

No 5-23

in

Circuit

Court

Albert Good

Plaintiff

vs

James McLeary

Defendant

Action for

Docket

Page

Baker & Baker

Attorney for Plaintiff

J. H. Attorney

Attorney for Defendant

REVEREND GREENE T. EYER
CLERK OF THE SUPREME COURT
NEW YORK
14 WALL ST. N.Y.C.
1882

Record of the Case

201

WITNESSES

1887
 Jan 10 Petition Geo. News & althol
 Journal C p 141
 Mar 5 1st reading report
 Journal C p 186
 Mar 6 Ordered open sh
 Journal C p 188

Road'

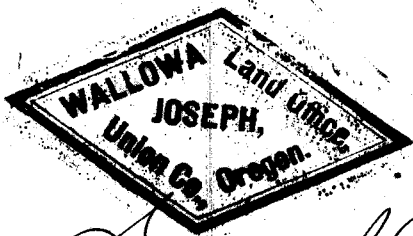
Beginning at SW cor Sec 25 T 2 R 45 E
 to SE cor of NW⁴ of NW⁴ Sec 24 T 3 R 5 E

201

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

At a term of the County Court of the State of
Oregon, for the County of Union held at the Court
House in Union in said County, on the
10th day of January A. D., 1884 and from day
to day thereafter during the continuance of said Term:

Present: The Hon A. C. Craig Judge:
Hon Joel B. Dolby and Wm Woodell Commissioners
W. L. Wright Clerk, and R. J. Rogers Sheriff,
Among other, the following proceedings were had, to-wit:



State of Oregon J.S.S
County of Union

Know all Men by these
Presents

That we

W. A. McCully
of the County of Union State
of Oregon as principle and
J. C. Weatherly & Paul Simmons
by sureties are held and firmly
bound unto the said County
of Union State of Oregon in
the sum of Two Hundred
Dollars (\$200) in lawful
Money of the United States,
for which payment, well
and truly to be made, we
bind ourselves our heirs,

executors and administrators
jointly severally, firmly by
these presents.

Sealed with

our seals and dated this -

28th day of November A.D. 1883

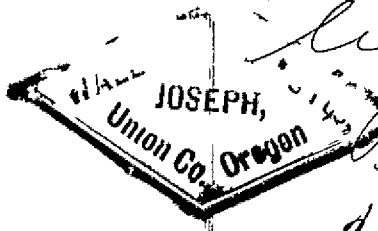
The conditions of the above
obligation is such that if
a Union road petitioned for

by Rollin Pratt and other
 beginning at the south west
 corner of Section 25 Town 2
 South Range 45 E. and
 running thence south and
 terminating at S E corner
 of the N. W. 1/4 of the N. W. 1/4 of
 Section 24 Town 3 South
 Same Range last above
 written be granted by the
 Hon ~~Board~~ County Court
 of Union County then the
 above obligation is null and
 void otherwise to remain in
 full force and effect

Seal
 Seal
 Seal
 Seal

Signed in the presence of as J. C. Weatherly
 Witnesses - Daniel Simmons
 J. M. Donnelly

State of Oregon
 County of Union J. C. Weatherly
 and Daniel Simmons whose names
 are subscribed as witnesses to
 the above bond being severally
 duly sworn each for himself
 and not for another say that
 he is a resident and freeholder
 of the State of California and
 is worth in worth the sum
 specified as the penalty therein
 in the said bond over and
 above all his just debts and
 liabilities & claims of
 property exempt from
 taxation



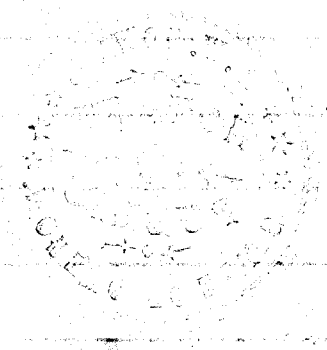
J. C. Weatherly
 Daniel Simmons

Sworn and subscribed
 to before me this 28th day
 of November A.D. 1883

Alv. Goran
 Notary Public

POSTAGE PAID
JULY 1884

Post



Miss Lucy S. 1884
withington
Co. Conn

State of Oregon
County of Union

To John Greighton

You are hereby appointed Reviewer on a proposed
County Road petitioned for by Rollin Pratt & others
as fully described in the order of the County Court
a certified copy of which order is hereto attached
You will qualify as required by said order, and by
Law.

Given under my hand and the seal
of said Court hereto affixed this 19th
day of January A.D. 1884,

W.D. Wright

County Clerk

In the matter of a proposed
County Road petitioners }
for by Rollin Pratt & others }

Now at this time is presented to the Court the petition
of Rollin Pratt and twenty seven other Citizens of Union County
praying for the location of a County Road as follows:
Beginning at the south west corner of section No twenty five
(25) Town Two (2) South of Range 45 E. N. W. and running
thence south on fee line between fees 35 and 36 in Twp 2 S. R. 45.
E. N. W. and fees One (1) and two and eleven (11) and twelve (12)
to the Prairie Creek School House in School District No 33
County aforesaid (with Union County) situated in North
west corner of the south west $\frac{1}{4}$ of fee 12 T. 3. S. R. 45.
E. N. W. thence south three fourths ($\frac{3}{4}$) of a mile between
fees eleven and twelve (11 + 12) and thirteen and fourteen
(13 + 14) to south west corner of the North west $\frac{1}{4}$ of the
North west $\frac{1}{4}$ of fee thirteen (13) Twp 3 S. Range 45 E. N. W.
thence east one fourth ($\frac{1}{4}$) mile to the south east corner
of the North west $\frac{1}{4}$ of the North west $\frac{1}{4}$ of fee 13
Town and Range last before said thence south on quarter
($\frac{1}{4}$) line in fees 13 and 24 one mile to the south east corner
of the North west $\frac{1}{4}$ of the North west $\frac{1}{4}$ of section
twenty four (24) Town 3 South Range 45 E. N. W. its
termination. And it appearing to the Court from the
proof filed herein that due and legal notice of the
pendency of this proceeding has been given as by law
required; that more than twelve of said petitioners
are legal householders living in the vicinity of the

proposed road, and that a good and sufficient bond
has been filed herein. It is therefore ordered by the Court
that J. A. Rumble, R. M. Downey, and John Creighton
be appointed Viewers and Eugene Chase surveyor
to view, survey and report upon said proposed
road, and that they meet at the office of A. W. Gosan
in the town of Joseph Union County Oregon, on the
26th day of January A.D. 1884 at 10 o'clock A.M.
and duly qualify before entering upon the discharge
of their duties in this behalf.

A. C. Craig

County Judge

We the undersigned appointed viewers
appointed by the County Court to view
the above mentioned Route have met
and viewed the Route as stated in the above
petition and report as follows
We find it practicable and useful for the
public good therefore recommend it opened

Joseph Union Co Regs
Jan 30th 1884

R. M. Downey
John Crighton
J. A. Rumble

In the County Court for the
County of Union State of Oregon.

STATE OF OREGON,

County of Union } ss.

I, W. J. Wright Clerk of said County Court hereby
certify that the foregoing transcript has been by me carefully compared with, and is a true copy,
and the whole thereof of the original order in the matter of County Road
petitioned for by Rollin Pratt and others on record on
pages 147 and 148 of Vol. C Journal of said Court
as it remains in my office in my custody.

In Witness Whereof, I have hereunto set my hand, and affixed the Seal of said Court
this 19th day of January A. D. 1884

W. J. Wright Clerk.

STATE OF OREGON,

COUNTY OF Union } SS.

I, John C. Crighton, regularly appointed Receiver
by Proposed County Road petitions for by Collin Pratt, others

do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Oregon and the laws thereof; and will faithfully, honestly and impartially discharge the duties of said office, during my continuance therein according to the best of my ability, so help me God.

Subscribed and sworn to before me
this 26 day of Jan 1884

Engene Chase
C. Surveyor

John C. Crighton

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, as follows; Beginning at the SW
corner of Sec 25 Township 2 South Range 45 East
of W.M. and running thence South on Section
line between Sections 35 & 36 in Township 2
South Range 45 East W.M. and Sections 1 & 2
and 11 & 12 to the Prairie Creek School
House in School District No 33 Union Co
State of Oregon; situated in NW corner of SW 1/4
of Sec 12 T 3 South R 45 E. W.M. thence South
3/4 of a mile between Sections 11 & 12 and
13 & 14 to the South West corner of the North
West 20 (1/4) of the N.W. 20 (1/4) of Sec 13 Township
3 South Range 45 East W.M. thence East
1/4 mile thence South ^{me} (1) mile to termination
submit the following report in this
behalf. We met on the 26th day of
January AD 1884, 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 shown by Surveyors plat
and report submitted herewith.
We found the road to locate on
good ground and taking into

consideration the necessity that
exists for said road, We therefore
recommend that it be established
as a county Road

Viewers of proposed
County Road

J. A. Rumble
J. R. Journey
John Crighton

In re proposed County
Road petitioned for
by Rollin Chast & others

Viewers Report

Filed March 5. 1884

W. J. Wright Clerk

By O. G. Bell scribe

Joseph Or
Nov. 28th, 1883

W. T. Wright Esq

Dear Sir
Enclosed please find
Road Petition, Bond
and Affidavit of
the Rates being
posted etc I am
requested to recommend
J. A. Rumble R. M.
Worsey and John
Creighton as assessors
of the same
I am, Sir yours truly
R. W. Goran

State of Oregon }
County of Union }

Personally appeared before
me, a Notary Public, in and
for Union County State of
Oregon, J. Weatherly of
Joseph Precinct said
County and State and who
being duly sworn a pose
and says in relation to a
certain road beginning
at the NW Corner of Sec 30-
Town 2 South of Range 45-E
and running south and
terminating South East Corner
of the NE 1/4 of NE 1/4 of Sec
34 Town 3 South of Range
45 E. I am the person
who signed the petition
with Rallin Pratt and others
~~and~~ ^{and} on the 27th day of
November I posted 3 sev-
eral Notices on the line
of said road, to wit: One
Notice posted on the S.W. Corner
of Sec 35. Town and Range
aforesaid, and which one

would have been hermits
annexed but it blowed
away Christmas Night
(25th Dec 1883)

One Notice tacked out
the school house door =
location described in
and made a point in the
petition: Notice blowed away
And one Notice posted by
being tacked to a board and
nailed to a tree in the woods
at the supposed terminus
of the said road payed for
(i.e.) S.E. corner of the North
west 1/4 of N.W. 1/4 of Sec
24. Town 3 South of Range
45. Crow. And since
supposed to have been
blown away or otherwise
destroyed. All of the
above Notices were
Posted Nov 27th 1883

In presence of
A. W. Gowen

J. C. ^{his} Weatherley
~~W. C.~~

Subscribed and sworn to
before me this 29th Day of
December 1883

A. W. Gowen
Notary Public

Proof of Parting

Filed Jan'y 5. 1884
W. S. Wright
Rec'd

Petition

Prairie Creek Precinct
County of Union
State of Oregon

To the Hon the County Court
of Union County, State of Oregon

Your Petitioners inhabitants
and freeholders of the precincts
of Joseph & Prairie Creek, respect-
ably, of the County and State afore-
said would respectfully
represent that the public
wants and convenience require
that a Road should be laid
out and constructed. beginning
at the South west Corner of
Section No. Twenty Five (25) Town
Two (2) South of Range 45 E. N. M. ^{and}
running thence South on Sec
line between Sec's 25th and 26th in
Twp. 2. S. R. 45 E. W. ^{and} Sec's
One (1)st and Two and Eleven (11)th and Tw-
elve (12) to the Prairie Creek Sch-
ool House in School District No
33 County aforesaid. situated in
North west Corner of the South-
west qr (1/4) of Sec. 12. T. 3 S. R. 45

Thence south Three fourths ($\frac{3}{4}$) of
a Mile between Secs Eleven^{and} Twelve
(11@12) and Thirteen^{and} Fourteen
13@14 to South west Corner of the
North west $\frac{1}{4}$ of the North West
 $\frac{1}{4}$ of Sec Thirteen (13) Twp 3 S.
Range 45 E. from thence east one
fourth $\frac{1}{4}$ Mile to the South East
Corner of the North west $\frac{1}{4}$ of
the North west $\frac{1}{4}$ of Sec 13
Town and Range last before said
thence south ~~between Secs 13^{and}~~
~~and~~ Quarter ($\frac{1}{4}$) line in Sec 13^{and}
24 ~~one~~ Miles to the South East
Corner of the North west $\frac{1}{4}$ of
the North west ($\frac{1}{4}$) of Section
Twenty four (24) Town 3 South
Range 45 E. from its termination

Your petitioners would therefore
ask that ~~that~~ your honors would
cause a view to be made and locate
and construct said Road in
accordance with the laws in
such cases made^{and} provided.
And as in duty bound your petitioners
will ever pray.

Names

Names

Robt. Pratt.
 Virgil Pratt
 Walter Pratt
 W. O. Wilson
 R. Beith
 W. H. Beith
 S. W. Warden
 W. M. Hays
 J. A. Balthus
 J. B. Stickney
 Chas. F. Rich.
 J. C. W. [unclear]
 H. H. Tiley
 S. L. Lowry
 J. L. Mosley

J. W. Rankin
 Chas. R. Meek
 Alfred Clark
 John Farnsworth
 E. J. Peepie
 Thomas Peepie
 Richard Ashton
 W. H. Winters
 J. N. Estes
 J. C. Tucker
 J. P. Tucker
 W. A. Mealy
 J. M. Gaily

20
Whitson

W. T. Bennett
P.O. Box 111
St. Louis, Mo.
Jan 5 1884
W. T. Bennett
recd

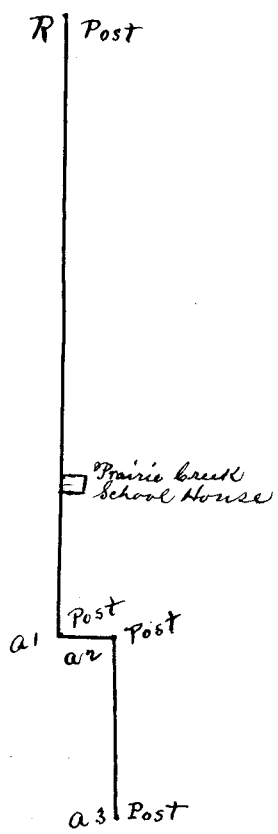
Report of Surveyor for the the viewers
of a proposed County Road
as follows Beginning at the SW
corner of Sec 25 Township 2 South
Range 45 East thence running ^{South} NW
sections line between Sections 35 & 36
T 2 S. R 45 E. W.M. and Sections 1 & 2
and 11 & 12 to the Prairie Creek
School House in School District No 33
Union County situated in N.W. corner
of SW 1/4 Sec 12 T 3 S. Range 45 East
thence South 3/4 of a mile between
Sections 11 & 12 and 13 & 14 to the SW
corner of the NW 1/4 of the NW 1/4 of
Sec 13 T 3 S. Range 45 E W.M. thence East
1/4 mile to the SE corner of the NW 1/4
of the NW 1/4 of said Sec 13 thence
South on quarter line in Secs 13 & 24
one mile to the SE corner of the NW 1/4
of the NW 1/4 Sec 24 T 3 S. R 45 E W.M.
its termination. The following are
the field notes. Beginning at a post
marked R situated at the SW corner
Sec 25. T 2 S Range 45 East W.M.

Thence	South 3/4 miles	to post marked	A 1
"	East 1/4 mile	" " "	A 1.1.
"	South 1	" " "	R I

State of Oregon }
County of Union } ss

I, Eugene Chase do hereby certify
that the field notes of the above described
survey are correct as surveyed by me on
the 26th day of January AD 1884

Eugene Chase Co. Surveyor



Variation $20^{\circ} 30'$ East
 Scale 1 mile to the inch
 Whole distance $4\frac{1}{2}$ miles
 Surveyed Jan 26th 1884

In re Superior County
Road Petitiones for
by Allen Park Hwy

Surveyors Report

Filed March 5, 1884
W. G. Merrill Clerk
By A. J. Bell Deputy

Second Judicial Day

Thursday January 10th 1884

State of Oregon; and it further satisfactorily appearing to the Court from the proof filed herein that due and legal notice of the pendency of this proceeding has been given as by law required; that more than twelve of said petitioners are legal householders living in the vicinity of the proposed road, and that a good and sufficient bond has been filed herein. It is therefore ordered by the Court that David Hogg, John Hogg, and Abram McDonald be appointed Viewers and Eugene Chase Surveyor, to view survey and report upon said proposed County road; and that they meet at the store of Ch. Ruhl in the town of Summerville in this County on the 7th day of February A.D. 1884 at 10 o'clock A.M. and duly qualify before entering upon the discharge of their duties in this behalf.

In the matter of a proposed
County Road petitioned
for by Rollin Pratt and others

Now at this time is presented to the Court the petition of Rollin Pratt and twenty seven other Citizens of Union County, praying for the location of a County road as follows: Beginning at the south west corner of section No twenty five (25) Town two (2) South of Range 45 E. 10th W. and running thence south on sec line between sec 35th & 36 in Twp 2. S. R. 45 E. 10th W. and sec one (1) and two and eleven (11) and twelve (12) to the Prairie Creek School House in School District No 33 County aforesaid (Town Union County) situated in North West Corner of the South West $\frac{1}{4}$ of sec 12 T. 3. S. R. 45 E. 10th W. thence south three fourths ($\frac{3}{4}$) of a mile between sec eleven and twelve (11 & 12) and thirteen and fourteen (13 & 14) to South West corner of the North West $\frac{1}{4}$ of the North West $\frac{1}{4}$ of sec thirteen (13) Twp 3. S. Range 45 E. 10th W. thence east one fourth ($\frac{1}{4}$) mile to the South East corner of the North West $\frac{1}{4}$ of the North West $\frac{1}{4}$ of sec 13 Town and Range last before said thence south on quarter ($\frac{1}{4}$) line in sec 13 and 24 one mile to the South East corner of the North West $\frac{1}{4}$ of the North West $\frac{1}{4}$ of section twenty four (24) Town 3 South Range 45 E. 10th W. its termination.

And it appearing to the Court from the proof filed herein that due and legal notice of the pendency of this proceeding has been given as by law required; that more than twelve of said petitioners are legal householders living

Second Judicial Day

Thursday January 10th 1884

in the vicinity of the proposed road, and that a good and sufficient bond, has been filed herein. It is therefore ordered by the Court that J. A. Rumble, R. M. Downey and John Creighton be appointed Viewers and Eugene Chace Surveyor to view, survey and report upon said proposed road, and that they meet at the office of A. W. Goran in the town of Joseph Union County Oregon on the 26th day of January 1884 at 10 o'clock A.M. and duly qualify before entering upon the discharge of their duties in this behalf.

Thereupon Court adjourned until tomorrow morning at 9 o'clock.

Third Judicial Day

Friday January 11th 1884

Court met pursuant to adjournment, present the same officers as on yesterday.

Due proclamation of the opening of the Court having been made, the Journal of yesterday's proceedings was read approved and is now here signed

A. C. Craig
County Judge

Thereupon the following proceedings were had to wit:

First Judicial Day

Wednesday March 5th A.D. 1884

In the matter of a proposed
County Road petitioned for
by Rollin Pratt and others }
3

Now at this time is presented to the Court the report of the Viewers heretofore appointed by the Court upon the above entitled road accompanied by the report of the surveyor and field notes and plat of the survey, which report is read in open Court for the first time and pursuant to the provisions of the Statute in such cases made and provided and thereupon it is ordered that said reports be laid over for a second reading on another day of this term.

In the matter of a proposed
County Road petitioned for
by D. L. Groves and others }
3

Now at this time is presented to the Court the report of the Viewers heretofore appointed by the Court upon the above entitled road accompanied by the Report of the surveyor and field notes and plat of the survey, which report is read in open Court for the first time and pursuant to the provisions of the Statute in such cases made and provided it is ordered that said reports be laid over for a second reading on another day of this term.

In the matter of leasing a portion
of the County Road known as the
Indian Valley and Hillow Road }
3

Now at this time the Court proceeds to the consideration of this matter, and the time having arrived for opening proposals for said lease, the same are now here opened by the Court, and it appearing to the Court that the bid of A. C. Smith is the only one presented and that the same is a fair and reasonable proposition, and that said bid is in conformity with the provisions of law and states the unit toll proposed, to wit: $1/4$ cents on a sheep or hog: And the Court having fully and carefully considered the matter and being satisfied that it would be for the best interests of the People of the County, that the said bid should be accepted. It is ordered by the Court that said lease be granted to said A. C. Smith upon his bid aforesaid for the term of five years from the first day of April A.D. 1884, and that the Clerk of this Court prepare a lease and contract for signature by said Smith upon

Second Judicial Day

Thursday March 6th 1884

Court met pursuant to adjournment, present the same officers as on yesterday.

Due proclamation of the opening of the Court having been made the Journal of yesterday's proceedings was read approved and is now here signed.

A. Gibbins
County Judge

Therefore the following proceedings were had, to-wit:

In the matter of a proposed
County Road petitioned
for by R. Eakin John McLean
and others.

Now at this time the Viewers and Surveyor's reports on a proposed County Road petitioned for by R. Eakin, John McLean and others, comes on for a second reading as provided by law, and said Report of said Viewers being unfavorable on said petition and it also appearing to the Court that a remonstrance against the granting of said petition had been filed signed by a number of Citizens of said County of Union resident in the vicinity of said proposed road and the Court having duly considered said petition, report and remonstrance and being fully advised in the premises It is ordered by the Court that the prayer of said petition be and the same is hereby denied, and it is further ordered that the expenses of this proceeding be paid by the petitioners and that the Clerk of this Court present a bill for the same to the secretaries on the Bond filed herein, and demand payment of the same.

In the matter of a proposed
County Road petitioned
for by Rollin Pratt & others

Now at this time the Viewers and Surveyor's reports on a proposed County Road petitioned for by Rollin Pratt & others comes on for a second reading, as provided by law, and said reports being favorable, and having been read on two different days of this term of the Court and it appearing to the satisfaction of the Court that the proceedings herein have been regular and according to law, and there being no remonstrance or bills or claims for damages filed herein

Second Judicial Day

Thursday March 6th A.D. 1884

It is therefore ordered by the Court that said Viewers Report and the plat of the Surveyor be placed on record, and said road be established as a County Road and opened according to law.

Viewers Report.

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, as follows: Beginning at the S.W. Corner of sec 25 Township 2 South Range 45 East of N.W. and running thence south on section line between sections 35 & 36 in Township 2 South Range 45 East N.W. and sections 1 & 2 and 11 & 12 to the Prairie Creek School House in School District No 33 Union Co State of Oregon situated in N.W. Corner of S.W. 1/4 of sec 12 T. 3. South R. 45 E. N.W. thence south 3/4 of a mile between sections 11 & 12 and 13 & 14 to the South West Corner of the North West 1/4 of the N.W. 1/4 of sec 13 Township 3 South Range 45 East N.W. thence east 1/4 mile thence south one (1) mile to termination, submit the following report in this behalf. We met on the 26th day of January A.D. 1884, the three viewers being present and after being first duly sworn in company with the Surveyor, proceeded to view survey and layout said road as shown by Surveyors plat and report submitted herewith. We found the road to locate on good ground and taking into consideration the necessity that exists for said road, we therefore recommend that it be established as a County Road.

J. A. Rumble
 R. M. Dronney } Viewers of proposed
 John Creighton } County Road.

Report of Surveyor and the Viewers of a proposed County Road as follows Beginning at the S.W. Corner of sec 25 Township 2 South Range 45 East thence running south on section line between sections 35 & 36 T. 2. S. R. 45. E. N.W. and sections 1 & 2 and 11 & 12 to the Prairie Creek School House in School District No 33 Union County situated in N.W. Corner of S.W. 1/4 sec 12. T. 3. S. Range 45 East thence south 3/4 of a mile between sections 11 & 12 and 13 & 14 to the S.W. corner of the N.W. 1/4 of the N.W. 1/4 of sec 13 T. 3. S. Range 45 E. N.W. thence east 1/4 mile to the S.E. corner of the N.W. 1/4 of the N.W. 1/4 of said sec 13 thence south on quarter line in sec 13 & 24 one mile to the S.E. Corner of the N.W. 1/4 of the N.W. 1/4 sec 24 T. 3. S. R. 45 E. N.W. to termination. The following are the Field notes

Beginning at a post marked R situated at the S.W. Corner sec 25 T. 2 S. Range 45 East N.W.

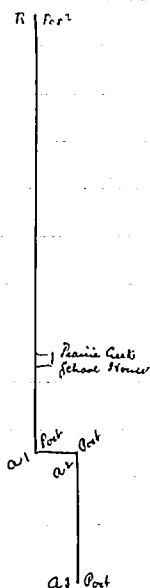
Second Judicial Day

Thursday March 6th 1884

thence south 3/4 miles to post marked A 1
 " East 1/4 mile " " A 11
 " south 1 " " " R.T.

State of Oregon
 County of Union: I Eugene Chase do hereby certify that the field notes of the above described survey are correct as surveyed by me on the 26th day of January 1884

Eugene Chase Co Surveyor



Variation 20° 30' East
 Scale 1 mile to the inch
 Whole distance 4 1/2 miles
 Surveyed Jan 26th 1884

In the matter of a change in the Lalonde & Ladd Canyon Road petitioned for by David S. Grossen Archie Gooden & others

Now at this time the Viewers & Surveyors report on a proposed change in the Lalonde and Ladd Canyon Road petitioned for by David S. Grossen, Archie Gooden and others comes on for a second reading as provided by law and said reports being favorable and having been read on two different days of this term of the Court and it appearing to the satisfaction of the Court that the proceedings herein have been regular and according to law and there being no remonstrance or bills or claims for damages filed herein It is therefore ordered by the Court that said Viewers Report and the plat of the Surveyor be placed on record and said ^{proposed change in said} road be ^{made} established