

THE STATE OF NEW YORK  
IN SENATE  
JANUARY 18 1884

No 21 L

*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 2 1/4 of N 2 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 portions 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 13<sup>th</sup>

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. 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 21<sup>st</sup> 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 4<sup>th</sup> 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 <sup>on the County road</sup> 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 21<sup>st</sup> day of Sept. A.D. 1880  
Willis Shiff

Notice  
Is hereby given that a petition

Application and

Notice

Filed Nov. 4<sup>th</sup> 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  
1881

Winn's Shop  
Clark

W. C. & B. Co.  
D. O. Co.

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 NW corner  
of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  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<sup>d</sup> 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<sup>d</sup> 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 } Viewers of proposed  
J. P. Stubblefield } County Road  
A. J. Bartlett }

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 3<sup>rd</sup> 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

re-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<sup>r</sup> 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  
Petition for  
County Road

W H Galloway et al

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 22<sup>nd</sup>.

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 17<sup>th</sup> 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 5<sup>th</sup> 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.<sup>00</sup>, and it appearing to the Court that said road is of necessity to be said petitioners, and it further appearing that

In the matter of the  
 Viewers Report and Cricket Flat  
 Co Road.

On this day was read the  
 second time the report of the viewers, or <sup>surveyors</sup> certain  
 County Road petitioned for by W. H. Galloway and  
 others, which report is as follows, to wit:

"To J. T. Stubblefield, A. J. Bartlett and J. T. Galloway  
 Viewers appointed to review a County road com-  
 mencing on the County road at or near the N. W.  
 corner of the S. E. 1/4 of the N. E. 1/4 of Sec 2, T. 1 N. of Range  
 40 East, thence South 1/2 mile, thence West 1 3/4  
 miles to the section line between Sections 3 & 4  
 T. 1 N. R. 40 E. Thence to intersect the Co Road  
 at the nearest point. The following are the  
 field notes of the survey of the above described road  
 Beginning at the N. W. corner of S. E. 1/4 of N. E. 1/4 of Sec  
 2 T. 1 N. R. 40 E. at a Post marked R —

Thence South 160 rods to Post marked A 1  
 " West 560 " " " " " A 11  
 " N 10° W 18 " " " " " R T

and intersecting the Co Road, &

Said viewers report being as follows, to wit:

To the Hon 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. 1/4 of the N. E. 1/4  
 of Sec 2 T. 1 N. R. 40 E. Thence South 1/2 mile  
 Thence West 1 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 at the now located that is in-  
 cluded in the proposed change. We met on the  
 22<sup>nd</sup> day of November as mentioned in your  
 order and after having first duly sworn in  
 company with Surveyor proceeded to view, sur-  
 vey and layout said road, completing said  
 survey on the 23<sup>rd</sup> day of November.

We select your said Surveyors flat of survey  
 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

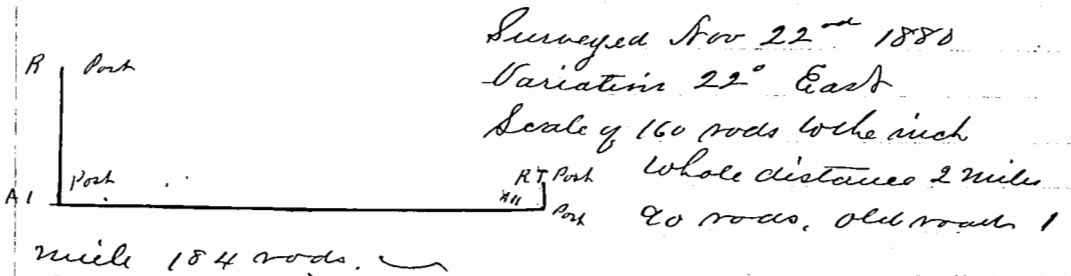
approval

J. D. Stubblefield  
 A. J. Bartlett  
 J. P. Salloway

} Views of proposed  
 } County road.

It appearing to the Court from the Viewers report above rec'd, that said road is of public utility, and it also appearing to the Court that proceedings herein have been regular and in due form of law.

It is hereby ordered that the said road be and the same is hereby established as a County road and public highway in accordance with the Field notes thereof heretofore recorded and the Surveyors plat thereof which is as follows, to wit:



I Eugene Chase County Surveyor  
 County of Union Oregon and for said County and State do hereby certify the above described road are correct as surveyed by me under the supervision of the Viewers on the 22<sup>nd</sup> day of November 1880.

Eugene Chase  
 Co Surveyor

Whereupon the Court adjourned until tomorrow morning at 9 o'clock