask
to be allowed.

Respectfully Submitted
Nov 29th 1890

Warren Frazier

Warren Frasier in a/c
 with Union County
 Oregon an a/c of
 1890 Road work on Lyons
 May Hill. Wagon Road

8	To	Medice Gas Wright	34.00
"	"	J & White	10.00
"	"	Lumber of Park mill	15.00
"	"	Benson Bros Beef	3.00
"	"	Caps & fuel	2.00
		Labor	
June	..	paid J & Hudson	34.50
"	"	Ben McKeiver	31.00
"	"	Thos Allen	35.00
"	"	J G Haller	30.00
"	"	All Philips	6.00
"	"	Oliver McKeiver	30.50
"	"	Irvin Frasier	21.50
"	"	Wm Frasier	17.50
		Total	270.00
1890		Contra Dr	Dr
		by County Orders @ 90¢	2,700.00
		Bal	

1890

Union County Oregon Or
to Warren Prasier for
Superintending work on Lyons
Hill wagon Road

May 12th
to June 10

24 days @ \$2.00 per day \$ 48.00
Team 17 days @ \$1.00 per day 17.00
\$ 65.00

Allowed Dec 2, 1890

in the County Court
of the State of
Oregon Richard
of Warren Prairie
~~for weeks was~~

Lynns hill

~~Warren Prairie~~

328

Filed Dec 1st 1890

James Oliver Clark

By J. P. Oliver Deputy

First Judicial Day

Wednesday July 3rd 1889

Surveyor of said road, and that they meet at Oroville bridge on the 17th day of July 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 J.J. }
Junner et al. }

Comes now J.J. Junner 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 a point in the S.E. of N.E. Sec 13 T. 8 S. R. 40 E. N. M. South $4^{\circ}45'$ N 100 rods from the N.E. corner of said Sec 13 thence S 49° N 16 rods, thence S 35° N 60 rods, thence S $69^{\circ}30'$ N 4 rods thence N 74° N 14 rods, thence N $45^{\circ}30'$ W 10 rods, thence S $46^{\circ}45'$ N 28 rods, thence S 45° N 28 rods, thence S $64^{\circ}15'$ N 16 rods, thence S $24^{\circ}30'$ N 28 rods, thence S $70^{\circ}30'$ N 28 rods, thence S 44° N 44 rods, thence N $88^{\circ}30'$ N 24 rods, thence N $72^{\circ}30'$ N 23 rods, thence N 21° N 33 rods, thence N $61^{\circ}30'$ N 43 rods, thence N 10° N 73 rods, thence N $29^{\circ}45'$ E 21 rods, thence N 52° E 6 rods, thence N 41° N 37 rods, thence N 71° N 36 rods, thence N $10^{\circ}30'$ N 36 rods, thence S $64^{\circ}13'$ N 40 rods thence N $81^{\circ}30'$ N 16 rods, thence N 72° N 36 rods, thence N 60° N 24 rods, thence S $82^{\circ}30'$ N 37 rods, thence N $33^{\circ}30'$ N 43 rods, thence N 14° N 64 rods, thence N $38^{\circ}45'$ N 36 rods, thence N 51° N 74 rods, thence N $15^{\circ}30'$ N 14 rods, thence N 3° N 44 rods, thence N 11° E 27 rods and terminating at a point on the N.W. Sec 11 from which the S.W. corner of the N.W. Sec 11 T. 8 S. R. 40 E. N. M. bears South 16° N 77 rods distant. 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 Union, County of Union, State of Oregon, and also in three public places in the vicinity of said proposed road, to-wit:— One at terminus of proposed road on a post fronting the road, One nailed to a post fronting the road at the beginning of said proposed road, and one on J.J. Junner's barn by the side of the public road, for more than thirty days immediately prior to the presentation of said petition of 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

First Judicial Day

Wednesday July 3rd 1889

of this proceeding has been duly given. It is therefore ordered that D. L. Collier, Edwin Frazier and Wm Frazier Jr. be appointed viewers of said road, and that J. M. Massickell be appointed surveyor of said road, and that they meet at the foot of Lyons Hill on the 24th day of July 1889 at the hour of 10 o'clock A.M. and after qualifying do view, survey and lay out said road according to law.

In the Matter of the Proposed County Road petitioned for by A. J. Nicholson et al.

Comes now A. J. Nicholson, one of the petitioners for the above named proposed county road, and presents to the Court the petitions of himself and others, praying for the location and establishment of a county road described as follows, to-wit:-

Commencing at or near mile post No 36 on the Pine Creek wagon road according to the plat of said road as made by D. D. Griffiths survey thereof now of record in the office of the County Clerk of Union County Oregon, the same being situate in Section 11 Township 6 South of Range 4 East of the Willamette Meridian, thence in a North easterly direction to the Town of Cornucopia, situate in the N.W. cor of NW⁴ of N E⁴ Sec 34 T6 S R 45 E N.M. 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 places of beginning, intermediate points and places 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 Union, County of Union, State of Oregon and also in three public places in the vicinity of said proposed road, to-wit: One on the front of Thomas Babington's blacksmith shop at Cornucopia, One on the front of the J. W. Hooker Saloon building at Allentown, and one on a tree at the beginning of said proposed road, for more than thirty days immediately prior to the presentation of said petition to the 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 Frank Ballard, Lon Simmons and Oscar Wintery be appointed Viewers of said road, and that J. M.

Pl 40 miles

First Judicial Day

Wednesday Sept 4th 1889

pass and determine how much less valuable the premises of said claimants, in Union County, would be rendered by reason of the construction of said proposed road and report the same to this Court in writing. And the further consideration of this matter is continued for the term.

In the matter of the }
Road petitioned for }
by A. Good et al. }

This matter came on to be heard at this time and it appearing to the Court that the viewers and surveyor heretofore appointed failed to report on said proposed road and the surveyor in person came before the Court and stated that said proposed road is impracticable and would be impossible to make a road as prayed for in the petition. It is therefore ordered that the whole matter be dismissed.

In the matter of the }
Road petitioned for by }
J. J. Turner et al. }

This matter came on to be heard on the Report of the Viewers and surveyor heretofore filed 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 the }
Road petitioned for by }
A. J. Nicholson et al. }

This matter came on to be heard on the Report of the Viewers and surveyor heretofore filed herein and said Report 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 the }
Road petitioned for by }
Rudolph H. H. H. 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 Court.

Tercis Judicial Day

Thursday Sept 5th 1889

In the matter of the Road
petitioned for by J. J.
Turner and others

This matter came on to be heard at this time on the Reports of the Viewers and Surveyor heretofore appointed herein for a second reading as required by law and said report of Viewers having been read on two different days of this term of the Court and being in words following to wit:-

Report of Viewers.

To the Honorable County Court for Union County, Oregon:-

The undersigned viewers heretofore on the 3rd day of July 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 J. J. Turner et al by leave & report that on the 24 day of July 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.

J. W. Trasier }
J. L. Haller } Viewers
W. M. Trasier Jr. }

And it appearing to the Court that said viewers report favorably and recommend that said proposed road be declared a public highway, and no remonstrance having been filed herein, or claim for damages, nor any cause shown why said road should not be declared a public highway. It is therefore considered and ordered that said reports of Viewers and Surveyor be approved and that said road be declared a public highway and ordered opened according to the law and that the Surveyors plat of the Road and Field notes of Surveyor be recorded on the County Road Plat Book.

In the Matter of the Proposed County

Road petitioned for by A. Keefe et al } This matter came on to be heard at this time on the
and objection of W. Ladd } the view being ordered, and after due consideration by the Court
and the Court being well advised in the premises it is ordered and adjudged
by the Court that said objection be and the same is hereby overruled and denied.

Fourth Judicial Day

Saturday Sept 7th 1889

J. M. Kimbrell Surveyor 2 days 8⁰⁰ Plat 4⁰⁰ Milage 5³⁰ \$17³⁰
 I hereby certify that the above bills are correct.

J. M. Kimbrell County Surveyor
 And said report is here now by the Court approved and the bills therein set out allowed.

In the Matter of the Road }
 petitioned for by W. L.
 Anley and others

This matter came on to be heard at this time on the Report of J. M. Kimbrell County Surveyor on the expenses and bills incurred in on the Survey of the Road petitioned for by W. L. Anley and others as follows, to-wit:-

North Powder, Or. Aug 12, 1889

In the Matter of the Proposed Co Road of W. L. Anley and others,
 Union Co. Oregon Or.

To Wm Constable Viewer	one day 2 ⁰⁰	Milage 1 ⁰⁰	\$ 3 ⁰⁰
To Geo Hulick Viewer	one day 2 ⁰⁰	Milage 1 ²⁰	\$ 3 ²⁰
To A. J. Merwin Viewer	One day 2 ⁰⁰	Milage .70	\$ 2.70
To J. M. Kimbrell Surveyor	one day 4 ⁰⁰	Plat 2 ⁰⁰ Milage 4 ⁰⁰	\$ 10.00

I hereby certify that the above Bills are correct.

J. M. Kimbrell County Surveyor
 Thereupon said report and bills were allowed by the Court.

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

This matter came on to be heard on the Report of J. M. Kimbrell County Surveyor on the expenses and bills incurred on the survey of the proposed County road petitioned for by J. J. Turner et al. as follows:

North Powder Or Aug 12, 1889

In the Matter of the Proposed Co Road of J. J. Turner and others,
 Union County Oregon Or.

To J. L. Waller Viewer	one day 2 ⁰⁰	Milage .40	\$ 2.40
To Wm Magier Viewer	one day 2 ⁰⁰	Milage .40	\$ 2.40
To Erwin Magier Viewer	one day 2 ⁰⁰	Milage .40	\$ 2.40
To J. M. Kimbrell Surveyor	one day 4 ⁰⁰	Plat 2 ⁰⁰ Milage 3 ⁰⁰	\$ 9.00

I hereby certify that the above Bills are correct.

J. M. Kimbrell Co Surveyor
 Thereupon said report is approved and the bill therein set out audited and allowed by the Court.