

Road petitioned
for by
Nathan Nelson et al

No 2 —

viewers appointed
Sam Galaway Wm Stetson
and John Barnes
Surgeon J W Kimbrell
met at the beginning of
this road May 30th 1888
at ten o'clock A.M.

REVISED 1888
MAY 30 1888
65 W 1 C
A 58 1
EN 100
IP 2 V 100
A 100
EN 100

303

St Paul

Arriving at 8:00 cor of St & Bee 36
 5 11 & 12 to 6 house by about 1/2 mile
 house by about 1/2 mile house by about
 1/2 mile

303

1888

May 17 Colton see Bureau office
 Journal # 238
 July 7 Advertiser office
 Journal # 326
 Sept 5 Reading report
 Journal # 405
 Sept 6 ordered special
 Journal # 411
 Nov 10 furnished on River Co. of
 Journal # 457

To The How County Court for
Union County Oregon

The undersigned
householders of Union County
Oregon residing in the County
of the proposed County roads
hereinafter described respectfully
petition your Hon. body, to cause
to be laid out and established
a County Road or said County
road the following line or route
to wit: Commencing at the East
East Corner of the North East quarter
of Section 36 Township 4 South of
Range 40 East of the Willamette
Meridian. Thence Easterly about
half mile to the South East Corner
of the North West quarter of Section
31 Township 4 South of Range 40
East of the Willamette Meridian
Thence northerly about one fourth
mile. Thence Easterly about one
half mile. And so duly bound
Your petitioners will ever pray &c

names	names
Nathan Nelson	John Kelling
James Nelson	W. Young
William Murray	Bernard Logsdon
George Simmons	Robert V. Haves
A. Beckrell	John Bates
M. George	Worden Hathaway

At Gagnon
C. Leage
Charles Goady
Charles T. T. A.
Alfred Church
G. N. Baughen
J. G. DeBord
L. P. Lanier
J. W. Hummer
W. F. Mummy
E. Drapeau
W. Small
Andrew Wilkinson
Jacob Wilkinson
B. W. Bates
John Cline
John Wilkinson
Peter Smith
J. A. Russell
J. M. Blaine
G. B. Hagarty
R. M. Gable
A. Baxter
Charles Dickson
Matt. W. Mitchell
Jacob Corbett
Alex Cochran
J. H. Fisher
John Wilkinson
G. J. McDonald
Frank Powell
J. M. Selzer
James Payne
C. G. Allen
S. B. Burroughs
S. B. Stearns
J. S. Emford
A. Debra
J. W. Mummy
A. Wilson

To All Whom it May Concern
You will take
Notice that the undersigned household-
ers of Thurou County Oregon residing
in the vicinity of the proposed
county road hereinafter described
will on the 9th day of May 1888 that
being the fourth day of the May term
1888 of the County Court for Thurou
County Oregon for the transaction
of County business present a
Petition to said County Court
asking said Court to cause to be
laid out and established a
County road upon the following
line or route to wit. Commencing
at the South East corner of the
North East quarter of Section 36 Town-
ship 4 South of Range 40 East of
the Willamette Meridian Thence
Easterly about one half mile
to the South East corner of the
North West quarter of Section 31
Township 4 South of Range 41 East
of the Willamette Meridian Thence
Northwily about one fourth mile
Thence Easterly about one half
mile

Names	Names.
Mathew Nelson	
James C. ...	

Thence Easterly about one half
mile

Names

Arthur Nelson
James Nelson

Names

William Murray, J. M. Bloom

George Simmons

A. Coakell

M. Sarger

E. Gagnon

A. La Page

Charles Covey

Charles J. Potter

Alfred Munnick

G. N. Baucher

A. C. DeBord

L. P. Lamers

J. M. Munnick

W. F. Munnick

E. Deaper

W. S. Small

John Welling

Dr. M. Worthing

Bernard Logsdon

Robert V. Davis

John Bates

Worden H. Haway

Andrew Wilkinson

Jacob Wilkinson

B. W. Bates

John Blinn

John Wilkinson

Peter Gayle

J. A. Russell

L. B. Florry

B. Morris

H. J. Foster

Charles Dickison

Matt W. Murrell

Jacob Corwin

Alan Cochran

J. H. Fisher

John Stukesson

J. J. McDonald

Frank Newell

J. M. Selzer

James Payne

C. G. Olson

S. B. Burroughs

L. B. Stearns

J. S. Burford

R. B. Blair

J. H. Munnick

J. H. Munnick

STATE OF OREGON,
COUNTY OF UNION. } ss.

I E. Draper being first duly sworn, say that I posted three several notice, of which the notices hereto 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 tree standing by the road side about 30 rods West of M^{rs} Munnings house, one about 20 rods in a NE direction from M^{rs} Munnings house on a tree by the road side and one about a quarter of a mile East from the last named, by the side of the road or ~~at~~ the terminus of the proposed road, which last named is on a stump, and all in plain view ^{and public places} Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 2nd day of April 1888, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: on the 3rd day of April 1888, 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 town of Union, in said County, 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 16th day of May 1888

E. Draper
R. S. Neill Clerk
By J. Oliver Deaky

Know all Men by these Presents:

THAT ~~we~~ *E. Draper & O. P. Jaycox* and
of the County of *Union*

and State of Oregon, are held and firmly bound unto the 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 *16* day of *May* 188*8*

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by *Nathan Nelson* and others, and presented at the *May*

Term, 188*8* of the County Court of said *Union* County, commencing at *S.E. Corner*

of NE 1/4 Sec 36 T 4 S R 40 E N M. Thence Easterly about a half mile to S.E. cor of the NW 1/4 Sec 31 T 4 S R 41 E N M. Thence Northerly about 1/4 mile thence Easterly about 1/2 mile.

be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

E. Draper
O. P. Jaycox

STATE OF OREGON,

County of *Union* } ss.

I *E. Draper* and

and *O. P. Jaycox* each for ^{himself, says} ~~each for himself says~~ that I am worth the sum of

Two Hundred Dollars over and above all debts and liabilities and property exempt

from execution, and that I am a resident and householder in said County and State.

E. Draper
O. P. Jaycox

Subscribed and sworn to before me, this *16* day of *May* A. D. 188*8*

J. A. Neill Clerk,

By *Turner Oliver* Deputy.

Bond of Road Petitioners.

Nathan Nelson

et al

Petitioners.

Filed May 16th 1888

A. S. Hill

County Clerk.

By James Oliver

Deputy.

REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 16th day of *May*, 1888, 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 *Nathan Nelson*, et al, ^{No. 2} beg leave to report that on the 31st day of *May*, 1888, 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 a* *good and* _____ practicable, ^{and} *Route* and would add *much* 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.

J. Samuel Galloway
J. H. Hays
W. M. Storer

Filed June 6. 1887
O. S. Mills
Clerk

Sec
25

sec
30

Mumey Jr

W A Porter

W

Mrs Mumey

Sec
36

Nathan Nelson Road No 2

sec 37

Nathan Nelson

S W Ames

S A Puse

T4S R40 E 100m

T5S R40 E 100m

T4S R41 E 100m

T5S R41 E 100m

Field Notes of the Survey of the

Proposed County Road of Nathan Nelson No. 2, and others
I started at the S.E. Corner of N.E. 1/4 Sec. 36, in T. 4, S. R. 40, E. 10, W. 1, in
a 1/4 Sec. Stone marked R in Mound of Stone, from which

run S 81° E 60 Rods to Stake A 1

Thence N 79° E 24 Rods to A 2

" N 56° 30' E 54 " " A 3

" East 20 " " A 4

" S 73° E 22 " " A 5

" S 57° E 24 " " A 6

" S 80° E 20 " " A 7

" N 5° W 80 " " A 8

" East 16 Rods to M.

a Pine Tree 20 inches Diameter

Thence East 84 Rods to A 9

" N 87° 30' E 52 " " A 10

" N 68° 30' E 16 " " A 11

" N 78° E 5 " " A 12

" S 55° E 5 " " A 13

" S 22° 30' E 14 " " A 14

" S 3° E 12 " " R. T.

a Pine Tree 20 inches

Diameter. This 31st Day of May 1886

J. W. Kimbrell Deputy
County Surveyor

Filed June 6, 1888

O. J. Mills
Clerk

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

In the matter of the
County Road petition
for by H. Nelson et al
No. 2.

Now at this time comes
H. H. Porter the owner of land
through which the above
entitled proposed road as
viewed and laid out
extends and Remonstrates
against the Court establish-
ing and ordering the same
opened for the reason
1st That the Court has no
jurisdiction.

2nd That the facts set out
in the Petition are insuffi-
cient.

3rd That the facts set
out in the notice posted
are insufficient.

J. W. Hornsford
Atty for Remonstr.

Bank of
Maine Bank

In Matter of
Bank of
for the
at No. 20, 21

Remittance

Dated July 6th 1888

Wm. J. Neill clerk
Register of Deeds

copy
Mention to
over-ruled July 7th 1888

Wm. J. Neill
at No. 20, 21

In the County Court of the State
of Oregon for Union County.
In the matter of
County Road No. 2
Petitioned by T. Nelson
et al

Now at this time comes
T. H. Porter the owner of the
N.W. 1/4 of Sec 31. T. 4 N. R. 41 & W. 1/4
through which said proposed
road as viewed and laid
out extends and claims
that his said lands will
be rendered less valuable by
the location and opening
of said proposed road
to his damage in the sum
of \$175.00

Wherefore he asks that
viewers be appointed to
view and assess said
damages

W. H. Crawford
Atty for T. H. Porter

County Court
Main County

In Matter of Road
petition for
H. W. Wilson vs
No. 2

Claim of
H. W. Wilson for
damages

Dated July 7th 1888
D. J. Mill clerk
By James Oliver Depty

D. H. Smith
for Plaintiff

In the County Court of the State
of Oregon for Union County
In the matter of the
County Road petition
for by W. Nelson et al
No. 2

Now at this time comes
Geo. H. Ames the owner of the
S. 1/4 of Sec 31 T. 4 S. R. 41 E. N. 10.
through which the above proposed
road as viewed and laid out
extends and claims that his
said lands will be rendered
less valuable by the location
and opening of said proposed
road to his damage in the
sum of \$100⁰⁰

Therefore he asks that referees
be appointed to view and as-
sess said damage

J. H. Cooper
Atty for Geo. H. Ames

Sam'l Grant
Maine County.

In matter of
Ezekiel Williams
vs. W. Thomas et al
No. 2

Balance of \$20.00
Amount for
ages

Dated July 7, 1888
C. H. Hall Clerk
Register of Probate

J. H. Grant
for Plaintiff

In the County Court of the State of Oregon
for the County of Union

In the matter of the Proposed
County Road petitioned for
by Nathan Nelson et al No 2

State of Oregon }
County of Union } ss

We the undersigned, duly appointed appraisers, appointed by the County Court of the State of Oregon for the County of Union to appraise the damages that will accrue to G. W. Ames and M. H. Porter, claimants herein, on account of the establishment and construction of the said proposed road, being first duly sworn say that we will support the Constitution of the United States and the State of Oregon and will faithfully and impartially perform our duty in this behalf to the best of our ability so help us God.

Subscribed and sworn to
before me this July 14th 1888
A. J. Nell clerk
By James Oliver Deputy

Robert Shave
John Dobbin
G. W. Johnson
mark

Witness A mark
James Oliver

Filed July 14 " 1888
At Mill creek
By James Oliver Deary

No 2

In the County Court of the State of Oregon for Union County
In the matter of the Proposed
County Road petitioned } No 2
for by Nathan Nelson et al }

In the Hon the County Court
of Union County Oregon

We the undersigned Appraisers heretofore appointed
by your Honorable Body to view and appraise the
damages that would accrue to G. W. Ames and
W. H. Porter from the laying out of the said proposed County
Road would respectfully report. That we met at the
County Clerk's Office in the City of Union on Saturday
morning July 14. 1888 and were duly sworn to faithfully
discharge our duties after which we proceeded to
view the said proposed road through the whole distance
thereof through the premises of W. H. Porter and G. W. Ames
and find that the premises of both of the said claimants
W. H. Porter and G. W. Ames will not be rendered less
valuable by the construction of said proposed road
but on the contrary will be benefited by such
construction, therefore we award no damages to either
of said claimants

Dated this 14th day of July AD 1888

John Dobbin } Viewers and
D W Johnson } Appraisers
Robert Shaver

1
Bill July 14" 1888

A. M. Will clerk

Raymond Oliver

Repey

BE IT REMEMBERED, That at a Regular Term of the Circuit Court of the State of Oregon, for the County of Union, begun and held at the Court House in the City of Union, in said County and State, on Monday, the 24th day of September A. D. 1888, the same being the Fourth Monday in said Month, and the time fixed by law for holding a regular term of said Court, when were present:

The Hon. James A. Fee Judge, Presiding;
 J. L. Rand Dist. Attorney,
 A. J. Neill Clerk,
 A. N. Hamilton Sheriff.

When, on Saturday the 6th day of October A. D. 1888 or the Twelfth Judicial day of said Term, among others, the following proceedings were had, to-wit:

M. N. Porter
 vs
 The County of Union

Now at this time came on to be heard upon the petition for Writ of Review and the return of the proceedings in the County Court in the Matter of the County Road petitioned for by Nathan Nelson et al No 2 attached thereto the Plff appearing by J. N. Crawford of Counsel and Deft appearing by J. L. Rand Dist Atty and Baker Shelton & Baker of Counsel and the Court having heretofore heard the arguments of Counsel and taken the same under advisement till this time and the Court being now fully advised, It is therefore ordered and adjudged that said Writ of Review be and the same is hereby sustained and all the proceedings of the County Court of Union County Oregon touching the laying out establishing and ordering opened the County road petitioned for by Nathan Nelson and others May the 16th 1888 Numbered 2 and by said writ sought to be reviewed herein be and the same is hereby in all things set aside, cancelled and held for naught, and it is further adjudged that Plaintiff have and recover off from Defendant his costs and disbursements herein to be taxed, and that a mandate be sent from this Court to the County Court and that a judgement be there entered in accordance herewith.

(Signed) James A. Fee
 Circuit Judge

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

I, A. J. Neill Clerk of the
Circuit 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 Cause 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 9 day of Oct A. D. 1888

A. J. Neill Clerk.
By Turner Oliver Deputy

Second Judicial Day

Thursday May 17th 1888

In the Matter of the
proposed County Road peti-
tioned for by Nathan
Nelson et al. No 1

This matter came on to be heard upon the petition of Nathan Nelson and 51 others for a county Road described as follows, to-wit: Commencing at what is known as the Clarke Cabin about 40 rods West and about 30 rods North from the South East corner of the South West quarter of section 6 Township 5 South of Range 41 East of the Willamette Meridian. Thence North Easterly to the N.E. corner of said quarter section, thence North Westerly to the S.E. corner of the N.E. quarter of section 36 Township 4 South of Range 40 East of the W.M., thence North westerly to the N.W. corner of N.E. Sec 21 T 3 S R 40 E. W.M. said proposed road to run as near as may be on the line of the survey heretofore made by G.M. Kimbrell Deputy County Surveyor under an order of this Court in the matter of the County road petitioned for by E. Inapier and others the field notes and plat of which survey were filed in the office of the County Clerk of said County on the 3rd day of February 1888, and it appearing ^{from proof filed herein} that due and legal notice of the pendency of this proceeding, had been given, that more than twelve of said petitioners are legal householders living in the vicinity of the proposed road and a good and sufficient undertaking having been filed herein It is therefore considered and ordered that Samuel Galloway, John Huines and Wm Stokes be appointed Viewers and G.M. Kimbrell Surveyor to view and survey said proposed road and that they meet at the Clarke Cabin ^{at 10 o'clock} at 10 o'clock A.M. and duly qualify before they proceed ^{to perform} their duty in this behalf.

In the Matter of the
proposed County Road
petitioned for by Nathan
Nelson et al. No 2

This matter came on to be heard at this time on the petition of Nathan Nelson and 51 others for the establishment of a County road as follows viz: Commencing at the South East corner of N.E. Sec 36 T 4 S R 40 E. W.M. Thence Easterly about 1/2 mile to the S.E. corner of N.W. Sec 31 T 4 S R 41 E. W.M. Thence Northerly about 1/4 mile thence Easterly about one ^{half} mile, and it appearing to the Court from proof filed herein that due and legal notice of the pendency of this proceeding has been given, that more than twelve of said petitioners are legal

Second Judicial Day

Thursday May 11th 1888

householders living in the vicinity of said proposed road that a good and sufficient undertaking has been filed herein and no remonstrance having been filed or cause shown why such road should not be viewed and surveyed according to Law It is therefore considered and ordered that Samuel Galloway, William Stiker and John Haines be appointed Viewers and J. N. Kimbrell Surveyor to view, survey and layout said proposed road and that they meet at the beginning of said proposed road on Wednesday May 30th 1888 ^{at 9 o'clock AM} and duly qualify before they proceed with their duty on this behalf.

In the Matter of the
County Road petitioned
for by D. B. Rees et al

At this time is presented to the court the petition of D. B. Rees and 39 others praying for the establishment of a county road as follows, to wit: - Beginning at a stake marked No 1 on the County Road at the LaBuff farm, about 300 rods East of the LaBuff dwelling house in S. 1/4 of T. 11ⁿ. Sec 22 T. 4 S. R. 40 E. T. M. where the old road turns South and crosses the creek, and goes in a South Easterly direction up what is known as the Murray Gulch, keeping on the East side of said gulch to the farm of Geo. M. Simmons, passing through said farm in nearly the same direction, going between the house and stable of said Geo. M. Simmons to the West line of Sec 26 T. 4 S. R. 40 E. T. M. Thence South on said line to a stake marked No 2 near the South West corner of said Sec. Thence in a South Easterly direction on the most practicable route and terminating at a stake marked No 3 about 80 rods West of S.E. Corner of Sec 36 T. 4 S. R. 40 E. T. M. and it appearing to the court from proof filed herein that due and legal notice of the pendency of this proceeding has been given, that more than twelve of said petitioners are legal householders living in the vicinity of said proposed road and that a good and sufficient undertaking has been filed herein and no remonstrance having been filed herein or cause shown why said petition be not granted, It is considered and ordered by the court that John Johnson, A. B. Cook and John Haines be appointed Viewers and J. N. Kimbrell surveyor to view and survey said proposed road, and that they meet at the old LaBuff place on Monday May 28th 1888 at 10 o'clock A.M. and duly qualify before they proceed with their duty on this behalf.

Third Judicial Day

Saturday July 7th 1888

In the Matter of Issuing
a County warrant }

At this time it appearing that G. T. Thompson who is building a bridge for the County at the Morelock Crossing of Grande Ronde River, has contracted for Iron &c. for use in the construction of said Bridge. It is ordered by the Court that the clerk issue a Warrant on the Treasurer for One Hundred ^{fifty} Dollars (\$150) in favor of said Thompson as a part of the contract price of said Bridge, & pay for said Iron & materials.

In the Matter of Costs
in Roads not allowed }

It is hereby ordered by the Court that the clerk of this Court be instructed to require a strict compliance with Sec. 4074 of the Code, and in all cases where County roads are petitioned for and ordered surveyed, but are not ultimately made County roads, that the petitioners, through their bondmen, be required to reimburse the County for all costs incurred.

In the Matter of the
Proposed County Road
petitioned for by Nathan
Nelson et al No 2 }

This matter came on to be heard upon the reports of the Viewers and Surveyor heretofore appointed herein and said reports are now read in open Court for the first time and are passed over for a second reading at some other day of this Court. Thereupon comes H. H. Potter, ~~and~~ demonstrates against said proposed road, E. H. Crawford of Council appearing for Remondorath and Baker Shelton & Baker of Council for Petitioners and after argument of Council and consideration by the Court, it is ordered that the Remondorath be overruled and denied. Thereupon H. H. Potter and Geo. W. Ames respectively, by their Atty. J. H. Crawford Esq. file their claims for damages herein and it is ordered by the Court that John Dabbin, Robt Shaw and D. W. Johnson be, and they are hereby appointed appraisers to view said proposed Road the whole distance thereof through the premises.

Third Judicial Day

Saturday July 7th 1888

of H. B. Posten and G. W. Ames, the said claimants and report to the Court how much less valuable said premises will be rendered by reason of the construction of said proposed road. And it is further ordered that said appraisers meet at Union on Saturday July 14th 1888 and after having first made and subscribed an oath to faithfully and impartially discharge their said duty that they proceed with their duty in this behalf.

In the Matter of the
Proposed Co. Road petitioned
for by M. D. Carter et al.

This matter came on for hearing at the last regular term of this Court on the Report of the appraisers theretofore appointed and who had awarded \$112.00 to W. Beach. And at that time it was ordered that the petitioners pay the damages by the third day of this term of the Court, when if said damages were paid said proposed road would be declared a public highway and opened according to law, but not otherwise. And at this time come Mr. Parker and represents to the Court that the county ought to pay the damages that the appraisers have awarded Mr. Beach herein. And the Court having thoroughly considered the matter are still of the opinion that the road is not of sufficient public utility to warrant the County Court in ordering said damages paid by the county, and that in case said road is opened the County will necessarily incur the expense of building a bridge over Grande Ronde River, which this Court is of the opinion is as much as the County ought to pay on said proposed road. And further, that if said proposed road will be of much special advantage and convenience to the petitioners they ought in equity to reimburse said Beach for such damages as the appraisers have decided would accrue to him. It is therefore considered and ordered by the Court that said proposed road be declared a public highway and ordered opened according to law, when, and only when the petitioners have paid said damages to said claimant Beach, or when the petitioners and said claimant have satisfactorily arranged the matter between themselves and filed with the clerk of this Court the certificate of said claimant that the question of damages herein has been satisfactorily arranged and settled.

Trist Judicial Day

Wednesday Sept 5th 1888

respectfully report that we met at the county clerks office in the city of Union on Saturday Morning July 14, 1888 and were duly sworn to faithfully discharge our duties after which we proceeded to view the said proposed road through the whole distance thereof through the premises of G. H. Ames and M. P. Ames and find that the premises of both of the said claimants G. H. Ames and M. P. Ames will not be rendered less valuable by the construction of said proposed road but on the contrary will be benefitted by such construction therefore we award no damages either of said claimants.

Dated this 14th day of July A.D. 1888.

John Dobbin }
 J. W. Johnson } Viewers and
 Robert Shaw } Appraisers "

which report is read and approved by the Court and ordered placed on record.

In the Matter of the }
 proposed County Road }
 petitioned for by Nathan }
 Nelson et al No 2. }

This matter came on to be heard at this time on the reports of the viewers and surveyor heretofore appointed herein, and said reports having been read in open court for the first time during this term are laid over for a second reading on some other day of this term. And the appraisers heretofore appointed to view and assess the damages that would accrue to M. H. Porter and G. H. Ames on account of the construction of the proposed road having performed their duty herein and reported to the Court as follows:

In the County Court of the State of Oregon for Union County }
 In the Matter of the proposed }
 County Road petitioned for }
 by Nathan Nelson et al No 2 }

To the Hon. the County Court of Union County Oregon We, the undersigned appraisers heretofore appointed by your Honorable Body to view and appraise the damages that would accrue to G. H. Ames and M. H. Porter from the laying out of the said proposed County Road, would respectfully report that we met at the County Clerks office in the city of Union on Saturday Morning July 14, 1888 and were duly sworn to faithfully discharge our duties after which we proceeded to view the said proposed road through the whole distance thereof through the premises of M. H. Porter and G. H. Ames and find that the premises

First Judicial Day

Wednesday Sept 6th 1888

both of said claimants W.H. Porter and G.W. Ames will not be rendered less valuable by the construction of said proposed roads, but on the contrary will be benefitted by such construction, therefore we award no damages to either of said claimants. Dated this 14th day of July A.D. 1888

John Dobbin }
D.W. Johnson } Viewers and
Robert Shaw } Appraisers

Which report is read and approved by the Court and ordered placed on records.

Thereupon it was ordered that Court be now adjourned till tomorrow morning at 8 o'clock

Second Judicial Day

Thursday Sept 6th 1888

Court met pursuant to adjournment, the same officers being present as on yesterday.

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

W. D. Goodall
County Judge

Thereupon the following proceedings were had, to wit:-

In the Matter of Certain }
obstructions in County }
Roads }

At this time it appearing to the Court that there are various and sundry obstructions in the County roads throughout the County, caused by parties whose lands join the County roads neglecting and refusing to place their fences on the proper lines, by others joining wire fences to County bridges, by others running irrigating ditches along the County roads &c. and sundry complaints having been made to the Court in these matters, and the Court believing that the interests of the County and the utility of the public highways should be protected. It is therefore considered and ordered by the Court that the various road supervisors of Union County be instructed to clear all roads in their respective road districts of all obstructions of every

Second Judicial Day

Thursday Sept 6th 1888

North of the NE corner of the NE 1/4 Section 21 in T3 S. R. 40 E. N. W. This 31st day of May 1888
 J. W. Kimbrell, Dep. Co. Surveyor

In the matter of the Proposed
 County Road petitioned for
 by Nathan Nelson et al No 2.

This matter came on at this time to be heard on the reports of the Viewers and Surveyor for a second reading, and such reports being favorable and having been read at two different days of this term, and it appearing that all the proceedings herein have been regular and according to law, and no remonstrance or bill for damages are now pending, all having been regularly and legally disposed of, and it further appearing that the proposed road would be of great public utility and no good cause having been shown why the proposed road be not declared a public highway of Union County, It is therefore considered and ordered that the reports of the Viewers and Surveyor herein be approved and placed on records, and the proposed road be declared a public highway and opened according to law.

Report of Viewers

To the Honorable County Court for Union County Oregon:-

The undersigned viewers heretofore on the 16th day of May, 1888, appointed to view and lay out the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by Nathan Nelson, et al, No 2, by leave to report that on the 31st day of May 1888, 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 and lay 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 a good and practicable route and would add much to the convenience of the house-holders residing in the vicinity thereof, we therefore recommend that said proposed road be laid out and declared a public highway of said County.

Samuel Galloway
 John Higginbotham
 W. M. Stoker

Field Notes of the Survey of the proposed County Road of Nathan Nelson No 2. and others.

Started at the SE corner of NE 1/4 Sec 36 in T4 S. R. 40 E. N. W. a

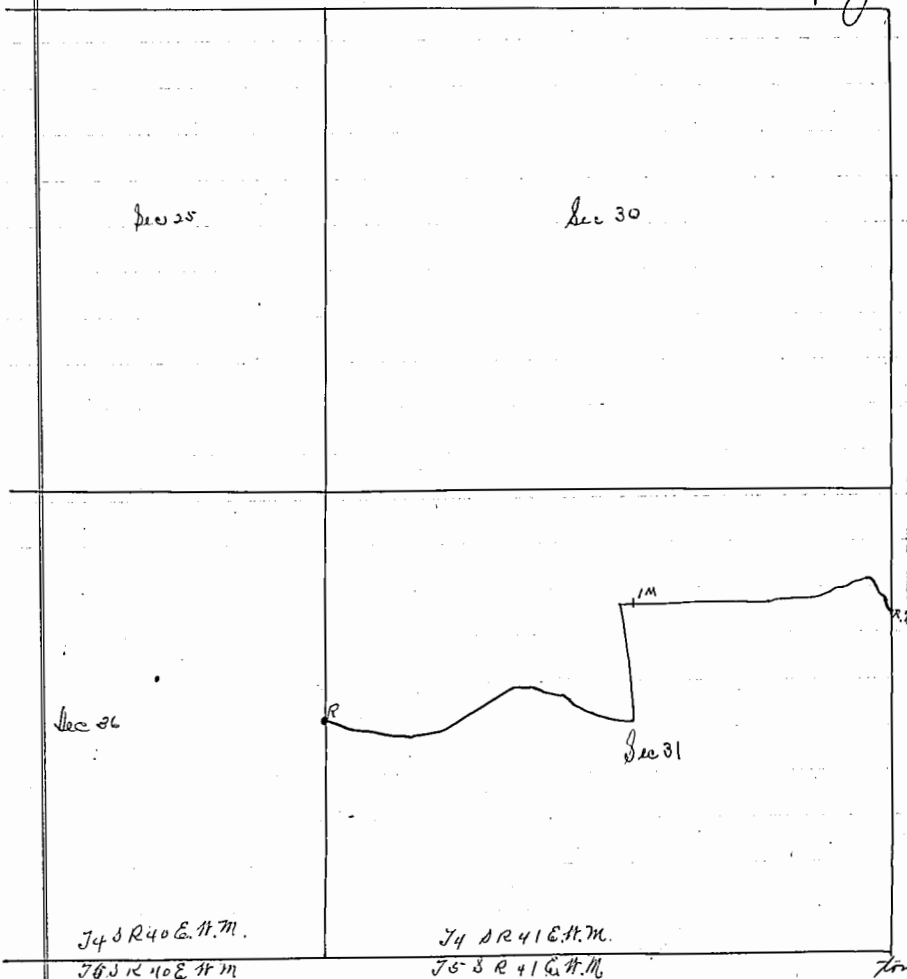
Second Judicial Day

Thursday Sept 6th 1888

1/4 sec stone marked R in mound of stone, from which I run
 South 81° E. 60 rods to stake A 1
 Thence N 79° E 24 " " " A 2
 " N 56° 30' E 54 " " " A 3
 " East 20 " " " A 4
 " S 73° E 22 " " " A 5
 " S 57° E 24 " " " A 6
 " S 80° E 20 " " " A 7
 " N 5° W 80 " " " A 8
 " East 16 " " " + 1 M a pine tree 20 inches diameter
 " " 84 " " " A 9
 " N 87° 30' E 52 " " " A 10
 " N 68° 30' E 16 " " " A 11
 " N 78° E 5 " " " A 12
 " S 55° E 5 " " " A 13
 " S 22° 30' E 14 " " " A 14
 " S 3° E 12 " " " R. J. a Pine tree 20 inches
 in diameter.

this 31st day of May 1888

J. M. Kimbrell
Deputy County Surveyor



Thereupon it was
 ordered that Court
 be adjourned till
 tomorrow morning at 9 o'clock

South Judicial Day

Saturday Nov 10th 1888

District Attorney and Baker Shelton & Baker, its Attorneys and the Court being now fully advised in the premises finds no error in the record of said proceedings in said County Court. It is therefore considered and ordered that said petition be and the same is hereby dismissed and that the restraining order heretofore issued in said cause be and the same is hereby dissolved and set aside, and that said Defendant have and recover off and from said Plaintiffs its costs and disbursements of this Suit to be taxed and that a mandate from this Court be sent to said County Court and Judgment be there entered in accordance herewith.

Signed James A. Dee, Circuit Judge

But it appearing to the Court that an Appeal has been taken from the the Judgment of said Circuit Court to the Supreme Court of the State of Oregon, It is ordered that this matter be continued for the Term.

In the Matter of the }
Proposed County Road }
petitioned for by Nathan }
Nelson et al No. 2. }

This matter came on to be heard at this time on the mandate on the Circuit Court filed herein, and it appearing to the Court that this proposed road was petitioned for, viewed and surveyed and ordered opened and declared a public highway of Union County Oregon, and that thereafter M. V. Porter sued out a Writ of Review in the Circuit Court of this County, on certain alleged errors of this Court, and said Circuit Court having considered the questions involved in said Writ of Review, made a decree in said cause as follows, to wit:-

Be it Remembered, that at a Regular Term of the Circuit Court of the State of Oregon, for the County of Union, begun and held at the Court House in the City of Union, in said County and State on Monday, the 24th day of September A.D. 1888, the same being the fourth Monday in said Month, and the time fixed by law for holding a regular term of said Court, when were present:-

Then Now James A. Dee Judge, Presiding;
J. S. Rand Dist. Attorney,
A. J. Neils Clerk
A. H. Hamilton Sheriff.

Then on Saturday the 6th day of October A.D. 1888 at the twelfth Judicial day of said Term, among others, the following proceedings

Fourth Judicial Day

Saturday Nov 10th 1888.

were had, to wit:-

W. H. Porter

vs
The County of Union

Now at this time this cause came on to be heard upon the petition for Writ of review and the Return of the proceedings in the County Court in the matter of the County Road petitioned for by Nathan Nelson et al No 2, attached hereto, the Plff appearing by W. H. Crawford of Counsel and Deft appearing by G. B. Rand Dist Atty and Baker Shelton & Baker of Counsel and the Court having heretofore heard the arguments of Counsel and taken the same under advisement till this time and the Court being now fully advised, It is therefore ordered and adjudged that said Writ of Review be and the same is hereby sustained and all the proceedings of the County Court of Union County Oregon touching the laying out establishing and ordering opened the County road petitioned for by Nathan Nelson and others, May the 16th 1888 Numbered 2, and by said Writ sought to be reviewed herein be and the same is hereby in all things set aside, cancelled and held for naught, and it is further adjudged that Plaintiff have and recover off and from Defendant his costs and disbursements herein to be taxed, and that a mandate be sent from this Court to the County Court and that a judgment be there entered in accordance herewith.

Signed J. James A. Rice

Circuit Judge

It is therefore considered and ordered that all the proceedings had herein be dismissed in accordance with said Decree of the Circuit Court. And it further appearing that a Judgment was entered in said Circuit Court for the costs of said trial as follows, viz: Trial fee paid by Plff W. H. Porter \$6⁰⁰, Clerk's fees \$16⁰⁰, Sheriff's fee \$5⁰⁰ and Statutory atty fee \$10⁰⁰. It is therefore ordered that the Clerk issue warrants on the Treasurer in favor of said W. H. Porter for said Trial fee and Atty fee, and in favor of A. H. Neill for said Clerk's fees and one in favor of J. K. Hamilton for said Sheriff's fees.