

No

in

County

Court

Starbuck & Huelat

Plaintiff

vs

Joseph Jones

Defendant

Action for

Docket

Page

J. H. Slater & Sons

Attorney for Plaintiff

Attorney for Defendant

RECEIVED BY THE CLERK OF THE COURT
MAY 1 1881
NEW YORK

111 11
Record of the Case.

Viewers appointed Ind. G P 381
First Reading 401
Ordered open 406

4/17

Petitioned for by
N. S. Marshall
et al

Commencing where the
present County Road runs
west from the farm of
Mrs M. A. Wallace to Island
City crosses the Eastern
line of the SW⁴ of SW⁷
Sec 22 T² S³ R³⁸ E and
terminating at the NE corner
of SW¹ Sec 22 T² S³ R³⁸ E

WITNESSES.

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 5th day of September, 1892, 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

N. S. Marshall, et al, beg leave to report that on the 24th day of September

, 1892, 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 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.

when R. W. Wallace shall cause the said proposed road to put in good working order and construct iron fences along said road. O. P. Goodall & Mulholland Geo. Eckert

PAID.

SEP 20 1892

James Owen
County Clerk

John

To the Hon County Court and Viewers in the
 Matter of a proposed County Road as Petitioner
 for by N S Marshall et al the following Report
 of the Survey of said Road is submitted:

I commenced where the Road leading from
 the Farm of Mrs M A Wallace to Island City
 crosses the eastern Boundary line of the SW⁴
 of the SW⁴ of Sec 22, T. 3, South Range 38 East

Chs	an run from thence East Var 20° East
478	To Angle N ^o 1 Thence N
1367	" " " 2 " East
1500	" " " 3 " N
2000	" the Terminus of the Road at the intersection of the Road running from the Farm of Mrs M A Wallace to Island City whole Distance 214 Rods nearly; Distance to be Vacated 158 Rods

Done Sept 24th 1892

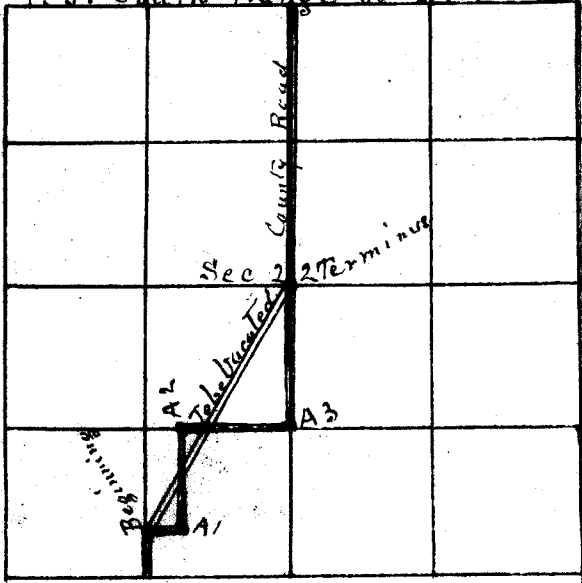
J L Curtis
 County Surveyor

PILLIARD

SEP 30 1892

James O'Leary
County Clerk

T. 3. S. R. 38. E. 1



True Meridian
Line 700 East

Scale 3 in To One Mile

PAID

SEP 20 1892

James Oliver
County Clerk

Petition for County Road.

TO THE HONORABLE COUNTY COURT FOR Union COUNTY, OREGON:

The undersigned, householders of Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, respectfully petition your Honorable body to lay out, alter and establish a County road within said County on the following line or route, to-wit: Commencing where the

present county road running from the farm of Mrs M. A. Wallace to Island City crosses the eastern boundary line of the S. W. 1/4 of the S. W. 1/4 of Sec. 22 T. 3 south. Range 38. E. N. W. running east 20 rods thence running north 55 rods. Thence running east 60 rods. Thence running north 80 rods and terminating at the N. E. corner of the S. W. 1/4 of Sec. 22 T. 3 south. Range 38. E. N. W. The petitioner R. W. Wallace agrees to do the grading necessary to put said road in good traveling condition - and we ask the court, that the road now traveled between the terminal points of the road petitioned for be vacated

And in duty bound your petitioners will ever pray, &c.

NAMES:

N. S. Marshal
R. W. Wallace
John McLeanby
D. W. Johnson
J. J. Sherwood
J. W. Schaubaugh
Geo. Harman
Louis Rogers
J. R. Parker
B. F. Busley
T. H. Baynton
John J. Peeble

NAMES:

J. P. Poyner
James McLeure
W. B. Campbell
John Waldron
O. J. Hester
John Steel
John R. Howard
Frank Egan

County Clerk

James Owen

SEP 7 1892

HILLIARD

Notice of Road Petition.



To all Persons Concerned: You, and each and all of you, will take notice that the undersigned, householders for Union County, Oregon, residing in the vicinity 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 September A. D. 189..., 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 where the present county road leading from the farm of Mrs. M. A. W. Wallace to Island City crosses the eastern boundary line of the S. W. 4 of the S. W. 4 of Section 22 T. 3 south, range 38. East Willamette Meridian running east 20 rods, thence running north 55 rods, thence running east 60 rods thence north 80 rods and terminating at the N. E. corner of the S. W. 4 of Sec. 22 T. 3 south, range 38 E. W. M. The petitioner, R. H. Wallace agrees to do the grading necessary to put said road in good travelling condition - and we ask the court that the road now travelled between the terminal points of the road petitioned for be vacated.

NAMES:

NAMES:

- R. S. Marshall
- R. H. Wallace
- John C. Bayley
- Wm. Johnson
- J. F. Sherwood
- J. W. Shambarger
- Geo. Harman
- Louis Rogers
- J. R. Parker
- B. F. Owsley
- W. H. Boynton
- John J. Beeble

- J. P. Paynor
- James M. Clune
- W. R. Campbell
- John Waldron
- O. J. Hesser
- J. Steel
- John R. Howard
- Frank Eysa

County Clerk

James Owen

SEP 7 1892

HILL, F. D.

STATE OF OREGON, }
 County of Union, }

I, R. N. Wallace

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 one board nailed to a post by the side of the public road, at Grange Hall one at the Commencement of the proposed road nailed to a gate post by the side of the public road, and a third on a gate post by the side of the public road at the farm of B. F. Orsley

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 5th day of August 1892, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 5th day of August 1892, 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 Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

R. N. Wallace
James Oliver
 Clerk

Subscribed and sworn to before me this 7th day of September 1892

James Owen
SEP 7 1892
- F I L E D -

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That we, R. W. Wallace
and J. R. Howard, of the County of Union and State of Oregon, are held and firmly
bound unto said County of Union in the sum of One Hundred 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 7th day of Sept A. D. 1892

Now, the condition of the above obligation is such, That, whereas the above named R. W. Wallace
N. S. Marshall and J. D. Coyner, and others, have
petitioned the County Court of said County of Union, at the September Term, 1892, thereof for a
County Road, commencing as described in the petition and
Notice hereto attached

Now, if the above named R. W. Wallace and others
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 be not granted or allowed,
then that this obligation shall be void, otherwise to remain in full force and virtue.

R. W. Wallace (L. S.)
J. R. Howard (L. S.)

STATE OF OREGON, }
County of Union. }
J. R. Howard R. W. Wallace and
each for himself, says, that I am worth the sum of one
Hundred Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder
in said County and State.

Subscribed and sworn to before me this 7th day of Sept A. D. 1892
James Oliver
County Clerk.

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

IN THE MATTER OF THE

N. J. Munkell

ROAD.

ROAD OF ROAD PETITIONERS.

Approved

Sept 7 1892

County Judge.

189

County Clerk.

Deputy.

FILED.

SEP 7 1892

James Oliver

County Clerk.

This Judicial Day.

Wednesday, Sept. 7th 1897.

In the matter of the proposed
County Road petitioned for by
N. S. Marshall et al

Comes now R. W. Wallace 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 where the present County road running from the farm of Mrs. M. A. Wallace to Splend City crosses the eastern boundary line of the SW⁴ of the SW⁴ of Sec 22 Tp 3 S Range 38 E. B. M., running east 20 rods thence running North 55 rods, thence running east 60 rods, thence running North 80 rods and terminating at the NE corner of the SW⁴ of Sec 22 Tp 3 S R 38 E. B. M. The petitioner R. W. Wallace agrees to do the grading necessary to put said road in good traveling condition, and we ask the Court that the road now traveled between the terminal points of the road petitioned for be vacated.

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 the public places in the vicinity of said proposed road, to-wit: One on a board nailed to a post by the side of the public road at Grand Hall, One at the commencement of the proposed road nailed to a gate post by the side of the public road and a third on a gate post by the side of the public road at the farm of B. F. Owsley 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 costs of this proceeding has been duly given. It is therefore ordered that Ed Mulholland, Geo Getler and O. P. Goodall be appointed Viewers of said road and that J. L. Curtis be appointed surveyor and that they meet at Beginning of the Road on the 24 day of Sept.

Third Judicial Day

Wednesday Sept. 7th 1892

1892 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
County Road petitioned for by
J. N. Chandler et al

This matter came out to be heard at this time on the remonstrance filed herein asking that the petition in the above entitled road be overruled and dismissed. And it appearing to the Court that the petition for the above road is signed by a greater number of legal householders residing in the vicinity of the road than the remonstrance. It is therefore considered and ordered that the Remonstrance herein be overruled and dismissed.

In the Matter of the proposed
County Road petitioned for by
J. N. Chandler et al

Come now L. E. Larsen 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 SW corner of the N E^{1/4} of Sec Seventeen (17) T¹ 2 N R 40 E and running thence West $\frac{1}{4}$ mile thence N $\frac{1}{4}$ mile thence East $\frac{1}{4}$ mile and there terminating. And we further petition your honorable body to declare vacated the present County road connecting the termini of the above proposed County Road. All of the above points and places being in 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 public school building in the district where road is asked for One in the County road near the residence Mulenburg and one in

Third Judicial Day

Wednesday Oct 5th 1892

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 in the Post Office at Medical Springs, One at the beginning of the proposed road on a board nailed to a fence post and one on a box 1/4 mile from the terminus of the road and on the line of the proposed road in a public place 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 D. R. Fruit, Wm Poppy and P. Burford be appointed Viewers of said road, and that J. L. Curtis be appointed Surveyor of said road and that they meet at Dan Fruit's residence on the 21 day of October 1892 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 Road,
petitioned for by J. N. Chandler.

This matter came on to be heard at this time on the report of the Viewers heretofore appointed herein and it appearing to the Court that said Viewers have reported unfavorable and recommended that said road be not opened. It is therefore considered and ordered that the petition filed herein be dismissed.

In the Matter of the Road,
petitioned for by N. S. Marshall
et al

This matter came on to be heard at this time on the report of Viewers filed herein for first reading and the said Report having been read in open Court for the first time as required by law. It is ordered that the same be laid over for further reading on some other day of this term.

Fourth Judicial Day

Thursday Oct 6" 1892

Court met pursuant to adjournment

The same officers were present as on yesterday

Due proclamation of the opening of court having been made the Journal of yesterday's proceedings was read approved and is here now signed

J. V. Sanders
County Judge

Whereupon the following proceedings were had, to wit:

On the matter of the proposed
County Road petitioned for by
N. S. Marshall et al

This matter came on to be heard at this time on the reports 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 5 day of Sept 1892 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 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 when R. W. Wallace shall cause the said proposed road to be put in good traveling condition and construct wire fence along said road

O. P. Goodall
E. Mulholland
Geo. Gepler

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 ap-

Fourth Judicial Day

Thursday Oct 6" 1892

pearing to the Court that said viewers report favorably thereon, and recommend that said proposed road be established as a County road and declared a public highway of Union County, Oregon, where R. W. Wallace shall cause the said proposed road to be put in good traveling condition and construct wire fences along said road, 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 when the said R. W. Wallace shall have caused the said proposed road to be put in good condition and repairs for travel and constructed wire fences along said road. It is further ordered that the report of the viewers be placed on record in this journal, and that the surveyors 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 O. P. Goodall Road Supervisor of Road Dist 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. It is further ordered that a copy of this decree be sent to R. W. Wallace.

In the Matter of Alex Thompson
Ex Road Supervisor

This matter came on to be heard at this time on the Representation made to the Court that Alex Thompson who was appointed by the Court at the January term thereof as Supervisor of Road District No 39 had received the first apportionment made to his district for the year 1892 and afterwards left the County without spending said apportionment on the County Roads of said Dist or turning the same over to his successor, that he has returned but has not yet made settlement with his successor or with this Court. It is therefore considered and ordered by the Court that said