

No 677
Law No 29
Circuit Court

Henry Rush

Plaintiff

vs

Alexander Thompson

Defendant

Action ~~for~~ ^{on} appeal

Docket Page

Isou & Fin

Attorney for Plaintiff

Baker & Baker

Attorney for Defendant

REVEREND FATHER JOHN J. O'NEILL
CATHOLIC CHURCH OF THE HOLY TRINITY
1101 N. W. 10th St.
MIAMI, FLORIDA 33136
TEL. 375-1111

Record of the Case

141

WITNESSES.

1839
 July 5 Petition see Viewers app'd
 Journal B p 484
 Sept 9 1st Reading Report
 Journal B p 578
 Sept 10 Appoint appraisers
 Journal B p 579
 Nov 4 Ordered opened
 Journal B p 581

Road

Beginning at No cor Sec 30 on
 Sumnerville & LaGrande Co Road
 thence E to Sumnerville & Herdeshott
 Pond road

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

141

To the Hon. the County Court
 of Union County & State of Oregon
 We the undersigned citizens
 and householders living in
 the vicinity and along the line
 of the heremafter described County
 Road ask that you (can be)
 located a Road on the section
 line between sections 19 and 30
 Township one South Range 39 East
 of the Willamette Meridian.

Beginning at the North West
 corner of section 30 on the Summerville & Lagrand county Road

Thence East along said line
 a sufficient distance to intersect
 the Summerville and Hendersonville
 Point Road all in Union County
 Oregon. For which we will
 ever pray

Witness
 J. E. Wade
 E. B. Morde
 E. W. Oliver
 Wm. Hamill
 Jesse Smiler
 Joseph H. ...

Witness
 W. Hammond
 George Neville
 W. Gorman
 J. S. ...
 J. S. ...
 W. S. ...
 J. S. ...

James McFarlane
 G. P. Wade
 W. B. Hammett
 Cherry Rinsch
 John Dick
 W. G. Neville

W. H. ...
 Joseph ...
 S. B. ...
 J. M. ...
 John N. ...
 S. H. ...

Peace Station

W. J. E. Wood

retires

Peace July 24

1880

Wm. H. H. H.

Co. Clark

Notice

It is hereby given that there shall be a petition by ~~presented~~ to the County Court at the ~~regular~~ term on July 15, 1880.

Whereby a road to be established and located on the Section line between Sections 29 & 30, ~~and~~ ~~more~~ ~~or~~ ~~less~~ ~~of~~ ~~the~~ ~~same~~ ~~as~~ ~~shown~~ ~~on~~ ~~the~~ ~~plat~~ ~~of~~ ~~the~~ ~~County~~ ~~Records~~ ~~of~~ ~~Union~~ ~~County~~ ~~Oregon~~ ~~dated~~ ~~the~~ ~~27th~~ ~~day~~ ~~of~~ ~~May~~ ~~1880~~ East of the Willamette ~~river~~ ~~and~~ ~~beginning~~ ~~at~~ ~~the~~ ~~North~~ ~~West~~ ~~corner~~ ~~of~~ ~~Section~~ ~~30.~~

~~and~~ ~~the~~ ~~road~~ ~~shall~~ ~~be~~ ~~of~~ ~~the~~ ~~width~~ ~~of~~ ~~30~~ ~~feet~~ ~~and~~ ~~shall~~ ~~run~~ ~~East~~ ~~along~~ ~~the~~ ~~line~~ ~~a~~ ~~sufficient~~ ~~distance~~ ~~to~~ ~~intersect~~ ~~the~~ ~~Sumnerville~~ ~~&~~ ~~Heiderichville~~ ~~Post~~ ~~Road~~ ~~all~~ ~~in~~ ~~Union~~ ~~County~~ ~~Oregon~~ Dated this the 27th day of May 1880

State of Oregon
County of Union J. W. Hammack
being first duly sworn say that I
posted the within notice with two other
copies of the same in three public
places in the vicinity of the
proposed road on the 28th day
of May and more than thirty
days prior to this date.

Subscribed and sworn J. W. Hammack
to before me this 7th day
of July A. D. 1880
Willie Skiff
Co. Clerk

Proof of notice
Filed July 14th
1880
Willie Skiff
Co. Clerk

Know all Men by these Presents:

THAT *J. W. Hammack*

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 *7th* day of *July* A. D. 18*80*

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by *P. E. Wade* and others, and presented at the *July* term, 18*80*, of the County Court of said *Union* county, commencing

at the *North West* corner of *Sec. 30* on the *Summerville & La Grande* County Road, thence East along said line to intersect the *Summerville and Hendersholt* Paint Road

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

J. W. Hammack

Know all Men by these Presents:

That we, the undersigned, of the County of ... State of ... do hereby certify that the ... of ...

... of ... and ... of ... and ... of ... and ... of ... and ... of ...

... of ... and ... of ... and ... of ... and ... of ... and ... of ...

... of ... and ... of ... and ... of ... and ... of ... and ... of ...

Barber
Rec'd July 25
1880
Wm. H. Bell
Co. Clerk.

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 5 day of July A. D. 1890 and from day to day thereafter, during the continuance of said term:

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

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

IN THE MATTER OF location of
a proposed County
Road

On this day

J. W. Hammack who presents to the Court the petition of himself and Mary others, praying for the location and establishment of a county Road

as follows, to-wit:

Beginning at the North West corner of Section 30 on the Summerville and Le Grange county Road, thence East along said line a sufficient distance to intersect the Summerville and Henderson Point county road

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 James E. Woodell

E. C. Probler and Joseph Rinehart

be appointed Viewers, and Engene Chase Surveyor, to view, survey and report

upon said proposed County Road and that they meet at

the house of J. W. Hammack on the 17th day of July A. D. 1890

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

By Willis Skiff Clerk. A. C. Craig County Judge.

NOTE.—The three viewers must meet.

State of Oregon } ss I Eugene Chase being first
County of Union }
do hereby sworn say that I will to the best of my ability
perform the duties of the within appointment so
help me God,
Subscribed and sworn
to before me this 12th
day of July A.D. 1880 } Eugene Chase
Willis Skiff }
Co. Clerk }

Eugene Chase
Hammacher
Filed Sept 8th 1880
Willis Skiff
Co. Clerk

10 250
22 210
34 000

66 450

To the Hon County Court of
Union County, Oregon

There having been a petition
presented before your Hon Body at
the July term of the County Court
for Union County, Oregon, asking
for the location of a County road
beginning at the N.W. corner
of Section 30 on the Summerville
& La Grande County road thence
East to intersect the Summerville
and Henderson Point County road
and whereas said road has been
surveyed and located and if estab-
lished will cause me to build one
half mile of fence beside separa-
ting my land in two bodies.
Therefore if said road is granted
I claim damages in the sum
of three hundred Dollars.

Roderick Mc Kenzie

Debit for Damages
on County Road
Settlement for
By J. G. Wade
et al.

1880
Sept 15-45

W. G. Smith
Co. Clerk

State of Oregon }
County of Union } S.

We and each of us do solemnly swear that we will appraise the damage Roderick McKinsie will sustain by reason of the location of a County road as follows to wit: beginning at the North West corner of Section thirty on the Summerville to La Grande County road thence east to intersect the county road leading from Summerville to Henderson point to the best of our ability

Witness our hands this } George Ackley
30th of Sept 1880 } J S Smith
James Healy

Subscribed and sworn to before me this 30th day of September A. D. 1880

M. A. Harrison
Justice of the Peace

Filed Nov 8th 1880

Willis May's

Pen

Per St Louis

29



Count 1,2,3,1.

3

To the County Court of Warren County

We the undersigned having been appointed to appraise the damage claimed by Rodrick McKenzie for the location of a certain road beginning at the NW corner of Sec 30 on the Summerville and La Grange Counties Road, thence east to intersect the Counties Road leading from Summerville to Henderson Point ~~where~~

performed the duty and in our judgment find said Rodrick McKenzie entitled to ~~be~~ ^{be} ~~damaged~~ ^{damaged} ~~in~~ ⁱⁿ the sum of \$4.00

Oct 30th 1880

George McKles
H. S. Smith

James Hooley

To the Hon County Court of
Union County Oregon
We submit the following as our
report as viewers of road viz;
Beginning at the NW corner
of Section 30 on the Summerville
and La Grande County Road
thence East along said line
a sufficient distance to intersect
the Summerville & Hendershott
Point County Road. We met
on the 17th day of July as
mentioned in your order and
after being first duly sworn
in company with the Surveyor
proceeded to view, survey
lay-out said road.

We select from said Surveyors
plat of surveys which as shown
by Surveyors plat, one which
we heartily recommend for
County Road and public travel

We therefore submit the above
hoping the same will meet
your approval

E. H. Parker

Gasper Pinehart

James E. Woodell

} Viewers of
proposed Co Road

Hammond
New Report

Filed Sept 8th 1880

Wilbur Smith
Co Clerk

To Jas. E Woodell, Ed Imbler
and Jasper Rinehart viewers
appointed to review the County Road
Beginning at the NW corner of
Sec 30 on the Summerville and
La Grande Co Road, thence east
along said line a sufficient
distance to intersect the Summerville
and Hendershott Point Co Road

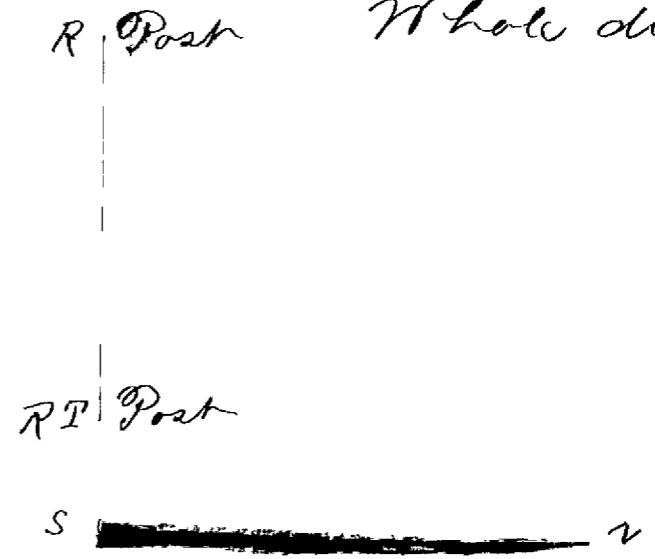
The following are the field notes
of the survey of the above
described road - Beginning at the
NW corner of Sec 30 at Post marked R
thence East 160 rods to post marked R I
and intersecting the Summerville &
Hendershott Point Co Road

Survey of County Road
leading from the Summerville
& La Grande Co Road East
to intersect the Summerville
& Hendershott Point Co Road

Surveyed July 17th 1880

Variation 30° East

Scale of distances
80 rods to the inch
Whole distance 160 rods



State of Oregon } S.S.
County of Union }
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
17th day of July 1880
Eugene Chase Co Surveyor

Blammack et al

Sumner's Report

Filed April 29th 1880

Wm. H. Smith
No. 625 N

In the matter of petitions }
for County Road } 3

On this day came J. W. Hammack and presents to the court ^{a petition} signed by himself and many others asking for the location and establishment of a County road as follows to-wit: Beginning at the North West corner of section 30 on the Summerville and Leabrande County road thence east along said line a sufficient distance to intersect the Summerville and Henderson Point County road all in Union County

Oregon

And it appearing that due notice of the pendency of this proceeding has been given as by law required and a good and sufficient bond filed with the clerk of this court.

It was therefore ordered that James E. Woodell Jasper Rinehart and E. V. Dumbler, three disinterested householders of Union County, Oregon be appointed viewers and Eugene Lehart Surveyor and that they meet at the house of J. W. Hammack on the 17th day of July ¹⁸⁸⁰ and after being first duly qualified proceed to view survey and locate said proposed County road and report their doings thereon at the next regular term of this Court.

In the matter of Qualifications }
of O. P. Woodall, County Assessor } 3

Now at this time is presented the oath of office and certificate of election together with a good and sufficient bond as by law required which said bond is approved and the said O. P. Woodall is the fully authorized Assessor of Union County

Oregon

In the matter of }
Viewers Report } 3

Now at this time is read the first time the viewers report of the County road petitioned for by R. M. Downey and others and the same was laid over for further consideration to-morrow.

Second Judicial Day Sept 9th 1880

Court met pursuant to adjournment with 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. G. Craig
County Judge

In the matter }
of } J. W. Hammonds et al.
Viewers Report }

Now at this time was read for the first time the report of the viewers appointed to view and report upon a proposed County road as follows, to wit. Beginning at the NW cor of Sec 30 on the Sumnerville & Paul Grove County road, and from thence running East along said line to intersect the Sumnerville and Shenderbott road, which report was laid over for a second reading.

In the matter of }
Viewers report }
on John Beach }
to Road }

Now at this time was read the report of the viewers on a proposed change in the County road leading from the center of Section 5 T. 3 S. R. 39 E. and from thence to the South East cor. of Sec the NW 1/4 of Sec 6 T. 3 S. R. 39 East which report was read and laid over for a second reading.

Whereupon the Court adjourned until 9 o'clock to-morrow.

Third Judicial Sept 10th 1880

Court met pursuant to adjournment with 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. C. Craig
County Judge

Whereupon the following proceedings were had to wit:

In the matter of
Viewers report on
County road of
J. W. Hammock et al

report of appraisers of damage

Now at this time was read for the second time the report of the viewers upon a County road petitioned for by J. W. Hammock and others, and Roderick M. Kenzie having filed his claim for damages by reason of the location thereof. It was ordered and adjudged that Phinnas Smith, George Ackles and James Healey be appointed appraisers, to appraise the real damage sustained by said Roderick M. Kenzie by reason of the location of said road and that they meet at the house of Wesley Hamilton on the 25th day of Sept and proceed to assess said damages and report the same to this Court at the next regular term.

day of November 1880 and duly qualify before entering upon the discharge of their duties in due behav

In the matter
of Hammock road.
Viewers report

Now on this day came on for consideration the viewers report upon a road petitioned for by J. W. Hammock and others which report is as follows, to wit:

To the Hon Comity Court of Union County Oregon we submit the following as our report as viewers of road viz: Beginning at the N.W. Corner of Section thirty on the Summerville and La Grange Co Road, thence East along said line a sufficient distance to intersect the Summerville-Henderson Point County Road, We met on the 17th day of July as mentioned in your order and after being first duly sworn, in company with the Surveyor, proceeded to view, survey and lay out said road. We select from said Surveyors plat of surveys which as shown by Surveyors plat, one which we heartily recommend for county road and public travel

We therefore submit the above, hoping the same will meet your approval

E. W. Ingle

Jasper Pinchart
James E. Woodell

Viewers of
proposed Co
Road.

And the above report having been read at a previous term of this Court and damage having been claimed by one Roderick McKenzie by reason of the location of said county road, George Stokes, J. S. Smith and James Hally were appointed as appraisers of damage to meet and appraise said damage and said named appraisers having reported to the Court that said Roderick McKenzie was damaged in the sum of \$14.50. It was ordered and adjudged that said report be accepted, And it appearing to the Court that said amount has been deposited with the

Clerk of this Court by the parties living along and in the vicinity of said proposed road. And it further appearing to the Court that said road is of great public utility and of public benefit, and that all proceedings herein have been in all things regular in all matters herein and no circumstances having been presented against the granting the petition herein.

It was ordered that the petition herein be and the same is hereby granted, and that said described route be and the same is hereby established as a county road and public highway and that the same be opened to public travel in accordance with the Surveys plat and field notes thereof of which the following are copies, to wit:

"To J. & Woodell, Ed Imbler and Jasper Pinehart, Viewers appointed to view the County Road, Beginning at the N.W. corner of Section 31 on the Summerville and La Grande County Road, thence East along said line a sufficient distance to intersect the Summerville and Hendershott Point Co Road, the following are the field notes of the survey of the above described road: "Beginning at the N.W. Corner of Sec 30 at Post marked R.T. and intersecting the Summerville & Hendershott Co Road."

Survey of County Road leading from the Summerville & Hendershott Point Co Road East to intersect the Summerville & Hendershott Point Co Road.

Surveyed July 17th 1880
Variation 20° East

Scale of distances 80 rods to the inch.

Whole distance 160 rods.

