

Law

No 38

(*nil return*^m)

Court

W. T. Donnell
Plaintiff

vs

Wm. Duff

Defendant

Action for

Judgment Roll Sept Term
-1886-

Docket

Page

S. W. Crawford

Attorney for Plaintiff

Attorney for Defendant

REV. J. H. GREEN, ENTP. N. Y. 19
NEW YORK
123 W. 12th St. N. Y. C.
U.S.A.

Record of the Case

125

WITNESSES.

140
Jan 4 Petition re Viewers apphd
Journal B p 397
Mar 3 1st Reading report
Journal B p 417
Mar 4 ordered opened
Journal B p 426

Road
Change in Sumnerville Henderson
Co road commencing at Angle 14
Kenne S to S line of Dec 19 51 & R39 E
to intersect Co Road

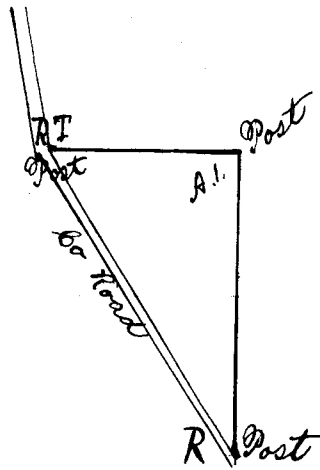
DIRECTIONS—Place papers on **TOP OF RUBBER**
Fold ends first then sides Throw the rubber cords
over the ends and package is complete

125

To Thomas Ruckman, William Hull and E. J. Neville. viewers appointed to review a change in the County Road Beginning at angle 14 of original survey in the SE 1/4 of Sec 19. N. 18. R. 39 East thence South to the South line of said Sec 19 thence East along said line to intersect the above named road.

The following are the field notes of the the survey of the above described road Beginning at Angle 14 original survey at a Post marked R

Thence South 63 1/2 rds to Post marked A. 1.
 " East 39 rds " " " R. 1 and
 intersecting the County Road



Surveyed Jan 19th 1880

Variation 20° East

Scale of distances

40 Rods to the inch

Whole distance

103 1/2 Rds

Distance on Co Road (original survey)

73 1/2 Rods Difference 29 rds

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 on the 19th of Jan. 1880

Eugene Chase Co Surveyor

Money of exchange in
Bounty paid at the
place of J. S. Sanner

Rec'd March 8th

1850

Wm. M. Smith

Co. Clerk

Know all Men by these Presents:

THAT ~~we~~ *J. V. S. Daviner*

~~and~~ *Union*, of the County of *Marion* and State of Oregon, are held and firmly bound unto the said County of *Marion* in the sum of *\$ 25⁰⁰* 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 *3rd* day of *Jan*, A. D. 18*90*

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by *J. N. Smith* and others, and presented at the *June* term, 18*90*, of the County Court of said *Marion* county, commencing at angle 14 of original survey in the S.E. $\frac{1}{4}$ of Sec. 19, T. 1 S., R. 39 E. thence south to the south line of same Sec. thence East to intersect the *County road*,

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

J. V. S. Daviner

To the Honors the County Court of Union County, State of Oregon We the undersigned Citizens and horse holders living in the vicinity and along the Line of the hereinafter described County road, ask that you can be located and grant a change in the Summerville and Hendersonville Point Road to Wit, Beginning at Angle 14 of Original survey in the south east quarter of sec. (19) Nineteen Township one (1) south, Range (39) Thirty nine East of the Willamette Meridian thence South to the south line of the above named sec, thence East along said line a sufficient distance to intersect the above named Road and vacate that portion lying between Angle 14 and the south line of the above named sec.

- | Names | Names |
|----------------|---------------|
| J. N. Smith | J. T. Woodell |
| J. W. Barnum | J. S. Danner |
| J. J. Hammond | |
| John Pinchot | |
| H. B. Pinchot | |
| J. P. Ruch | |
| Josef Dittler | |
| J. McAnally | |
| W. G. McAnally | |
| J. N. Buschert | |
| E. W. Miller | |
| J. N. Stansell | |
| J. W. Pollard | |
| R. D. Ruchman | |
| C. W. Hamilton | |
| John West | |
| Frank Selzer | |
| Joseph Green | |
| Samuel Cochran | |
| E. W. Ruchman | |

Corner Pickett

of Newmarket street

Filed Jan 5 1850

Wm. W. W.

of the

J. E. Baker

Deputy

Notice

Is here by given that there
will be a petition presented at
the January Term of the county
Court asking for a change in
the county road, known as the
Summerville & Henderson Point
Road, where it crosses the south
East quarter of Sec., (19) Nineteen Townshi
p one (1) South Range 39 East of
the Willamette Meridian
Dated this the
1st day of Dec. 10/1879 } Joseph Oliver

State of Oregon } ss J. S. Daviner being first
 Sheriff County } duly sworn say that three
~~copies~~ copies of the within notice were posted in the
 vicinity of the within proposed road more than
 thirty days prior to this date and ~~some~~
~~copy~~ for the within was posted on the
 front house door in this County more
 than thirty days prior to this date.
 Subscribed and sworn to } J. S. Daviner
 before me this Jan 6th 1899

Willi Hugg
 J. E. E. E. Clerk
 Deputy

Filed Jan 3 1899
 Willi Hugg
 Clerk
 J. E. E. E.
 Deputy

Be it Remembered

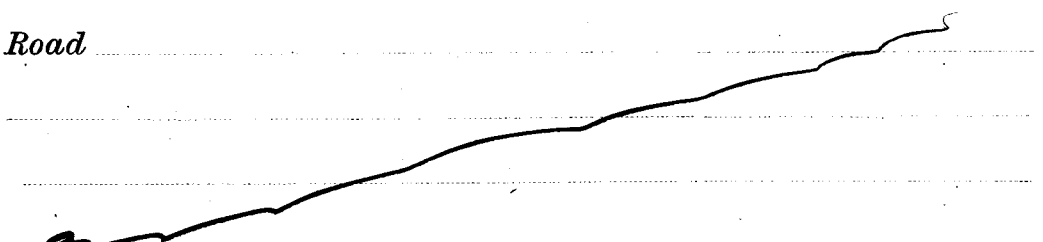
That at a term of the Honorable County Court of Union County, State of Oregon, begun and held at the Court House in Union in said County on the 5 day of Jan A.D. 1880 and from day to day thereafter, during the continuance of said term:

Present: Hon. A. C. Craig County Judge,
" " Commissioner,

Willis Skiff Clerk,
J. O. Savelhauer Sheriff.

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

IN THE MATTER OF Petition for Change
in _____ County
Road



On this day U. S. Daviner who presents to the Court the petition of himself and twelve others, praying for a change in the County Road

as follows, to-wit:
Beginning at angle 14 of original survey in the South East quarter of Section 19 T. 1 S. R. 39 E. of N. M. thence South to the South line of the said Sec. 19, thence east along said line to intersect the above named Road and to locate so much of the County road as is embraced 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 Thomas Rudeman William Hull and E. T. Neville be appointed Viewers, and H. P. Compton Eugene Chas Surveyor, to view, survey and report upon said proposed change and that they meet at U. S. Daviner's house on the 19th day of January 1880

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 } 83 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 14, day of Jan. A.D. 1880. } Eugene Chase
Willis Skiff
Clerk

W. J. Danner
Jan 19
Filed. March 3rd 1880
Willis Skiff
County Clerk

To the Honorable County Court of Union County Oregon
The undersigned road viewers appointed by your
Honorable body on the 5th day of Jan, A.D. 1880 to view
and report as to a change and relocation of the county
road leading from Hendersons point to Sumnerville
in the county of Union State of Oregon described as
follows (viz) Beginning at angle 14 on the original
Survey on the South East quarter of Sec 19 T. 1
Range 39 East of the W. M. Thunes south to the
south line of said Sec 19 Thunes East along said
line to intersect the above named road:

Therefore be it ~~commanded~~ that your
viewers did meet in pursuance of your order
on the 19th day of Jan A.D. 1880 and do hereby
Report favorable to a change and relocation
of the above described road

Given under our hands this 19th day of Jan A.D. 1880

E. J. Perille

Wm. H. Sherman

Wm. H. Smith

Review Report
J. N. Smith et al

Filed March 3rd 1880
Willis & Co
Clerk

Jan 9th

In the matter of the
petition of J. N. Smith
et al for a change
in the Summerille &
Hendershot Co Road

~~~~~

Now at this time was  
presented the petition of J. N. Smith and  
more than than twelve other citizens living  
along the line and in the vicinity of a  
route they pray to have located and  
as a County Road to wit: Commencing  
at angle 14 of the original survey in the South  
East quarter of Sec 19. T. 1 S. R. 39. E; thence  
South to the South line of the above named  
Section a sufficient distance to intersect  
the County Road above named, and  
they also pray the location of that part of  
the above named Road between angle  
14 thereof and the South line of the  
above named Section. And it  
appearing to the Court that due notice of  
the pendency of these proceedings has been  
given, as law required and a sufficient  
underwriting thereon being filed. It was  
ordered that Messrs Hall, Thomas Kuckman  
and E. T. Neville be appointed viewers  
and Eugene Chase Surveyor, to view,  
survey, lay out and report upon said  
road and that they meet at the  
residence of U. S. Davison on the 19<sup>th</sup> day of  
January A.D. 1880 and after being  
duly sworn proceed upon their duties  
in this behalf.

In the matter of Road  
Petition of R. J. McWilliams  
et al

Now at this time was read for the first time the Viewers report upon the road petitioned for by R. J. McWilliams et al and laid over for a second reading.

In the matter of Road  
Petition of J. N. Smith  
et al.

Now at this time came on the viewers report for the first reading, on a County road petitioned for by J. N. Smith et al, and laid over for a second reading.

In the matter of  
Road petition of  
Theo. F. Minor, et al.

Now on this day was read in open court the report of the viewers upon a road petitioned for by Theo. F. Minor et al, and laid over for a second reading.

In the matter of  
Road petition of  
J. L. Harris et al

Now at this time was read in open court the report of the viewers upon road petitioned for by J. L. Harris et al and laid over for a second reading.

March 4<sup>th</sup> 1880 In the matter of the  
Viewers report upon  
Road petitioned for  
J. N. Smith et al

Now at this time come  
on for the second reading the report of the  
viewers heretofore appointed to view and  
report upon a proposed County road as  
set forth in said report which report is as  
follows:

To the Honorable County Court of Union County  
Oregon,

The undersigned road viewers of appointment  
by your Honorable body on the 5<sup>th</sup> day of Jan  
A.D. 1880 to view and report as to change and  
relocation of the County road leading from  
Hendricks point to Summerville in the County  
of Union State of Oregon described as follows: viz:  
Beginning at angle 14 on the original survey  
on the South East quarter of Sec 19 T 1 Range  
39 East of the W.M. Thence East along said  
line to intersect the above named road.

Therefore be it remembered that your  
viewers did meet in pursuance of your order  
on the 19<sup>th</sup> day of Jan A.D. 1880 and do hereby  
report favorable to a change and relocation  
of the above described road.

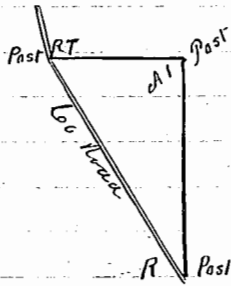
Given under our hands this 19<sup>th</sup> day of Jan  
A.D. 1880

E. J. Hinkle  
J. M. Buckman  
Wm. Hull

And it appearing to the satisfaction of the  
Court that the proceedings herein have been  
in all things regular and in conformity  
with law, and upon said report it was  
ordered that said change be established and  
and relocated as a County road and  
that portion of the old as embraced in the  
new be and the same is hereby vacated,  
in accordance with the Surveyors plat  
and field notes thereof of which the  
following is a correct copy: to wit:



Beginning at angle 14 ~~to~~ original survey  
at a post marked R. Thence South  
63 1/2 rods to post marked A1 " East  
39 rods " " " R.T. and intersecting  
the County Road.



Surveyed Jan 19<sup>th</sup> 1880.  
Variation 20° East  
Scale of distances, 40 rods to the  
inch, whole distance 102 1/2  
Rods, distance on Leo Road  
(original survey) 73 1/2 Rods,  
difference 29 rods.

State of Oregon } ss.  
County of Union } I Eugene Lechase, County Surveyor  
in and for the County and State aforesaid do  
hereby certify that the filed notes of the survey of  
the above described road are correct as  
surveyed by me on the 19<sup>th</sup> of Jan. 1880.  
Eugene Lechase  
Co Surveyor

In the matter of cancelling }  
County order heretofore }  
issued to St R Garner }  
Now at this time  
it having come to the knowledge of the  
court that the charge of St R Garner hereto-  
fore made and allowed by the court for  
medical and surgical aid in the case  
of John Holmes, should not have been  
allowed, from the reason that the assistance  
rendered has been a damage to said  
Holmes and made him a cripple for  
life, It was ordered now that said  
charge of \$45<sup>00</sup> which was ordered drawn  
in warrant and which has been  
audited, be drawn by the Clerk of this  
court and cancelled and that said  
bill be not allowed.