

No 31 L

in

County

Court

James M Mitchell adm  
Est of J Mitchell Seed  
Plaintiff

vs

R E Drake, A B  
Drake & M D Adams

Defendant

Action for Money

Docket

Page

Baker, Shelton & Baker  
Attorneys for Plaintiff

Attorney for Defendant

RECEIVED  
JUN 10 1910  
CLERK OF COURT  
STATE OF NEW YORK

**Record of the Case**

166

**WITNESSES.**

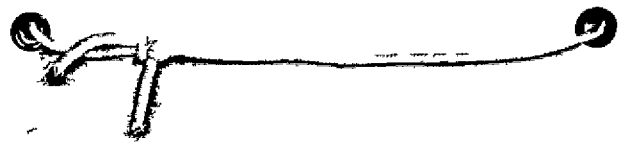
1891  
 Sept 8 Petition see Review & affidavits  
 Journal B of 668

Nov 10 Petition see Review & affidavits  
 Journal B of 668

1892  
 Jan 5 let pass etc. report  
 Journal B of 665

Jan 6 ordered opened  
 Journal B of 670

○ Road ○  
 Commencing on Co Road near  
 Mr Souls about 1 1/2 miles W of  
 Post Office of Joseph & running  
 S 1 mile



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

166

Notice this petition will be presented  
at the next regular meeting of the County  
court

Joseph Union County Oregon July 25-1881  
To the Honorable County Court of Union County  
Oregon We the undersigned citizens and house  
holders living in the vicinity of the proposed road  
hereinafter described would respectfully petition  
your Honorable body to establish the same as a  
county road to wit commencing at a point on the  
county road near near Mr Soule about one and a  
half miles west of the post office of Joseph and  
running south one mile between Micheland Ellis  
Webb and Hardins claims all the aboves named  
places being in the above named County and State

And your petitioners will ever pray

Geo Branscom	H. B. Ripperdan	Thos Pugh
A. M. Hardin	Simon Anderson	W. H. Stitwell
E. J. Mathhorn	G. W. Reed	R. H. Roberts
William Cole	J. N. Bare	J. D. M. Cully
Pat Saunders	J. A. Wright	R. Olson
J. J. McBoone	T. D. Dean	Math Johnston
M. B. Soule	A. J. Keeley	A. Leggett
W. A. Smith	J. C. & H. C. H. C.	J. W. Thompson
Wm Cunningham	J. W. M. Cully	B. Grossman

State of Oregon } ss  
Union County }

I A M Hardin being duly sworn  
say that I ~~found~~ <sup>was posted</sup> three copies of the within notice  
in the vicinity of the within proposed road more  
than 30 days prior to the date in these public places  
Subscribed and sworn } A. M. Hardin  
to before me this 7<sup>th</sup> day  
of Sept A.D. 1881

Willis Skiff  
Co. Clerk

By E. C. Cates Deputy

Filed Sept 7<sup>th</sup> 1881  
Willis Skiff  
Clerk  
E. C. Cates  
Deputy

State of Oregon }  
County of Union } ss

I Willis Skiff being first duly sworn say that  
I posted the within notice on the Court House door in  
Union, Union County, Oregon on the 29<sup>th</sup> day of  
July A.D. 1881 and more than thirty days prior  
to the presentation of the petition herein.  
Subscribed and sworn to before me Willis Skiff  
this 7<sup>th</sup> day of Sept A.D. 1881

W. Craig  
County Judge

Notice this petition will be presented  
at the next regular meeting of the  
county court

Joseph Union County Oregon July 25 1881

To the Honorable County court of Union County  
Oregon We the undersigned citizens and house-holders  
living in the vicinity of the proposed road  
hereinafter described would respectfully petition  
your Honorable body to establish the same as a  
county road to wit commencing at a point on  
the county road near Mr. Soule about one and a  
half miles west of the Post-office of Joseph and  
running south one mile between Mahland  
Ellis - Webb and Hardin, claims all the above  
named places being in above named County  
and State And your petitioners will ever pray

Geo. Brown com

A. M. Hardin

E. G. Shortstorn

William phole

Pet Saunders

J. F. McComell

Mr. Soule

W. Sims

J. W. Costerhan

W. H. Ripperdan

Simon Anderson

G. W. Reed

F. V. Bare

F. A. Wright

T. J. Drum

A. J. Kelly

John A. Hawk

J. W. McCully

Thos Pugh

W. H. Stowell

P. H. Roberts

J. D. McCully

P. Olson

Matt Johnston

A. Leggett

J. W. Thompson

B. Groffman

Filed Sept 7<sup>th</sup>  
1881  
Wm. H. H. H.  
G. C. C. C.  
D.

**Know all Men by these Presents:**

THAT ~~we~~ *J A M Hardin*  
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  
*\$ 25.00* 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 *9<sup>th</sup>* day of *Sept* A. D. 188*7*

Now the condition of the above obligation is such, that whereas, if the County Road petitioned  
for by *George Brauseome* and others, and presented  
at the *Sept* term, 188*7*, of the County Court of said *Union* county, commencing  
at a point on the *Cumby* road near *Mr. Sauls* about  
one mile and one half west of the Post office of *Joseph*  
and running south one mile between *Michael*  
and *Ellis, Webb and Hardin* claims,

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

*A. M. Hardin*

**STATE OF OREGON,**  
COUNTY OF MARION, } ss.

I, \_\_\_\_\_ and  
\_\_\_\_\_ each for himself says that I am worth the sum  
of \_\_\_\_\_ 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.

Subscribed and sworn to before me, this \_\_\_\_\_  
day of \_\_\_\_\_ A. D. 187

Clerk.

Know all Men by these Presents

Board of Directors

Millwaukee

Filed Sept 7<sup>th</sup> 1881

Phillips' Street  
Clerk

J. Van Hook

288 E

J. S. Dyer  
Secretary



To the Honorable County Court  
of Marion County Oregon

We the undersigned Citizens  
Legal Voters and Tax payers of Marion  
County Oregon do most respectfully  
Remonstrate against a certain  
petition for the location of a  
County Road commencing at a  
point on the County Road in  
Sec 30. T. 1 North, Range 43 East and  
running in a South and East di-  
rection to reach the present  
County Road running to Prairie  
Creek Oregon, at a point 1/2 mile  
East of Lottum Oregon.

And we further ask your Honor  
not to grant the petition locating  
the original County Road from the  
Starting point to the terminus of  
the above new road for which  
we now pray

Names	3	Names
W.W. White	3	J. A. Masterson
J. A. Dulles	3	Others after signing the petition

A. L. Tully

A. H. Stewart

A. C. Alexander

V. Merceon

Wm. Hanna

J. L. Ford

Serg. W. Bell

Frank L. Brown

Jas. Dorris

John Dunlop

John C. Stacey

Robert C. Ker

W. B. Jasper

R. C. Rochester

David Rochester

J. R. P. Harwood

J. H. Tully

W. H. ...

et al

J. M. Keeler

W. S. Johnson

Wm. Wilson

S. J. Sherwood

B. S. Baller

James Buchanan

T. W. Fink

Wm. Richardson

W. T. of all

W. H. ...

W. H. ...

R. A. ...

Wm. ...

Geo. J. ...

please take my name off  
the Petition

W. H. ...

Wm. ...

A. C. Alexander

G. L. J. 1887

Remittance

Filed Apr 4 1887

Wm. W. P. H.

Wm. W. P. H.

Deputy

Description of Road to be surveyed on Dec. 7<sup>th</sup>  
Beginning at a point on the County road  
near Mr Soules' about one and one half  
miles West of the Post Office at Joseph  
and running South one mile between  
Michael & Ellis Webb's and Harline's  
claims

**Be it Remembered**

That at a term of the Honorable County Court of Union County, State of Oregon, begun and held at the Court House in Union in said County on the 10 day of Nov. A.D. 1877 and from day to day thereafter, during the continuance of said term:

Present: Hon. A. C. Craig County Judge,  
" A. L. Saunders Commissioner,  
" Willis Skiff Clerk,  
R. J. Rogers Sheriff.

The following, among other proceedings, were had, to-wit:

IN THE MATTER OF View and survey of  
two County  
Roads in the Willow

On this day came Gas. A. Hunter who presents to the Court the petition of himself and others, praying for location and establishment of a county road as follows. Beginning at the S.E. corner of the S.W.  $\frac{1}{4}$  of Sec. 10, T. 1 S. R. 40 E. on the present traveled road  $\frac{1}{4}$  of a mile East of Loustine. Thence North 160 rods. Thence East 80 rods. Thence North 160 rods. Thence East 90 rods. Thence in a North-Easterly direction about two hundred yards crossing the Willow River to the mouth of the canyon north of S. K. Francis' ranch. Thence up said canyon via the most practicable route to the N.W. corner of Sec. 1, Town 1 S. R. 43 E. Viewers John H. McLubbis, William B. Perkins and George W. Richardson meet at Loustine, Dec. 5, at Johnson's store

And it satisfactorily appearing to the Court, from proof filed herein, that due notice of the pendency of this proceeding has been given as by law required: that more than twelve of said petitioners are legal householders residing in the vicinity of said road, and that a good and sufficient bond has been filed:

IT IS THEREFORE ORDERED BY THE COURT that J. B. Bonner and M. V. Knight and John Hayes be appointed Viewers, and Eugene White Surveyor, to view, survey and report upon said Proposed County Roads and that they meet at A. M. Harclins' on the 7<sup>th</sup> day of December 1881

and duly qualify before entering upon the discharge of their duties in this behalf.

(Signed) Willis Skiff Clerk A. C. Craig County Judge.

NOTE.—The three viewers must meet.

State of Oregon }  
County of Union }<sup>33</sup> I Eugene Chase being  
first duly sworn say that I will perform the  
duties of the within appointment to the  
best of my ability so help me God,  
Subscribed and sworn to  
before me this 25 day of } Eugene Chase  
Nov. A. D. 1881.

Willis Stiff  
Club  
J. C. Cleaves  
Deputy

Eugene Chase  
Filed Jan 24<sup>th</sup> 1882  
Willis Stiff  
Co. Clerk

To the Hon County Court  
of Union County Oregon

We the undersigned viewers  
appointed by your Honorable Body  
to view out a proposed County  
Road Beginning on the County  
Road near Mr Soules' about one  
and one half miles west of  
the Post Office at Joseph and  
running thence South one mile  
submit the following report in  
relation thereto. We met on the  
7<sup>th</sup> day of December A D 1881 as  
mentioned in your order the  
three viewers being present  
and after being first duly  
sworn in company with the  
Surveyor proceeded to view survey  
and lay-out said road as  
directed in your order and  
as shown by the Surveyors plat  
and report submitted herewith  
and we recommend that  
said route be established as  
a County Road

John W Hayes }  
M V Knight } Viewers of proposed  
J C Boner } County Road

Devereux Report

Final Jan. 3<sup>rd</sup> 1882

Wills & Wills  
Co., Bank

Report of Surveyor, to the viewers of a proposed County Road from a point on the County Road near Mr Soules' about one and one half miles west of the Post Office at Joseph Thence South one mile between Mitchell & Ellis Webb's and Hardings' claims

The following are the field notes. Beginning at a post marked R. and mound placed on the County Road near the residence of Mr Soules

Thence South 1 mile to post marked R I - mound

State of Oregon }  
County of Union } SS

I Eugene Chase County Surveyor in and for the County and State aforesaid do hereby certify that the field notes of the survey of the above described road are correct as surveyed by me under the supervision of the viewers on the 7<sup>th</sup> day of December 1881

Eugene Chase Co Surveyor



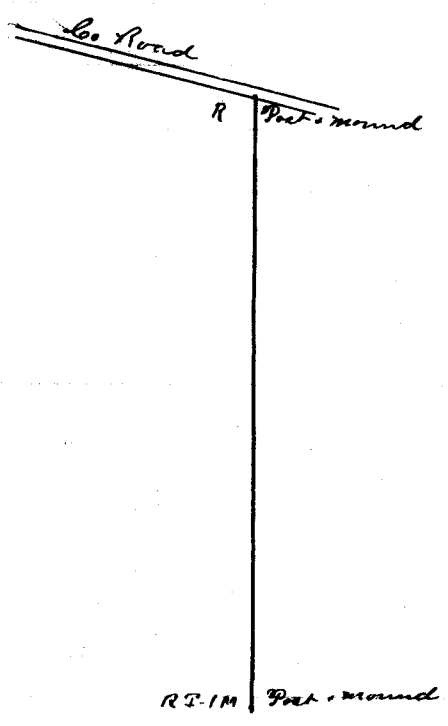
Survey of a leanty Road. Beginning at  
a point on the leanty Road near the  
residence of Mr Soule about  $1\frac{1}{2}$  miles  
West of Joseph thence South one mile

Surveyed Dec 7<sup>th</sup> 1881

Variation  $20^{\circ}$  East

Scale of distances 100 rods to the inch

Whole distance 1 mile



Survey and Report

March 5<sup>th</sup> 1882

Wm. D. King

Geo. Clark

638

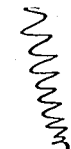
Sept 8<sup>th</sup> 1881Second Judicial Day September 8<sup>th</sup> A.D. 1881

Court met pursuant to adjournment with the same officers present as of yesterday

Due proclamation of the opening of court having been made the proceedings of yesterday were read, approved, and are now signed,

A. B. Craig  
County Judge

Whereupon the following proceedings were had, to wit:

In the matter of  Willow Road,  
Petition for a  
County Road.

On this day was presented the petition of Serge Bruneau and more than twelve others, pray for the location and establishment of a County Road as follows, to wit: Commencing at a point on the County road near Mr. Soules about one and a half miles west of the Post office of Joseph and running South one mile. And it satisfactorily appearing to the Court from proof filed herein that due notice of the pendency of these proceedings has been given as by law required; that more than twelve of said petitioners are legal householders residing in the vicinity of the said road and that a good and sufficient bond has been filed.

It is therefore hereby ordered that H. H. Veasey, D. B. Reavis and Ben Powell be appointed viewers and, G. J. Vair Surveyor to view survey and report upon said proposed road and that they meet at the house of Mr. Soules on the 24<sup>th</sup> day of September 1881 and duly qualify before entering upon the discharge of their duties in this behalf.

James Parker, Albert Good and W<sup>m</sup> Mass be appointed viewers and Eugene Chase Surveyor to view, Survey and report upon said proposed road and that they meet at Samuel Prusdale on the 2<sup>nd</sup> day of Dec 1881 and duly qualify before entering upon the discharge of their duties in this behalf.

In the matter of petition  
 of George Bronscom Willow Road  
 et al for a Co Road near Joseph

On this day was presented the of George Bronscom and more than twelve others praying for the location and establishment of a County road as follows, to wit: Commencing at a point on the County road, at or near the residence of M. V. B. Soule about one and a half miles west of the Post Office of Joseph and running south one mile between Michael and Ellis Webb and Hardins claim, all the above named places being in the County of Union Oregon, and it satisfactorily appearing to the court that due notice of the pendency of this proceeding has been given as by law required; that more than twelve of said petitioners are legal householders residing in the vicinity of said road and that a good and sufficient bond has been filed;

It is therefore ordered by the court that J B Romer M V Knight and John Hayes be appointed viewers and Eugene Chase Surveyor to view, Survey and report upon said proposed road and that they meet at A M Hardins on the 4<sup>th</sup> day of Dec 1881 and duly qualify before entering upon the discharge of their duties in this behalf.

In the matter of the report of the viewers on a proposed road Samuel Duesdall

now on this day was read the first time the report of the viewers upon a certain proposed road petitioned for by Samuel Duesdall and others of Samuel Prentiss and said report laid over for a second reading

In the matter of the views report upon County road near Joseph Geo Branscove Road

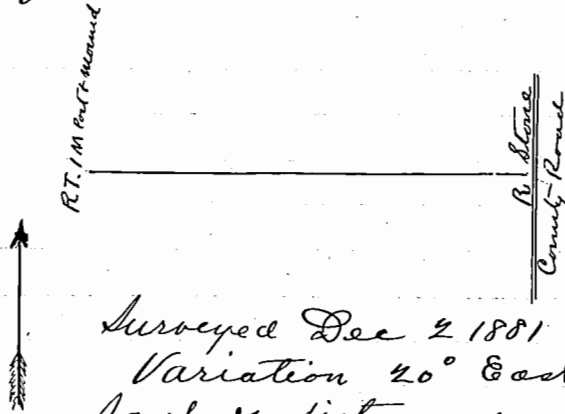
now at this time was read the <sup>first</sup> ~~second~~ time the report of the viewers upon a certain proposed road commencing at or near the residence of Mr Soules about one and one half miles west of the Post office at Joseph and from thence south one mile and said report laid over for a second reading

In the matter of the appropriation on the Eagle Creek road.

now at this time It was ordered by the Court the appropriation on the County road leading from Sparta to Eagle Valley be appropriated by the Supervisor in such points and places as he may deem best either to superintend said work personally or to let the same by contract.

follows, to wit:

"Beginning at a stone marked  
"R" on the County road and bearing  
at the SW corner of the SW 1/4 of Sec 34  
T. 1. S. R. 38 East: Thence west 1 mile  
to Post marked "R T - 1 M" + mound, at the  
SW cor of Sec 33, T. 1. S. R. 38, East.



Surveyed Dec 2 1881

Variation  $20^{\circ}$  East

Scale of distance 100 rods  
to the inch, whole distance  
1 mile.

In the matter of the  
viewers report on Princeton et al.  
Willow Road

Now on this day  
was read the second the following re-  
port of Road Viewers, to wit:  
"To the Hon County Court of Union  
County Oregon,

We the undersigned Viewers  
appointed by your Hon body to view out  
a proposed County Road Beginning on  
the County Road near Mr Soules, about  
one and one half miles west of the  
Post office at Joseph and running thence  
South one mile. Submit the following  
report in relation thereto. We met  
on the 7<sup>th</sup> day of December A.D. 1881 as  
mentioned in your order, the three  
Viewers being present and after  
being duly sworn in company with.



the Surveyor proceeded to view, survey and layout said road as directed in your order and as shown by the Surveyors plat and report submitted herewith and we recommend that said route be established as a County Road

John W. Hayes }  
 M. V. Knight } Viewers of proposed  
 J. C. Boner } County Road

And it appearing to the Court that the proceedings herein have been in all things regular and in due form of law, and no remonstrance having been filed or claim for damages, and it also appearing to the Court that the said route is of public utility.

It is hereby ordered by the Court that said route be established and located as a County Road, and opened as such in accordance with the Plat and field notes of the Survey thereof which is as follows, to wit:

"Beginning at a post marked 'R' and Mound placed on the County Road near the residence of Mr. Soules - thence South 1 mile to Post marked 'R T' + mound."

