

PRINTED AND PUBLISHED BY
J. H. HARRIS, AT THE
COURT HOUSE, IN THE CITY OF
NEW YORK.

No 21 G

Circuit

Court

J H Hooker

Plaintiff

vs

Thomas Butler

Appellant & Defendant

Action for

Writ

Docket

Page

R Eakin & Bro

app

Attorney for Plaintiff

Attorney for Defendant

Record of the Case

153 P

WITNESSES.

1890
 Nov 4 Petition see Viewers app't
 Journal B p 530
 1891
 Jan 1 1st reading of reports
 Journal B p 551
 Jan 6 Ordered opened
 Journal B p 565

Road

Commencing on Co Road near NW Cor
 of S E 1/4 of N E 1/4 Sec 2 T 1 N R 40 E
 to intersect Co Road -

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

153

Know all Men by these Presents:

THAT WE, W. H. Galloway ~~et~~
 and W. A. Galloway, of the County of Union and
 State of Oregon, are held and firmly bound unto the said County of Union in the sum of
Twenty five 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 23 day of Sept A. D. 1880

Now the condition of the above obligation is such, that whereas, if the change of County Road petitioned
 for by J. C. Merwood W. H. Galloway and others, and presented
 at the Nov term, 1880, of the County Court of said Union county, commencing
 on the County road at or near the North West corner of the S. E.
~~4 of the South East 1/4 of the North East 1/4 of Sec. 2, T. 1 N.~~
R 40 E. Thence South 1/2 mile, Thence West 1 1/2 miles
to the section line between sections 3 & 4, T. 1 N. R. 40 E.
Thence to intersect the County road at the nearest point
and also to vacate all that portion of the County
road now located that is included in the proposed change
 be located and established, then this obligation to be void; otherwise to remain in full force
 and virtue in law.

W. H. Galloway
W. A. Galloway

Bone

Police Oct 13th

1880

Wells' Street
Black

By the School
Days

To the How County Court of
Union County, Oregon.

We the undersigned twelve
citizens and householders and
others residing in the vicinity and
along the route of the hereinafter
described County road ask that
you cause to be located and grant
a change in the County road
extending through Township 1
North Range 40 East as
follows to wit: Beginning on the
County road at or near the North
West corner of the South East $\frac{1}{4}$
of the North East $\frac{1}{4}$ of Section
2 in Township 1 North, Range
40 East. Thence South $\frac{1}{2}$ mile.
Thence West $1\frac{3}{4}$ miles to the
Section line between Sections
3 & 4 Township 1 North, Range
40 East. Thence to intersect
the County road at the nearest
point and also to vacate all
that portion of the County
road now located that is in-
cluded in the proposed change.
All of which above mentioned
points and places are in Union

County: Oregon

Names

Names

- J. C. Sherwood
- W. H. Gallaway
- W. A. Sawyer
- W. R. Merritt
- D. Merritt
- A. Rook
- J. Rook
- A. I. Thomas
- W. B. Knight
- S. Barnes
- E. Barnes
- T. Barnes
- J. P. Barnes
- G. H. Taylor
- Nathaniel Wallace
- W. T. Hartley
- Ludwig Becker
- John O. Mickelson
- W. R. Mitchell
- Robert G. Sturtefield

Deletion

Filed Oct 13th

1880

Wm H. Hays

Clerk

By C. E. & Co.

Deputies

STATE OF OREGON,

UNION COUNTY,

SS.

I Willis Skiff being
duly sworn, say: That I posted three copies of the annexed notice ~~in three public places in the vi-~~
~~city of the within proposed county road, and one on the Court House door in Union County, Oregon,~~
on the 21st day of September 1880 and more than thirty days prior to the
presentation of the petition herein.

Willis Skiff
Subscribed and sworn to before me this 4th day of Nov A. D. 1880

A. C. Craig
County Judge

Notice

It is hereby given that a petition will be presented at the next regular term of the County Court of Union County, Oregon to wit, the November term 1880 asking for a change in the County road in Town 1 North Range 40 East as follows to wit, Beginning ^{on the County road} at or near the North West corner of the North South East $\frac{1}{4}$ of the North East $\frac{1}{4}$ of Sec. 2, T 1 N, R 40 E, Thence South $\frac{1}{2}$ mile, Thence West $1\frac{3}{4}$ miles to the Sec. line between sections 3 & 4, T 1 N, R 40 E, Thence to intersect the County road at the nearest point and also to vacate all that portion of the County road now located that is included in the proposed change.

Dated this 21st day of Sept. A.D. 1880
Willis Shiff

Notice
Is hereby given that a petition

Application and

Notice

Filed Nov. 4th 1880

W. H. S. S. S.
C. C. S. S.

STATE OF OREGON,

UNION COUNTY,

} SS.

I W. H. Galloway being

duly sworn, say: That I posted three copies of the annexed notice in three public places in the vicinity of the within proposed county road, and one on the ~~Court House door~~ in Union County, Oregon, on the 23 day of September 1880 and more than thirty days prior to the presentation of the petition herein.

W. H. Galloway

Subscribed and sworn to before me this 23 day of September A. D. 1880.

J. M. Tucker

Justice of the Peace

Notice

It is hereby given that a petition will be presented at the next regular term of the County Court of Union County, Oregon, to wit, The November term 1880 asking for a change in the County road in Town 1 North, Range 40 East as follows to wit Beginning on the County road at or near the North West corner of the South East $\frac{1}{4}$ of the North East $\frac{1}{4}$ of Sec. 2, T 1 N, R 40 E. Thence South $\frac{1}{2}$ mile, Thence West $1\frac{3}{4}$ miles to the Section line between Sections 3 & 4 T 1 N, R 40 E, Thence to intersect the County road at the nearest point and also to vacate all that portion of the County road now located that is included in the proposed change.

Dated this ~~10th~~ day of Sept. 20, 1880

PP
Bond of Auction

Allen Oak 13
18 84

Winn's Shop
Clark

W. C. & Co.
Boyer

No the Low. County Court

of Union County Oregon

We submit the following as our report as viewers of road viz; Commencing at the Co Road at the N W corner of the S E $\frac{1}{4}$ of the N E $\frac{1}{4}$ of Sec 2 T 1 N R 40 E Thence South $\frac{1}{2}$ mile thence west $1\frac{3}{4}$ miles to the Section line between Sec 3 & 4 Thence to intersect the County Road at the nearest point and to vacate all that portion of the County Road now located that is included in the proposed change We met on the 22^d day of November as mentioned in your order and after being first duly sworn in company with the Surveyor proceeded to view survey & lay out said road completing said survey on the 23^d of Nov.

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

J. J. Gallows }
J. P. Stubblefield } Viewers of proposed
A. J. Bartlett } County Road

W. H. Callaway

Deemed Receipt

of

W. H. Callaway

County 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 3rd day of Nov A.D. 1878 and from day to day thereafter, during the continuance of said term:

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

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

IN THE MATTER OF petition for
_____ County
Road _____

On this day came W. H. Galloway who presents to the Court the petition of himself and others, praying for the location and establishment of a county road as follows, to-wit: Commencing on the Co. Road at or near the west corner of the ~~section~~ S E 1/4 of the N E 1/4 of Sec. 2, T. 1, R. 4, E. thence South 1/2 mile, thence west 1 3/4 miles to the section line between Sections 3 & 4 T. 1 N. R. 4 E, thence to intersect the County Road at the nearest point and also to vacate all that portion of the County Road now located that is included in the proposed change.

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. T. Stubbs and A. J. Bartlett and J. T. Galloway be appointed Viewers, and Eugene Chase Surveyor, to view, survey and report upon said proposed road and that they meet at house of J. M. Tucker on the 22 day of Nov 1878 and duly qualify before entering upon the discharge of their duties in this behalf.

(Signed)

A. C. Craig
County Judge.

NOTE.—The three viewers must meet.

W. H. Dickinson

Remittance Report

Filed Jan 24 1881

W. H. Dickinson
Co. Clerk

date hereof. And it appearing to the Court that there has been no remonstrance filed against said petition and it appearing that the proceedings herein have been regular and in conformity with law and that he has filed the proper receipt with the Court from the Co. Treas^r and filed his undertaking as by law required. It was ordered that a License issue authorizing the said Pugh & Maley to keep and offer for sale, spirituous liquors in less quantities than one quart in Prairie Creek Precinct Union County Oregon for a period of six months from this date.

In the matter }
 of } W H Galloway et al
 Petition for }
 County Road }

On this day came W H Galloway who presents to the Court the petition of himself and others, praying the location and establishment of a County Road as follows, to wit: Commencing on the County road at or near the North West Corner of the South East $\frac{1}{4}$ of the North East $\frac{1}{4}$ of Section two in Township 1 North Range 40 East; thence South $\frac{1}{2}$ mile; thence West $1\frac{3}{4}$ miles to the Section line between Sections 3 + 4 T 1 N R 40 E., thence to intersect the County Road at the nearest point and also to vacate all that portion of the County road now located that is included in the proposed change. And it satisfactorily appearing to the Court from proof filed herein that due notice of the pendency of these proceedings had 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 T. J. Stubblefield, C. J. Bartlett and J. T. Galloway be appointed viewers and Eugene Chase Surveyor, to view survey and report upon said proposed road and that they meet at the house of W H Galloway J M Tucker on the 22nd.

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 Pinchard
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

Jan 5th 1881

In the matter of the petition and viewers report on Co road

John Erwin

On this day was read for the first time the report of the viewers heretofore appointed to view and report upon a Co road from the residence of C. J. Brown on Goose Creek to and intersecting the County road at or near Fiermans sheep ranch. and said report laid over for further action on tomorrow

In the matter of viewers report

On this day was read the viewers report on a County road petitioned for by W. H. Galloway et al, from at or near the County road at or near the NW Cor of the S E 1/4 of the N E 1/4 of Sec 2 T. 1. N. R. 40. E., thence to intersect the County road, at the nearest point, which point is about 2 1/4 miles, said report was laid over until tomorrow for further consideration.

In the matter of viewers report on Co road on North Powder

North Powder

On this day was read the report of the viewers appointed to view a Co road petitioned for by W. F. Haines et al on North Powder River, and this report having been read at the November Term of this Court and J. H. Hutchinson having claimed damages by reason of the location of said road and J. D. Brownwell, W. H. Huffman and B Ashley having been appointed to assess the real damages actually sustained by said J. H. Hutchinson, and they having reported that said Hutchinson would be damaged in the sum of \$25.⁰⁰, and it appearing to the Court that said road is of necessity to be said petitioners, and it further appearing that