

2403-426-434

No 128 CI K R d FII

No 507

IN THE MATTER OF A
COUNTY ROAD,

PETITION OF

Joe Spencer, et al

beginning at NE Corner SE 1/4 SW 1/4
Sec 22 Tp 35 N R 38 E and
terminating on Foot Hill Road

Petition Filed Febry 8 1899
Affidavit of Poston, Filed Febry 8 1899
Bond Filed Febry 8 1899

Order appointing Viewers and Surveyor
made Febry 8 1899

On page 1 of Commissioners Journal

Oaths Filed 189
Viewers Reports Filed 189
Viewers Reports Filed 189

Order of Court made To Open up road
and close old Road
P. L. H. W.

This case is complete file full filing
ing to one road which is published in the
time that they are

ROAD PETITION.

1 To the Honorable County Court,

2 of Union County Oregon:-

3 We, the undersigned resident householders of Union County,
4 Oregon, and residents within the vicinity where the hereinafter
5 proposed road is to be established, altered and laid out, as well
6 as the portion of road proposed to be vacated, do hereby pray
7 your honorable body and court to lay out, alter and establish a
8 County Road on the following line or route to-wit: Commencing
9 at the north-east corner of the South-East Quarter of the South-
10 West Quarter of Section 22 in township 3 South of Range 38 E.W.M
11 in Union County, Oregon, being angle 3 of County Road No. 417 peti-
12 tioned for by N.S. Marshall and others, and thence running due
13 west about 95 Rods to, and intersecting and terminating upon the
14 road leading from Union to La Grande, Union County, Oregon, and
15 known as the "Foot Hill Road".

16 And also to vacate so much of said Road No 417, as aforesaid
17 which is described in the notes and record of said road as:-

18 "Commencing where the road leading from Mrs. M.A.W. Wallace's Farm
19 to Island City crosses the East boundary line of the South-West
20 Quarter of South-West Quarter of Section 22 Twp. 3 South of Range
21 38 E.W.M. thence East, var. 30--4.78 chains to Angle 1; thence North
22 13.67 chains to angle 2; thence East 15 chains to angle 3".

23 All of said proposed ~~changes of~~ road being within Union County,
24 Oregon.

Respectfully,

25 Joe Spencer
26 J. E. Reynolds
27 E. T. Beebe
28 J. W. Allen
29 Chas. Tall
30 Frank McClure
31 R. Layman

H. W. Caswell
O. P. Gault
O. L. Starn
J. Conway
W. R. Jasper
J. Wallace
J. F. Sherwood

32
31
30
29
28
27
26
25
24
23
22
21
20
19
18
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1

Justice County Court

of the County of Oregon

Wm. H. Johnson

*In the matter of the probate
of the will of J. H. Johnson et al*

Wm. H. Johnson

FILED

FEB 8 1899

Wm. H. Johnson
County Clerk

NOTICE of ROAD PETITION.

1 To All Persons Concerned;-

2 You and each and all of you, will take
3 notice, that the undersigned-householders for and in Union County
4 Oregon, residing in the vicinity where the hereinafter described
5 road is proposed to be, as well-as that proposed to be vacated-will
6 at the next session of the County Court for Union County, Oregon,
7 after the thirty days next succeeding ~~the~~ posting-towit:-

8 On WEDNESDAY the 8th Day of FEBRUARY 1899,
9 respectfully present to said court a petition praying said Court
10 to lay out, alter and establish a County Road on the following line
11 or route towit;- Commencing at the North-east Corner of the South-
12 East Quarter of the South-west Quarter of Section 22 in Township
13 3 South of Range 38 E.W.M. in Union County Oregon-being angle 3
14 of County Road No. 417-petitioned for by N.S. Marshall and others,
15 and thence running due West about 95 rods to and intersecting and
16 terminating upon the road leading from Union to La Grande, Union
17 County, Oregon, and known as the "Foot Hill Road". And also to vacate
18 so much of said road No. 417 as aforesaid, which is described in
19 the notes and record of said road as;- "Commencing where the
20 road leading from Mrs. M.A.W. Wallace's farm to Island City Crosses
21 the East boundary line of the South-west Quarter of South-west
22 Quarter of Section 22 Twp. 3 South, Range 38 E.W.M. thence East
23 Var. 20-4.78 chains to angle 1;- thence North-13.67 chains to
24 angle 2-- thence East 15 chains to angle 3". All of said propos-
25 ed change of road being within Union County, Oregon.

26 Joe Spencer	H.H. Cassidy
27 J.E. Reynolds	O.P. Goodall
28 E.T. Phelps	O. Stevens
29 J.W. Allen	H. Conway
30 Chas. Tall	W.R. Jasper
31 Frank McGee	J.H. Wallace
32 A.L. Lyman	J.T. Sherwood

Filed Jan 6. 1899.
J.P.O.

W. H. Brown
County Clerk

FILED
FEB 8 1898

33
31
30
29
28
27
26
25
24
23
22
21
20
19
18
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2

STATE OF OREGON, } ss.
County of Union.

I, J. R. Oliver

being first duly sworn, say that I posted three several notices, of

~~which the notice hereunto attached is a true and correct copy, in three public places in said County in the vicinity of the proposed road therein described, to-wit: One~~

~~Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the~~ day
~~of~~ 18. , and that thereafter and thirty days previous to the presentation of said road petition
therein mentioned, to-wit: On the 6th day of January 18 99, I posted a true and correct copy
^{the notice at}
~~of said notice~~ ^{bulletin board at the front door} at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door, in the
City of Union, in said County and State, and that said notice remained posted thirty days previous to the presentation of said
petition as I verily believe.

Subscribed and sworn to before me this 8th day of Feb 18 99

J. R. Oliver
E. M. Rusk
Clerk

FILED

FEB 8 1899

W. H. Dawson
County Clerk

NOTICE of ROAD PETITION.

To All Persons Concerned:-

You and each and all of you, will take notice, that the undersigned-householders for and in Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, as well as that proposed to be vacated-will at the next session of the County Court of Union County Oregon-after the thirty days next succeeding the posting-towit:-

On WEDNESDAY the 8th day of FEBRUARY 1899,

respectfully present to said Court a petition praying said Court to lay out alter and establish a County Road on the following line or route towit:- Commencing at the North-east corner of the South-east Quarter of the Southwest Quarter of Section 22 in Township 3 South of Range 38 E.W.M. in Union County, Oregon, being angle 3 of County Road No. 417-petitioned for by N.S. Marshall and others, and thence running due West about 95 rods to and intersecting and terminating upon the Road leading from Union to La Grande, Union County, Oregon, and known as the "Foot Hill Road". And also to vacate so much of said road No. 417 as aforesaid, which is described in the notes and record of said road as:- "Commencing where the road leading from Mrs. M.A.W. Wallace's farm to Island City crosses the East boundary line of the Southwest Quarter of Southwest Quarter of Section 22 Twp. 3 South Range 38 E.W.M. thence East var. 20-4.78 chains to angle 1;-thence North-13.67 chains to angle 2-- thence East 15 chains to angle 3." All of said proposed change of road being within Union County, Oregon.

Joe Spencer
J. E. Reynolds
E. T. P. P. P.
J. W. Allan
Chas. Tall
Frank McElm
A. L. Lyman

H. H. Cassitt
J. P. Giddell
O. Stevens
N. Coraway
W. R. Jasper
J. M. Ball
J. T. Sherwood

32
31
30
29
28
27
26
25
24
23
22
21
20
19
18
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1

F I L E D
FEB 8 1899
Geo. Dawson
County Clerk

State of Oregon)
)ss.
County of Union)

I, J.M. Wallace, being first duly sworn say, that,
I posted three notices (a copy of which is hereto attached) of the
proposed road, one in each of the following described places, to wit:-
One at the side of the County Road and about 40 Rods West of Angle
3 of Road No. 417 petitioned for by N.S. Marshall and others,
One at the Western termination of said road proposed to be laid out
on the road leading from Union to La Grande in Union County Oregon
and known as the "Foot Hill Road", and
One at a point on the County Road where it crosses the East boundary
line of the South-West Quarter of the South-West Quarter of Section
22 Township 3 South of Range 38 E.W.M. being at the commencement of
the road proposed to be vacated all in said County of Union and
State of Oregon, thirty days prior to the 8th day of February 1899
the time of the presentation of the petition herein and that all of
said points are public places in the vicinity of said proposed road
and that all of said petitioners are householders residing in the
vicinity of said proposed road and in said County of Union and State
of Oregon.

..... *J. M. Wallace*

Subscribed and sworn to before me this 31st day of Jun 1899.

..... *A. C. Williams*

Notary Public for Oregon.

In the County Court

of the
State of Oregon

Lawson County

In the matter of Road

improvements for by

Joe Spencer et al.

Notice of Petition

Proof of Pleading

FILED

FEB 8 1899

W. H. Benson
County Clerk

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

In the matter of the road petitioned for by)
)
 Joe Spencer and)
)
 others.)

Know All Men by these Presents;-

That we, J.M. Wallace and W.R. Jasper, of the
 County of Union and State of Oregon are held and firmly bound unto
 the said County of Union and State of Oregon in the sum of Two hun-
 dred dollars, for the payment of which, well and truly to be made, we,
 and each of us jointly and severally bind ourselves, our heirs, exec-
 utors and administrators firmly by these presents.

Sealed with our seals and dated this 4. day of Feb. 1899.

Now the condition of the above obligation is such, that, whereas,
 the above named J.M. Wallace and W.R. Jasper and others will, on the
 8th day of February 1899, petition the County Court of Union County
 Oregon, to lay out alter and establish a county road on the following
 line or route to-wit:

Commencing at the North-East corner of the South-East Quarter
 of the South-West Quarter of Section 22 in Township 3 South of Range
 38 E.W.M. in Union County Oregon, being angle 3 of County Road No. 417
 petitioned for by N.S. Marshall and others, and thence running due west
 about 95 rods to, and intersecting and terminating upon the road
 leading from Union to La Grande, Union County Oregon, and known as the
 "Foot Hill Road".

And also to vacate so much of said road No. 417, as aforesaid
 which is described in the notes and record of said road as:-
 "Commencing where the road leading from Mrs. M.A.W. Wallace's Farm
 to Island City crosses the East boundary line of the South-West
 Quarter of the South-West Quarter of Section 22 Twp. 3 South of Range
 38 E.W.M. thence East, Var. 20--4.78 chains to Angle 1; thence North
 13.67 chains to angle 2; thence East 15 chains to angle 3".
 All of said proposed change of road being within Union County Oregon.

Now if the above named J.M. Wallace and W.R. Jasper shall well
 and truly pay, or cause to be paid, all costs and expenses that may
 be incurred by reason of the view or review of said road, in case
 the prayer of said petitioners shall not be granted or allowed, then
 this obligation shall be void, otherwise to remain in full force and
 virtue.

..... J.M. Wallace (seal)
 W.R. Jasper (seal)

State of Oregon)
) Ss.
 County of Union)

I, J.M. Wallace and I, W.R. Jasper, being first duly
 sworn each for myself say I am worth the sum of Two hundred dollars
 over and above all my debts and liabilities and property exempt from
 execution; and that I am a resident and householder in said County
 and State.

..... J.M. Wallace
 W.R. Jasper

Subscribed and sworn to before me this 4. day of Feb. 1899

A. Williams Notary Public for Oregon

In the County Court
of the
State of Oregon
For
UNION COUNTY.

In the Matter of the Road
Petioned for by
Joe Spencer and others.

BOND.

FILED

FEB 8 1899

W. B. Benson
County Clerk

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 8 day of February, 1899, appointed to view and lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by Joe Spencer, et al, beg leave to report that on the 23 day of February, 1899, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would greatly add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be

laid out and declared a public highway of said county. and that such road should be vacated leading from Mrs M. A. W. Wallaces to Island City from beginning to angle 3

W F Seckler
Herace Baker
Dexter Eaton

VIEWERS.

FILED

MAR 2 1899

Wm. B. Brown
County Clerk

Report of Surveyor.

To the Hon. County Court of Union County, Oregon:

I, the undersigned, County Surveyor, appointed to survey the county road proposed by Joe Spence et al., beg leave to report that on the 23 day of February 1899, in pursuance of said appointment and order, I Surveyed said proposed road for the whole distance thereof, the following being the field notes of said survey:

I commenced at the N. E. Cor. of S. E. 1/4 of S. W. 1/4 of Sec. 22 T. 3. S. R. 38 E. N. 7 W. set a stake marked R then West Var 18° E 27.75 Chains to County Road leading from Union to La Grande drove a stake marked R. T.

Arthur Curtis
County Surveyor.

FILED

MAR 2 1899

W. H. Dawson
County Clerk

State of Oregon
County of Union 83

I hereby certify that the foregoing field notes made by me in the survey of the county road petitioned for by Joe Spencer et. al, are true and correct and that the Plot accompanying same is a true and correct representation of the course of said road together with the angles and distances.

Arthur Curtis
County Surveyor

F I L E D

MAR 2 1899

W. H. B. B. B.
County Clerk

State of Oregon
County of Union | 8.8

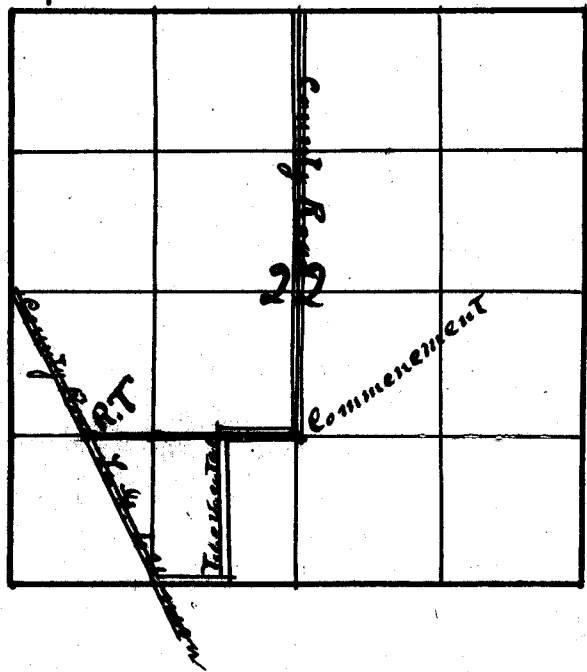
I hereby certify in the matter of the County road as petitioned for by Joe Spencer and others, that the viewers and each of them heretofore appointed by the court to view and lay out said road, were duly sworn by me to faithfully and impartially perform the duties pertaining to the viewing, laying out and establishing of said road before entering upon the discharge of their said duties in that behalf

Arthur Curtis
County Surveyor

W. B. ...
County Clerk

FILED
MAR 2 1899

Tp. 3. S. R. 38 W. M



Third Judicial Day

Wednesday, February 8th, 1899

In the matter of the
proposed County Road pe-
titioned for by Joe Spencer et al }

Comes now Joe Spencer one of the petition-
ers for the above named proposed County Road and presents to the
Court the petition of himself and others praying for the loca-
tion and establishment of a County road described as follows, to-wit:
Commencing at the N.E. corner of S.E. 1/4 of S.W. 1/4 Sec 22 Twp 3 S R 38 E N.M.
in Union County, Oregon, being angle 3 of County road No 417, petitioned for
by N.S. Marshall et al. and thence running due west about 95 rods to
and intersecting and terminating upon the road leading from Union
to La Grande Union County, Oregon, and known as the "Foodlell
Road" and also to vacate so much of said road No 417 as aforesaid
which is described in the notes and record of said road as: commu-
encing where the road leading from Mrs M.A. Wallace's farm to
Island City crosses the east boundary line of the S.W. 1/4 of S.W. 1/4
Sec 22 Twp 3 S R 38 E N.M. thence east var 20--4.78 chains to an-
gle 1 thence north 13.67 chains to angle No 2 thence east 15 chains
to Angle 3 all of said proposed change of road being within Union
County, Oregon

And it appearing to the Court that said petition is signed by
more than twelve householders of this County, residing in the
vicinity of said proposed road, and that said petition properly
specifies the place of beginning, intermediate points and place
of termination of said road and it satisfactorily appearing
to the Court that notice has been given by advertisement
posted at the place of holding County Court, to-wit: at the
Court House in the town of Union County of Union, State of
Oregon and also in three public places in the vicinity
of said proposed road to-wit: One at the Western termina-
tion of said road proposed to be laid out on the road leading
from Union to La Grande in Union County, Oregon and known
as the Foodlell Road, One at the side of the County road and
about 40 rods west of Angle 3 of Road No 417 and one at
a point on the County road where it crosses the east boundary
line of the South West quarter of the S.W. 1/4 of Sec 22 Twp 3 S
R 38 E N.M. being at the commencement of the road proposed
to be vacated all in said County of Union and State of Oregon
for more than thirty days immediately prior to the presentation of said
petition to this Court notifying all persons concerned that applica-

Third Judicial Day

Wednesday Feby 8th 1899

cation would be made to this Court at the present session of this Court: and that the notices so posted were in due form and duly signed by the petitioners) and that a bond for the cost of this proceeding has been duly given

It is therefore ordered that W. F. Getchell Horace Baker and Dexter Eaton be appointed viewers of said road and that Arthur Curtis be appointed surveyor of said road and that they meet at Joe Spencer's ^{house} on the 23 day of February 1899 at the hour of 9 o'clock A. M. and after qualifying, to view, survey and lay out said road according to law

In the matter of the proposed
change in County Road petitioned
for by A. B. Conley in his own
rights

This matter came on to be heard at this time on the report of the viewers and surveyor heretofore appointed herein for a first reading and said report having been read in open Court for the first time It is ordered that the said report be laid over for a second reading on some other day of this term of Court

In the matter of a settlement
with Road Supervisors and
allowance of their bills

This matter came on to be heard at this time on the Reports of road supervisors filed herein for the year 1898 and for a settlement of the bills of said supervisors and the said reports having been passed upon and approved by the Court It is ordered that a warrant be drawn in favor of each of said supervisors for the amount of his bill allowed and endorsed on the back of the said reports filed herein as follows, to-wit:

J. J. Publer	Supervisor	Road Dist No 2	58 ⁰⁰
W. M. Gouldrick	"	"	10
Homer Bennett	"	"	18
A. S. Love	"	"	27
O. A. McDonald	"	"	34

Third Judicial Day

Wednesday March 8th 1899

In the matter of the Road }
 petitions for by Joseph }
 Spencer et al }

This matter came on to be heard at this time on the report of the viewers and surveyor heretofore appointed herein for a first reading and the said report having been read in open Court for the first time It is ordered that the same be laid over for a second reading on some other day of the present term of Court

In the matter of the }
 appointment of a Road }
 Supervisor for Road Dist }
 Number forty six }

This matter came on to be heard at this time on the petition of the citizens and taxpayers of road district No 46 for the appointment of E Johnson as Road Supervisor of the said district and it appearing to the Court that the said E Johnson is a suitable and proper person for said position It is therefore considered and ordered that the said petitions be granted and that the said E Johnson be and he is hereby appointed supervisor of said road district No 46 for the year ending Dec 31st 1899

In the matter of the }
 Resignation of Curtis Dalton }
 as Supervisor of Road Dist No 24 }
 and the appointment of his successor }

This matter came on to be heard at this time on the resignation of Curtis Dalton as Road Supervisor of road district no 24 and also on the recommendation for the appointment of his successor and it appearing to the Court that the said Curtis Dalton is about to remove from the County and can not attend to the duties of supervisor of the said district, that John T Shaw is a resident of the said district and would make a good road supervisor

Fourth Judicial Day

Thursday March 9th 1899

J. P. Kellogg, Samuel Cochran and W. E. Woodell, be appointed appraisers to examine the premises of each of said claimants the entire distance through which the said road will pass and report to this court how much less valuable the premises of each of said claimants would be rendered by the opening of said proposed road and that they meet at Jacob Endicott on Saturday the 25th day of March 1899 at 10 o'clock a.m. and after qualifying, proceed and view said proposed road as herein above directed and that they render their report to this court at the next regular term

In the matter the proposed
County road petitioned for by
Joe Spencer et al.

This matter came on to be heard at this time on the report of the Viewers and Surveyor heretofore appointed herein for a second reading as provided by law and the report of Viewers being in words following, to-wit:

Report of Viewers

To the honorable County Court for Union County, Oregon,
The undersigned viewers heretofore on the 8th day of February 1899 appointed to view and lay out and alter the proposed County road of which the survey hereto attached is a true and correct description as petitioned for by Joe Spencer et al. by leave to report that on the 23 day of February 1899 in pursuance with said appointment and order after being duly sworn to faithfully and impartially discharge the duties of said appointment we proceeded to view our said proposed road for the whole distance thereof and that in our opinions said proposed road should be laid out and established as a public highway of Union County Oregon. That the same is practicable and would greatly add to the convenience of the householders residing in the vicinity thereof we therefore recommend that said proposed road be laid out and declared a public highway of said county and that such road should be vacated leading from Mrs M. A. Wallace to Taland City from beginning to angle &

W. P. Sekeler

Horace Baker } Viewers
Dexter Eaton }

Fourth Judicial Day

Thursday, March 9th 1899

and said report of the viewers and the report of the surveyor having been now publicly read in open court on two several days of the present term of the court and is appearing to the court that said viewers report favorably thereon and recommend that said proposed road be established as a County road and be declared a public highway of Union County, Oregon and all the proceedings herein having been regular and according to law and no remonstrance or claim for damages having been filed herein and there having been no cause shown why this proposed road should not be declared a public highway and ordered open according to law and the Court being satisfied from the report of the viewers that such road will be of public utility - It is therefore considered and ordered by the court that said report of the viewers and surveyor be approved and adopted by the court and that said proposed road be declared a public highway of Union County Oregon, and ordered opened up and placed in repair for travel according to law - It is further ordered that the reports of the viewers be placed on record in this journal and that the surveyors plan of the proposed road and his field notes of the survey thereof be placed on record in the books of Olathe of County roads of Union County, Oregon and that O.P. Goodall Road Supervisor of road district No 2 the same being the road district in which said road is located be furnished with a copy of the petition herein and a copy of this decree and ordered to open up said road and place the same in repair for travel and allow the old road sought to be vacated to be closed

In the matter of the cancellation
of County and contingent warrants
and of credits to the County Treasurer

Comes now John Frawley County Treasurer and presents to the Court certain County and contingent warrants school vouchers and other vouchers and receipts for money paid out by him and the Court having duly examined the same and it appearing to the Court that all of said warrants have been duly and regularly issued and paid and that the money for which said vouchers were taken was properly paid out of the funds applicable thereto It is therefore that said