

Law No 33

County _____ Court

E B Gaylord

Plaintiff,

vs

James W Morrison

Defendant

Action for Money

Docket

Page

R. E. [Signature]

Attorney for Plaintiff

Attorney for Defendant

REVEREND JOHN D. CRIVELLO, DEPT. OF THE ATTORNEY GENERAL, 100 N. 10TH ST., PHOENIX, ARIZONA

Record of the Case

55

WITNESSES.

1872

Nov 6 Petition rec. W. was appl'd
Journal a p 550

1874
Jan'y 1 1st rec de reg repro h
Journal a p 560

Jan'y 8 Petition denied
Journal a p 588

Road

change in route from W. to
to Sumnerville near Ft. Mitchell

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

55

To the Hon. County Commissioners
of Union Co. of
Kentucky, the
undersigned Citizens and Tax
Payers of said County, being
at the behest of the persons
charge, hereby most respectfully
ask your body to appropriate
to locate a portion of the
County Road running from
Hendershott's Point to Summit
beginning at or near the South East
Corner of Genl. Mitchell's Land
running due North one half mile
thence along the line between
Genl. Mitchell's & Babington's Res.
due South one half mile
thence due West or in line with
said road again
Copy Union Co. 93
Sept. 1873

Names
W. B. May
Chas. Brown
James Spruill
W. H. Stewart

Names
W. B. May
Chas. Brown
James Spruill
W. H. Stewart

And Smith
James Martin
J. H. Cook
W. H. Murphy
W. H. P. [unclear]
R. B. [unclear]

M. W. Mitchell
L. P. Holmes
S. R. Knicker
C. King
J. W. [unclear]
J. H. [unclear]

J. H. [unclear]
W. H. [unclear]
James Brown
W. H. [unclear]
James Brown

W. H. [unclear]
W. H. [unclear]
W. H. [unclear]
W. H. [unclear]
W. H. [unclear]

J. B. [unclear]
W. H. [unclear]
W. H. [unclear]
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W. H. [unclear]
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W. H. [unclear]
W. H. [unclear]

W. H. [unclear]
W. H. [unclear]
W. H. [unclear]

W. H. [unclear]
W. H. [unclear]
W. H. [unclear]

Nov. 20 1873

Book Payment

From

Shenandoah Co.

Summersville

Recd. Jan 28 1873

of \$100.00

to Wm. H. & M. W. Summers

Deacons

of the Church

at the Summit

of the Church

at the Summit

of the Church

...
Road Notice

A petition will be presented
to the How County Commissioners
at their November term of Court
praying the relocation of the
County road leading from
Kendricks joint to Sum-
-merhill - as follows - leaving
the road at or near the South East
corner of Fredericks Mitchell's
land - running thence one half
mile due north thence on the
line between said Mitchell
and ~~Salmon and Ross's~~ land due
west one half mile where it
will intersect said road again
(How Union Co
Oregon Sept 29 1873)

State of Oregon }
Union County } 41

I Fred Mitchell
being duly sworn say that three of the
above notices were posted along the route
of said road and one at the court
house door in Salmon more than 30 days
prior to this 6th of Nov 1873 } Fred Mitchell
sworn & subscribed this 6th day }
of Nov 1873 } I the Clerk
do attest

Whereas a petition has been presented to
the County Court of Union County Oregon
at the November Term thereof for 1873 for
a change in a portion of the County Road
running from ~~Headshots~~ ^{Headshots} points to Summerville
beginning at or near the S E corner of Fred^l
Mitchell's land, thence due North some
half mile, thence along the line between
F Mitchell & Babingtons and thence due
West one half mile to intersect said
road again

Now therefore I Frederick Mitchell
agree to pay to the County of Union
the sum of One hundred dollars,

The condition of the above obligation
is such that if the prayer of the
petitioners be not granted and
allowed then I will pay all costs
and expenses that may be incurred
by reason of such view, otherwise
to be null and void

Dated this 6th day of November Mitchell
of November 1873 }

Frank Mitchell

Bonnet

William Howard

1000 Bluffs

To Hon County Court of

Almon County

We the Undersigned Citizens of
Foxe precinct and vicinity respectfully remonstrate against
the proposed change of the road running from Henderson's
Point to Sumnerville. Said proposed road commences
at the southeast corner of Frederick Mitchell's land
claim on the Grandville River running due
north to the line running East & West between said
claim & the land owned by Rev. S. Babington
then west one half mile. We the Undersigned are
opposed to the said change. The land along
the line of the proposed change is very low
and will make the road impassable several
months in the year on account of the
annual overflow of the Grandville
River, and the swampy condition of
said lands and because it will be
impossible to levy against said
overflow the river banks on either
banks for several hundred yards making
a heavy current the banks of the river
being higher than the said banks so
that an embankment of earth will
not stand the current, and further,
there is not suitable banks for
building a bridge, because said

difficulties are avoided where the
road is as proposed located, besides
the distance is much shorter, the land
much higher and the banks more
pronounced to be the best over
the river, by the users, which is
fact known by every body, who are
acquainted with the country.

For these and sundry other reasons
that might be given we would most
respectfully ask that your Hon-
orable will allow the petition
of Frederick Mitchell & others
over Amos B. B.

Names

M. H. Babington
 J. Schomaker
 R. W. ...
 W. H. ...
 Wm. B. Briggs
 W. ...
 W. R. Booth
 J. M. McCully
 R. B. Davis
 B. ...
 J. ...

Names

J. ...
 A. ...
 G. H. ...
 A. St. ...
 S. J. ...
 J. H. ...
 Geo. ...
 V. ...
 Geo. ...
 J. H. ...
 Edward ...

X

E. A. ...
 A. ...
 J. ...
 W. ...
 W. D. ...
 R. M. ...
 A. ...
 M. ...
 G. O. ...
 P. W. ...
 J. A. ...

G. ...
 J. ...
 S. ...
 J. ...
 W. ...
 G. ...
 W. ...
 M. ...
 H. ...
 M. ...
 Frank ...
 J. G. ...

P. ...
 S. ...

A. C. ...

Blayton ...
 W. ...
 George ...

G. W. ...
 J. W. ...
 J. ...

R. ...
 J. ...
 G. ...

David ...
 Luke ...
 S. ...

A. J. ...
 A. ...

J. M. ...
 E. ...

A. ...
 A. ...

James ...
 Edward ...

J. ...
 W. ...

O. S. ...
 A. ...

M. ...
 A. ...

We the undersigned herein having
misunderstood a certain petition circulated
by J. Mitchel and having received
facts regarding the same - now
wish to cancel our names on
said petition by the remonstrance
herewith presented

Names

J. J. Van
H. W. Duncan
J. C. King
S. J. Smith
A. J. Green
W. J. Thompson

Names

Sam Burroughs
J. Murphy

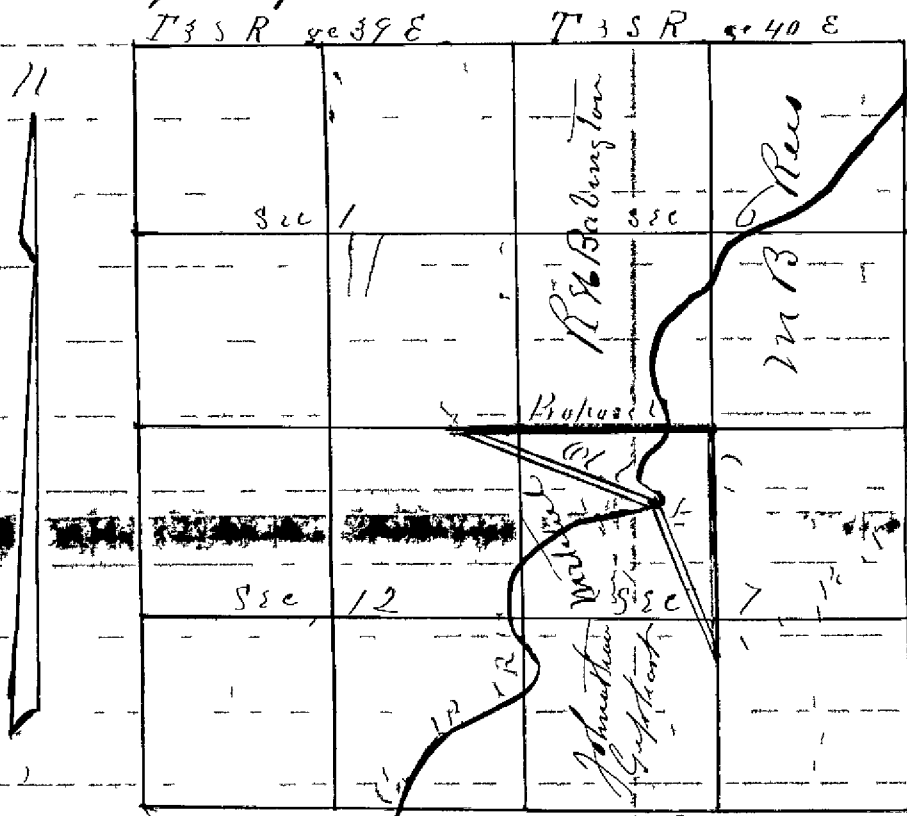
To the Hon. County Court of the
County of Union State of Oregon

We the undersigned appointed
by your Hon. Body to view and locate
a proposed change in the County Road
running from Henslershots Point to
Summerville Commencing at the S.E.
corner of St. Michaels Land they have to report
that we met on the 17th day of Nov 1873
with J. L. Curtis as Surveyor and after
being duly sworn proceeded to view and
said proposed change and further
that the proposed change is about three
hundred yards greater distance than
the old survey and on nearly as good
ground as the former location: but
taking into consideration the fact that
the proposed change follows the lines
of the Government Survey we consider
the prayer of the Petitioners reasonable

All of which is respectfully submitted
together with the notes and Plot of the
Survey

Witness } W. H. Hoffman
 } D. A. Malister
 }

To D A M Atwater Ave W 86 No 11 from
 terminus of the proposed change in the County
 Road running from Sandershots Point to
 Summerville the following Plat and notes
 of the survey of said proposed change as
 respectfully submitted



The survey of the above Plat was made on the 17th day of
 Nov 1873 commencing at the S E corner of F Mitchells
 Land and running due north 40 Chs then due West
 43 Chs to the terminus of the proposed change intersecting
 the old survey at the point then commencing again at
 the starting point S E corner of F Mitchells Land and
 running due south 4 Chs to intersect the original
 survey made, the whole distance of the proposed change
 one mile and 12 Chs

J B Curtis
 Surveyor

Said Court and report their doings to the next term of this Court, with a plat and field notes of the same.

Court then adjourned until tomorrow morning at 9 O'clock.

Second Judicial Day Nov 6th 1873

Court met pursuant to adjournment

Same Officers present as on Yesterday

Due proclamation of the Opening of Court having been made the following proceedings were had,

In the Matter of Road 3
Petition in Union County 3

Now on this day was presented a petition signed by more than twelve resident householders residing in the vicinity and along the route of the hereinafter proposed Road, praying for an alteration in the County road from Henderson Point to Summerville, commencing at or near the S E corner of Fredrick Mitchell's land, thence due North one half mile thence along the line between F Mitchell and Babington & Rees due West one half mile to intersect said road again, all of which points and places are in Union County Ky.

Which petition was duly accompanied with a Bond, which Bond was duly approved by the Court, also by proof of notice having been posted according to law. It was thereupon

Ordered by the Court that D. A. McAlister
 & H. Prescott, and W^m H. Hoffman be and
 they are hereby appointed Viewers and J. S.
 Curtis Surveyor, who are to meet at the house
 of John Wagner on the 17th day of November
 1873 and after being sworn according to law
 to proceed to view out said charge, and
 report their doings to this Court at its next
 Term.

In the Matter of employment²
 of Physicians for County³

Now at this time was
 presented by J. B. Hensley, proposals for furnishing
 Medical and Surgical Services including all
 medicines necessary for a period of one year
 for the sum of three hundred dollars for
 all paupers and indigent poor of said coun-
 ty, provided the patients are brought to Salgoona
 And for a mileage in addition to said sum
 thirty cents per mile for the distance the pa-
 tient resides from Salgoona for each visit
 made, and agree to make no unnecessary
 visits, It is therefore Ordered that said
 proposal be accepted, And J. B. Hensley be
 and he is hereby appointed County Physician
 for Union County, and that he be allowed
 the sum of three hundred dollars per year
 for furnishing Medical attendance to the
 paupers and indigent poor including thirty
 cents per mile from Salgoona to where the
 patients lives over and above the sum of
 three hundred dollars, to be paid every
 two months.

In the Matter of $\frac{2}{3}$
Road Report $\frac{3}{3}$

Now at this time was read Road Viewers Report which said Viewers was heretofore appointed by this Court to view out a proposed change in the County Road running from Hendricks Point to Summerville, Commencing at the SE corner of H. Mitchell's Land, and running thence due North 40 chains, thence due West 43 chains to the intersection of Old Survey. The Viewers as heretofore appointed Reported favorable as to said proposed change in said County Road, the same after having been read 1st time in Open Court was laid over until tomorrow morning for further consideration,

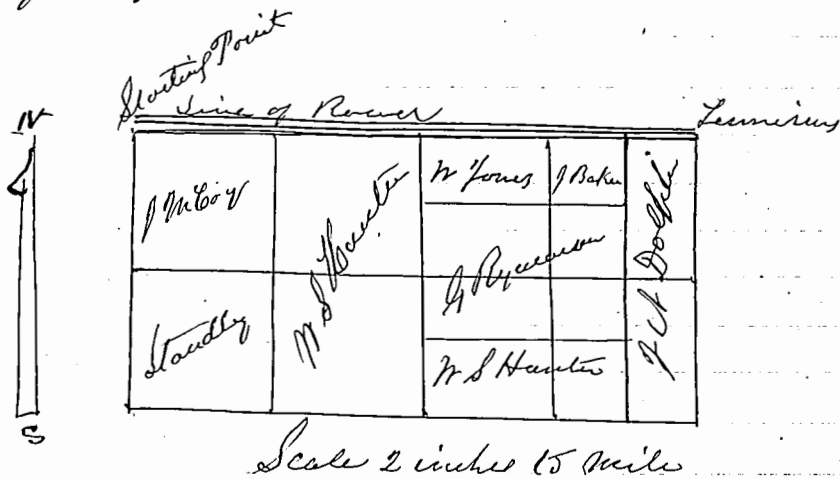
In the Matter of Cancellation $\frac{2}{3}$
of County Orders $\frac{3}{3}$

Now on this day came James Baker County Treasurer and paid into Court the sum of four hundred and thirty four $\frac{54}{100}$ dollars on the General Fund, and the sum of forty one $\frac{85}{100}$ dollars in County Orders drawn on Contingent Fund making the sum total of four hundred and seventy six $\frac{39}{100}$ dollars, which Orders were duly cancelled in Open Court by the County Clerk. Thereupon it was Ordered that said County Treasurer be credited with the said sum of \$476.39, And further that Union County receive a like credit of the said sum of \$476 $\frac{39}{100}$

And it appearing that the Petitioners had in all things complied with the law by filing Bond proof of notices having been posted in accordance with law, and the Petitions having been signed by more than twelve residents householders living in the vicinity and along the route of said County Road, and it further appearing that all the points and places were in Union County Oregon

It is therefore Ordered that said Report be accepted, and that it should be granted

It is Ordered that the same be declared a public High Way in accordance with the following Plat and field notes, and that the same is hereby Ordered Opened and kept in repair as other roads and High ways by Supervisors



In the Matter of Road 2
Viewers Report 3

Now on this 8th day of January 1874 came on to be heard the Report of the Viewers heretofore appointed at its second reading of a proposed change and alteration in a County road running from Hendersons point to Sumnerwille commencing at the S E corner of A Mitchells Land running thence due North 40 chains, thence due west 43 chains to the intersection of the

of original road which Report stated that the distance was about three hundred Yards greater than the Old route, and on nearly as good ground. And it appearing that there had been filed a remonstrance against the granting of the proposed change, and there being a greater number of names upon the remonstrance than there was upon the petition, the prayer of the petitioners are rejected, and said change not granted,

Court then adjourned until the
1st Wednesday, the 4th day of March 1874

E. A. Bourne
County Judge