

No. 677

IN THE MATTER OF A  
COUNTY ROAD

RELIEF OF  
*H J Phay*

et al

Beginning at

Location filed

Affidavit of Posting filed

*Nov 7 1917*

Bond filed

*Nov 7 1917*

Order Appointing Viewers and Surveyor

made

*Nov*

*Term 1917*

Page 165 Vol 0

Commissioners Journal

Oaths filed

Viewers Reports filed

*Jan 3rd 1918*

Viewers Reports filed

Order of Court made

*Jan 4th 1918*

Printed and Published by  
D H I J L P F T B L G G T  
D H I J L P F T B L G G T

M  
CT RE Y  
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OFFICE BANK AND COUNTY SUPPLIES  
PORTLAND ORE

# NOTICE OF ROAD PETITION.

**TO ALL PERSONS CONCERNED:** You and each and all of you, will take notice that the undersigned freeholders, of Union county, Oregon, residing in the road district where the hereinafter described road is proposed to be, will at the next session of the County Court for Union county, Oregon, to-wit: on Wednesday, the 7th day of November A. D. 1917, respectfully present to said court a petition praying said court to lay out, alter and establish a County Road within said county, on the following line, or route, to-wit:

Commencing at a point west 1822 ft. and south 87 ft. from the quarter section corner between Sections 5 and 6, Tp. 4 S., R. 39 W., N. 7. running thence along the most practicable route south 86 deg. 30' east 791 ft., thence north 87 deg. east 221 ft., thence north 71 deg. east 214 ft., thence north 74 deg. east 300 ft., thence east 408 ft., to the quarter section corner between Sections 5 and 6 Tp. 4 S., R. 39 W., thence east of the quarter section line through said Sec. 5 to the south property line of the O.W.R. & N. Co., thence SE parallel with said O.W. property line 525 feet, thence NE at right angles across the O.W.R. & N. Co. right of way 125 feet, to meet the present county road at the north property line of said O.W.R. & N. Co.

Dated at La Grande Oregon, the 15th day of September A. D. 1917.

NAMES	NAMES
1 James McArthur	11 W. J. Phy
2 J. W. Murr	
7 J. M. McChauly	
8 E. C. Lamm	
9 W. B. Barton	
2 E. E. Woodruff	
6 F. Grandy	
10 C. P. Thouse	
12 W. L. Ferguson	
12 W. H. Hanks	
3 J. E. Peterson	
4 M. Bean	
5 E. E. Miller	
5 G. J. Black	
5 Chas. H. Jacobs	

STATE OF OREGON, } ss.

County of Union: }

I, *J. D. Meier* 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 *on a telephone post near the*

*beginning of said road one on a telephone post near the center of said road and one on the O.W.R. & N. Co's Depot near the terminus of said road and one on the Bablon board at the Court House door*

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the *29th* day of *September* 19*17*, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the *29th* day of *September* 19*17*, I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door, in the City of La Grande, in the said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Subscribed and sworn to before me this *7th* day of *November* 19*17*

*J. D. Meier*  
*C. K. McCombs*

# BOND OF ROAD PETITIONERS

Know All Men by These Presents, That we, W. T. Phy

and J. D. Muir of the County of Union and State of Oregon, are held and firmly bound unto said County of Union in the full sum of ONE HUNDRED DOLLARS (\$100.00) the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ A. D., 191\_\_\_\_\_

Now, the conditions of the above obligation are such, that whereas,

W. T. Phy and others have petitioned the County Court of said County of Union, at the November term, 1917, thereof for a County Road, described in the petition and notice hereto annexed, as follows:

~~Commencing at a point west 1822 ft. and south 87 ft. from the quarter section corner between Sections 5 and 6, Tp. 4 S.R. 39 E.W.M. running thence along the most practicable route south 86 deg. 30' east 793 ft., thence north 87 deg. east 221 ft., thence north 71 deg. east 214 ft., thence north 74 deg. east 200 ft., thence east 408 ft., to the quarter section corner between Sections 5 and 6 Tp. 4 S.R. 39 E. thence east of the quarter section line through said Sec. 5 to the south property line of the O.W.R. & N. Co., thence SE parallel with said O.W. property line 525 feet, thence NE at right angles across the O.W.R & N.Co. right of way 125 feet, to meet the present county road at the north property line of said O.W.R. & N. Co.~~

Now, if the above named \_\_\_\_\_

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 the petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

W. T. Phy (Seal)  
J. D. Muir (Seal)

STATE OF OREGON, } ss.  
County of Union

I, W. T. Phy and J. D. Muir each for himself, say

I am worth the sum of TWO HUNDRED DOLLARS, (\$200.00) over and above all debts and liabilities and property exempt from execution; that I am a resident householder in said county and State.

W. T. Phy  
J. D. Muir

Subscribed and sworn to before me this 8 day of Nov A. D., 1917

[Signature]  
NOTARY PUBLIC FOR OREGON  
My Commission Expires Mar 25th, 1918

# BOND OF ROAD BUILDERS

Be it remembered that on this day of \_\_\_\_\_ 19\_\_  
at the County of \_\_\_\_\_ State of \_\_\_\_\_  
I, \_\_\_\_\_  
County Clerk, do hereby certify that the within and foregoing  
is a true and correct copy of the original as the same appears  
in the files of the County Clerk's Office.

107 40  
644 80  
58 00  
198

\_\_\_\_\_

\_\_\_\_\_

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 7th day of November, A. D., 1917, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J. F. Phy, County Judge,  
C.A.Galloway, Commissioner,  
W.J.Townley, Commissioner,  
C.K.McCormick, Clerk,  
Lee Warnick, Sheriff.

WHEN, on ~~Thursday~~ Friday, the 9th day of November, A. D. 1917, or the ~~2nd~~ 3rd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the latter of the proposed County road petitioned for by W. T. Phy et al.

Q 165

Comes now W. T. Phy one of the petitioners for the above named proposed County Road, and presents to the court the petition of himself and others, praying for the location and establishment of a county road, described as follows, to-wit:

Commencing at a point west 1822 ft. and south 87 ft. from the quarter section corner between Sections 5 and 6, Tp.4 S.R.39 E.W.M., running thence along the most practicable route south 86 deg.30' east 793 ft., thence north 87 deg. east 221 ft., thence north 71 deg. east 214 ft., thence north 74 deg. east 200 ft., thence east 408 ft., to the quarter section corner between sections 5 and 6 Tp.4 S.R. 39E., thence east of the quarter section line through said Sec.5 to the south property line of the O.W.R. & N.Co., thence SE parallel with said O.W. property line 525 feet, thence NE at right angles across the O.W.R. & N.Co. right of way 125 feet, to meet the present county road at the north property line of said O.W.R. & N.Co.

And it appearing to the Court that said petition is signed by more than twelve freeholders of this county, residing in the road district where the hereinbefore described road is proposed to be, 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 city of La Grande, Union County, Oregon, and also in three public places in the vicinity of said proposed road, to-wit: one on a telephone post near the beginning of said road, one on a telephone post near the center of said road and one on the O.W.R. & N.Co's Depot near the terminus of said road

for more than thirty days immediately prior to the presentation of said petition to this court, notifying all persons concerned that application 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 R. R. Neal County Surveyor, and G. W. DeLay and J. D. Muir constituting the Board of County Road Viewers, be, and they are hereby directed to meet at Hot Lake, Oregon on the 21 day of November 1917, at the hour of ten o'clock A M., or within five days thereafter and proceed to survey, view and lay out said road according to law.

J. F. Phy, County Judge  
C.A. Galloway, Commissioner  
W.J. Townley, Commissioner

Attest

---

County Clerk

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 5th day of December, A. D., 1917, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J.F.Phy, County Judge,  
C.A.Galloway, Commissioner,  
W.J.Townley, Commissioner,  
C.E.McCormick, Clerk,  
Lee Warnick, Sheriff.

WHEN, on Thursday, the 6th day of December, A. D. 1917, or the 2nd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the proposed  
county road petitioned for by  
W. T. Phy et al,

0171

Now at this time it is ORDERED that this matter be, and the same is hereby continued for the report of the Viewers.

J.F.Phy, County Judge.  
C.A.Galloway, Commissioner  
W.J.Townley, Commissioner



# REPORT OF BOARD OF COUNTY ROAD VIEWERS.

To the Honorable County Court for Union County, Oregon :

The undersigned Board of County Road Viewers, heretofore on the 9th day of November 1907, instructed to view, lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by \_\_\_\_\_

W. T. Phy. et al., beg leave to report that on the 21st day of Nov 1907, in pursuance with said order, we proceeded to view out 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 add greatly 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 \_\_\_\_\_

R. P. Neal  
J. A. Miner

} Board of County  
Road Viewers.

Filed Jan 3, 1918  
O. W. M. Smith  
Co. Clerk

Board of County  
Roads

**Be it Remembered,** That at a regular term of the County Court of the State of Oregon, for the County of Union, begun and held at the Court House, in the City of Union, said County and State, on Wednesday, the 2nd day of January A. D. ~~190~~<sup>1918</sup>, the same being the first Wednesday in said month and the time fixed by law for holding a regular term of said Court, when were present to-wit:

The Hon. J. F. Phy Judge, Presiding.

The Hon. C. A. Galloway County Commissioner.

The Hon. W. J. Towaley County Commissioner.

C. K. McCormick Clerk.

Lee Warnick Sheriff.

When on Friday day, the 4th day of January A. D. ~~190~~<sup>1918</sup>, or the 3rd Judicial day of said term, among others, the following proceedings were had, to-wit:

In the Matter of the Proposed County Road Petitioned  
for by W. T. Phy et al.

0-188

This matter came to be heard at this time on the report of the Board of County Road Viewers for a second reading, as provided by law, said report being in words following to-wit:

REPORT OF BOARD OF COUNTY ROAD VIEWERS.

*To the Honorable County Court of Union County, Oregon:*

The undersigned Board of County Road Viewers heretofore on the 9th day of November, 1917 ~~190~~, instructed to view, lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by W. T. Phy et al., beg leave to report that on the 21st day of Nov. 1917 ~~190~~, in pursuance with said order, we proceeded to view out 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 add greatly 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

R. R. Neal

J. D. Muir

} Board of County  
Road Viewers.

And said report of the Board of County Road Viewers having been now publicly read in open court on two several days of the present term of the court, and it appearing to the court that said Board of County Road 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 Board of County Road Viewers that such road will be of public utility; the report of the viewers being favorable thereto, and all the files and records of said proceedings having been submitted to the District Attorney, who has advised this court as to the legality of said proceedings, it is therefore considered and ordered by the court that the report of the Board of County Road Viewers be placed on record in this journal, and that the surveyor's profile and plat of the proposed road, and his field-notes of the survey thereof be placed on record in the Book of Plats of County Roads of Union County, Oregon, 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, and that

\_\_\_\_\_ Road Supervisor of Road District No. \_\_\_\_\_, 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.

(Signed) J. F. Phy  
County Judge.

W. J. Townley  
Commissioner.

C. A. Galloway  
Commissioner.

STATE OF OREGON, }  
COUNTY OF UNION, } ss.

I, C. K. McCormick, Clerk of the County Court of the State of Oregon for the County of Union, do hereby certify that the foregoing copy of Journal Entry has been by me compared with the original entry made in the above entitled proceedings, now remaining of record in my office; that it is a correct transcript therefrom, and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said court this 14th day of January 1918 A. D. 190x.

\_\_\_\_\_  
Clerk.  
By \_\_\_\_\_  
Deputy.

THIRD JUDICIAL DAY.

FRIDAY, NOVEMBER 9th, 1917.

It Is therefore CONSIDERED and ORDERED that said resignation be and the same is hereby accepted and said office of Constable for Elgin Justice of the Peace and Constable District is hereby declared to be vacant.

In the matter of the proposed county road petitioned for by J. D. Muir et al.

Now at this time it is ORDERED that this matter be and the same is hereby continued for the term.

In the matter of the proposed county road petitioned for by C. L. Scott et al.

Now at this time this matter came on to be heard upon the petition of C.L.Scott et al for the opening of a county road along the following route, to-wit:

Beginning at a point in the county road leading from Ladd Canyon to North Powder, at the northeast corner of the southeast quarter of Section 7, in Township 5 South, Range 39 E.W.M. and running thence in a southwesterly direction across the north half of the southeast quarter of said Section 7, to a point about 30 rods north of the southwest corner of the northwest quarter of the southeast quarter of said Section 7; thence in a westerly direction across the north half of the southwest quarter of said Section 7 to the southwest corner of the northwest quarter of the southwest quarter of said Section 7, and there ending and terminating. Said proposed road following as nearly as practicable the line or route of that certain well defined private road which has been established and used across said lands for many years and which is commonly known as the Old Saw-mill road. That said proposed road be made forty feet in width, or such other width as the court may deem proper.

And it appearing to the court that a remonstrance has been filed against said petition and that said remonstrance has a greater number of signers than the petition for said proposed road, and the court after considering said petition, as well as the remonstrance and being fully advised in the premises, finds that said proposed road is not of sufficient public benefit to warrant the granting of said petition.

It is therefore CONSIDERED and ORDERED that said petition be and the same is hereby denied.

In the matter of the proposed County road petitioned for by W. T. Phy et al.

Comes now W. T. Phy, one of The petitioners for the above named proposed county road, and presents to the court the petition of himself and others, praying for the location and establishment of a county road, described as follows, to-wit:

Commencing at a point west 1822 ft. and south 87 ft. from the quarter section corner between Sections 5 and 6, Tp. 4 S.R. 39 E.W.M., running thence along the most practicable route south 86 deg. 30' east 793 ft., thence north 87 deg. east 221 ft., thence north 71 deg. east 214 ft., thence north 74 deg. east 200 ft., thence east 408 ft., to the quarter section corner between sections 5 and 6 Tp. 4 S.R. 39 E., thence east of the quarter section line through said Sec. 5, to the south property line of the O.W.R. & N.Co., thence SE parallel with said O.W. property line 525 feet, thence NE at right angles across the O.W.R. & N.Co. right of way 125 feet, to meet the present county road at the north property line of said O.W.R. & N. Co.

And it appearing to the court that said petition is signed by more than twelve free

THIRD JUDICIAL DAY.

FRIDAY, NOVEMBER 9th, 1917.

holders of this county, residing in the road district where the hereinbefore described road is proposed to be, 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 city of La Grande, Union County, Oregon, and also in three public places in the vicinity of said proposed road, to-wit: one on a telephone post near the beginning of said road, one on a telephone post near the center of said road and one on the O.W.R & N. Co's depot near the terminus of said road, for more than thirty days, <sup>immediately</sup> prior to the presentation of said petition to this court, notifying all persons concerned that application 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 R.R.Neal, County Surveyor, and G.W.DeLay and J.D.Muir, constituting the Board of County Road Viewers, be, and they are hereby directed to meet at Hot Lake, Oregon, on the 21 day of November, 1917, at the hour of ten o'clock A.M., or within five days thereafter, and proceed to survey, view and lay out said road according to law.

Thereupon the Journal of today's proceedings was read, approved and is here now signed, and it was ORDERED that Court be now adjourned for the term.

*[Signature]*  
County Judge  
*[Signature]*  
Commissioner  
*[Signature]*  
Commissioner

SECOND JUDICIAL DAY.

THURSDAY, DECEMBER 6th, 1917.

or relatives who are willing and able to provide for her, and that said application should be granted.

It is therefore CONSIDERED and ORDERED that said application be granted and the Clerk of this court is hereby authorized and directed to draw a warrant on the General Fund of the County in the sum of \$12.50, per month, in favor of said applicant until the further orders of this court.

In the matter of the proposed county road petitioned for by W. T. Phy et al.

Now at this time it is ORDERED that this matter be, and the same is hereby continued for the report of the Viewers.

In the matter of the proposed county road petitioned for by Floyd McKennon et al.

Now at this time it is ORDERED that this matter be, and the same is hereby continued for the term.

In the matter of the proposed county road petitioned for by Powder Land & Irrigation Co. et al.

Now at this time it is ORDERED that this matter be, and the same is hereby continued until December 17, 1917.

In the matter of the application of Scott Goodall for a road of public easement.

Now at this time it is ORDERED that this matter be and the same is hereby continued until December 17, 1917.

In the matter of the proposed county road petitioned for by J. D. Muir et al.

Comes now J.D.Muir, one of the petitioners for the above named proposed County road, and presents to the court the petition of himself and others, praying for the location and establishment of a county road, described as follows, to-wit: Commencing at the SE corner of the SE $\frac{1}{4}$  Sec. 35, Tp. 3 S.R. 39 E.W.M., running thence west  $1\frac{1}{2}$  miles along the township line between townships 3 and 4 south to the SW corner of the SE $\frac{1}{4}$  Sec. 34, Tp. 3 S.R. 39 E.W.M. running thence south about three-fourths mile along the north and south center line of Sec. 3, Tp. 4 S. Rge 39 E.W.M. to the east bank of Catherine creek; running thence in a southerly

District Attorney, who has advised this Court as to the legality of said proceedings,

It is therefore CONSIDERED and ORDERED by the court that the report of the Board of County Road Viewers be placed on record in this journal, and that the surveyor's profile and plat of the proposed road, and his field-notes of the survey thereof be placed on record in the Book of Plats of County Roads of Union County, Oregon, 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, and that - - - Road Supervisor of Road District No. - 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.

In the Matter of the Proposed County Road petitioned for by W. T. Phy, et al.

This matter came to be heard at this time on the report of the Board of County Road Viewers for a second reading, as provided by law, said report being in words following to wit:

REPORT OF BOARD OF COUNTY ROAD VIEWERS.

To the Honorable County Court of Union County, Oregon:

The undersigned Board of County Road Viewers heretofore on the 9th day of November, 1917, instructed to view, lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by W. T. Phy et al. beg leave to report that on the 21st day of Nov. 1917, in pursuance with said order, we proceeded to view out 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 add greatly 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.

R. R. Neal )  
J. D. Muir ) Board of County Road Viewers

And said report of the Board of County Road Viewers having been now publicly read in open court on two several days of the present term of the court, and it appearing to the court that said Board of County Road 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 Board of County Road Viewers that such road will be of public utility; the report of the viewers being favorable thereto, and all the files and records of said proceedings having been submitted to the District Attorney, who has advised this Court as to the legality of said proceedings,

It is therefore CONSIDERED and ORDERED by the Court that the report of the Board of County Road Viewers be placed on record in this journal, and that the surveyor's profile and plat of the proposed road, and his field-notes of the survey thereof be placed on record in



THIRD JUDICIAL DAY

FRIDAY, JANUARY 4th, 1918

the Book of Plats of County Roads of Union County, Oregon, 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, and that - - - Road Supervisor of Road District No. - 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.

In the Matter of the payment of Taxes on Transient Live Stock to Wallowa County.

Now at this time it is ORDERED that this matter be and the same is hereby continued for the term.

In the Matter of Selecting a Jury list for the year 1918

Now at this time it is ORDERED that the following 200 names, having been drawn in manner provided by law, be and hereby are selected as a list of jurors to serve as such for the year 1918 in the Circuit Court for Union County, Oregon, viz.

NAME	OCCUPATION	RESIDENCE
J. K. Lantz	Farmer	Cove
Seigel Coffman	do	Medical Springs
J. A. Scott	do	Elgin
I. L. Haller	do	Telocaset
J. M. Johnson	Barber	Union
Julius Fisher	Farmer	La Grande
J. W. Chandler	Stockman	do
Wm. Wigglesworth	Farmer	Union
Geo. Arnold	Lumberman	do
J. E. Hall	Farmer	do
G. M. Carnes	do	North Powder
D. W. Sanford	do	Hilgard
G. W. Alexander	do	Cove
Adolph Peebler	do	La Grande
C. A. Hill	do	Telocaset
J. A. Arbuckle	Restaurant	La Grande
J. A. Gaskill	Farmer	Imbler
L. B. Hiatt	do	Medical Springs
F. S. Cline	Contractor	Union
Ed Blaser	Farmer	Elgin
J. E. Wicks	do	North Powder
L. A. Stringham	do	Imbler
D. H. McWaters	do	Hilgard