

No 268

Circuit

Court

George Wright and son

Plaintiff,

vs

W J Duncan

Defendant

Action for *Money*

Docket *A* Page *446*

O F Bell

Attorney for Plaintiff

Attorney for Defendant

PLAINTIFF
DEFENDANT
COURT
DOCKET
PAGE

Record of the Case

1889
 July 3 Pet Rec Viewers app'd
 Jnl D p 579 page
 Sep 4 Reports 1st reading, and
 appraisers app'd Val D p 628
 Sep 7 Ordered Bells Allowed
 Jnl D p 660
 Nov 7/89 New Appraisers app'd
 Jnl D p 709
 Jan 9/90 Viewers Report, 1st reading
 Jnl D p 741
 Jan 10/90 Viewers Rept 2nd reading
 and return of Appraisers Rep
 Jnl D p 763
 Apr 6/90 Damages of Jnl D p 841
 Apr 8/90 Ordered opened
 Jnl D p 843

326

Good
 petitioned for by Wm Arley et al
 Beginning at NE End of the Thos Keating
 Lane to the Houghton Bridge
 on Powder River

WITNESSES

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

326

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:

Beginning on the county road as now traveled on lower Powder River, from Dean Bridge, on the north side of Powder River, to the Furman Bridge, at a point on said county road at the northeast end of the Thomas Keating Lane, on the northwest 1/4 of northeast 1/4 of Sec. 17, T. 8, S. R. 42, E. W. M. thence running S.W. on the grade as now traveled to the center of Powder River, terminating in the Houghton Bridge, on the N.E. 1/4 S.W. 1/4 of Sec. 17, T. 8, S. R. 42, E. W. M. all the above points and places being within Union County, State of Oregon, and in duty bound your petitioners will ever pray, etc.

Names.

Names.

- H. L. Anley,
- Thomas M. B. Perry,
- John A. Tucker,
- C. Vandevander,
- E. Vandevanter,
- Thomas Davis,
- E. P. Cranston,
- H. B. Cranston,
- Wm. H. Leasy,
- Joseph Graham,
- Wm. H. Wellington,
- John Erwin.

Endorsed:- Filed July 3rd, 1889.

A. T. Neill, clerk,
By Turner Oliver, Deputy.

State of Oregon,)
) ss.
County of Union,)

I, John Irwin, being first duly sworn, say that I posted three several notices, 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 the Keating Post-office, one on the Houghton Bridge, and one in the Irwin lane, on the gate^v affiants pasture, on the public road. Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 29th day of May, 1889, and that said notices remained posted thirty days previous to the presentation of said petition, as I verily believe.

John Irwin,

Subscribed and sworn to before me, this 3rd day of July, 1889.

A. T. Neill, Clerk,

By O. F. Bell, deputy.

Endorsed:- Filed July 3rd, 1889.

A. T. Neill, Clerk,

By Turner Oliver, deputy

State of Oregon,)
(ss.
County of Union,)

I, Turner Oliver, being first duly sworn, say that I on the 3rd day of July, 1889, 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 State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Turner Oliver,

Subscribed and sworn to before me this 3rd day of July, 1889.

A. T. Neill, Clerk,

By O. F. Bell, Deputy.

Endorsed:- Filed July 3rd, 1889.

A. T. Neill, Clerk,

By Turner Oliver, Deputy,

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 third day of July, A. D. 1889, 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:

Beginning on the County Road as now traveled on Lower Powder River, from Dean Bridge, on the north side of Powder River, to the Furman Bridge at a point on said County Road, at the northeast end of the Thomas Keating Lane, on the northwest 1/4 of Northeast 1/4 of Sec. 17, T. 8, S. of R. 42, E. W. M. thence running S. W. on the grade as now traveled to the center of Powder River, terminating on the Houghton Bridge, in the N.E. 1/4 S.W. 1/4 of Sec. 17, T. 8, S. R. 42, E. W. M. all the above points and places being within Union County, State of Oregon.

Names.

H. L. Anley,
Thomas M. B. Perry,
John A. Tucker,
C. Vandevater,
E. Vandevanter,
Thomas Davis,
E. P. Cranston,
H. B. Cranston,
Wm. H. Leasy,
Joseph Graham,
Wm. H. Wellington,
John Erwin.

Names.

Endorsed:- Filed July 3rd, 1889.

A. T. Neill, Clerk,

By Turner Oliver, Deputy.

Poste d June 3, 1889,

T. O.

Know all men by these presents;

That I, John Erwin, of the County of Union, and State of Oregon, ^{was} 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 heir, executors and administrators, firmly by these presents.

Signed this 3rd day of July, 1889.

Now, the condition of the above obligation is such, that whereas, if the county road petitioned for by H. L. Anley and others, and presented at the July Term, 1889, of the County Court of said Union County, Described in petition hereto attached be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

William Proebstel,

John Erwin,

State of Oregon,)
(ss.
County of Union,)

I, John Erwin, say that I am worth the sum of One 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.

John Erwin.

William Proebstel,

Subscribed and sworn to before me this 3rd day of July, A.D.1889.

A. T. Neill, Clerk.

By Turner Oliver, Deputy.

Endorsed:-

Bond of Road Petitioners.

- - - - -

H. L. Anley, et al/ Petitioners,

- - - - -

Filed July 3rd, 1889.

A. T. Neill, Clerk,

By Turner Oliver, deputy.

- - - - - o - - - - -

REPORT OF VIEWERS.

To the Honorable County Court for Union County, Oregon:-

The undersigned viewers heretofore on the 3rd day of July, 1889, 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 H. L. Anley, et al, beg leave to report that on the 25 day of July, 1889, 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 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.

A. T. Merwin,
Wm. Constable,
G. W. Hulick,

Endorsed:- Filed Aug. 27th, 1889,

A. T. Neill, Clerk,
By Turner Oliver, deputy.

Field notes of the survey of the proposed county road of
H. L. Anley and others.

I commenced by planting a post in mound of earth, with pits,
& marked R. from which the N. W. Corner N.W.1/4 N.E.1/4 Sec. 17, in
T. 8, S.R. 42, E. W. M. bears N. $51-1/4^\circ$ W. 88 rods, and 15 lks.

Dist. thence S. $37-1/2^\circ$ W. 60 rods A. 1,

" S. 34° W 120 " A Post in bridge,

marked R.T. from which the center Sec. 17, T. 8, S.R. 42, E. W.

M. Bears N. 38° E. 53 rods, and 16 lks. distant.

J. W. Kimbrell,

Co. Surveyor.

Endorsed:- Filed Aug. 27th, 1889,

A. T. Neill, Clerk,

By Turner Oliver, Deputy.

Proprietor J.C. East of H.L. Anley

17

J.S.R. 1/2 E. W. M.

Order of Survey
of the
of the
of the

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

As I have reason to believe there will be a petition or return of viewers at your next term for the purpose of locating a road through my place. Located in Union County, in Bed Rock Precinct, in the State of Oregon. And whereas, it will be a nuisance, and cause me damages in the sum of Three hundred dollars (\$300.00) I petition and pray that you take notice of my claim and grant the same before taking further actions or causing the road to be thrown open.

Mrs. E. A. Pierce,

Endorsed:- Filed Aug. 28th, 1889,

A. T. Neill, Clerk, by Turner Oliver,
Deputy.

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

In the matter of the County Road)
Petitioned for by H. L. Anley, et al.)
-----)

Now at this time comes Thos. Keating, and shows to the Court that he is the owner of the N.2 of S.E.4 & S.E. 4 of N.W.4, and S.W.4, of N.E.4, of Sec. 17, Tp. 8, S.R. 40, E.W.M. in Union County, Oregon, across which the above entitled proposed road as petitioned for, viewed and surveyed extends. That said proposed road extends quartering through said lands and that said lands sought to be condemned thereby are first class agricultural lands and of great value to claimant. That said lands are enclosed and ^{one} used by the claimant for agricultural purposes.

That the opening of said proposed road leaves claimants land in a bad shape, will deprive him permanently of the use of a large portion thereof, necessitating the building and keeping in repair of a large amount of extra fencing and damage him in the sum of \$500.00

Wherefore claimant asks that viewers be appointed to assess said damages and that he be awarded and paid the sum of \$500.00 damages before said road is declared a public highway and ordered opened.

Thos. Keating,
By T. H. Crawford, his attorney.

Endorsed:- County Court, Union County, State of Oregon.
In the matter of the H. L. An ley Road.

Claim of Thomas Keating for damages,
Filed Sept. 3rd, 1889. A. T. Neill, Clerk,
T. H. Crawford, attorney for, By Turner Oliver, Deputy.
Claimant.

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

In the matter of the County Road,)
petitioned for by H. L. Anley, et al.)
-----)

Now at this time comes Mrs. E. A. Pierce, and shows to the Court that she is the owner of the N.E.4, of S.W.4, of Sec. 17, Tp. 8, S.R. 42, E.W.M. across which said proposed road as viewed, laid out and surveyed extends.

That said proposed road runs quartering across said lands, and the said lands sought to be condemned thereby are very valuable agricultural lands. That said proposed road will cut up and disfigure said lands and necessitate the building and maintaining of a large amount of additional fencing in order to enclose the same & will deprive claimant permanently of a large portion of said land to claimants damage, in the sum of \$500.00

Wherefore claimant prays that viewers ^{now} be appointed to assess said damages and that she be awarded and paid the sum of \$300.00 damages before said proposed road is declared a public highway and ordered opened.

Mrs. E. A. Pierce,

By T. H. Crawford, her attorney.

Endorsed:- County Court, Union County, State of Oregon.

In the matter of H. L. Anley Road.

Claim of Mrs. E. A. Pierce for damages.

Filed Sept. 3rd, 1889,

A. T. Neill, Clerk, By Turner Oliver, Deputy.

T. H. Crawford, attorney for claimant.

REPORT OF VIEWERS.

To the Honorable County Court for Union County, Oregon:-

We the undersigned viewers heretofore on the 21st day of Sept. appointed to view out and assess the damages claimed by Thomas Keating in the matter of the proposed County Road petitioned for by H. L. Anley, et al. we beg leave to report that on the 21st day of Sept. 1889, we, after being duly sworn to discharge our duty faithfully and impartially, proceeded to view said proposed road the whole distance through the premises of Thomas Keating and Mrs. E. A. Pierce, complainants, and to assess and determine how much less valuable said premises of complainants would be rendered by the opening of said road, and we find that the premises of said complainants, Thomas Keating would be rendered no less valuable, and that the premises of complainant Mrs. E. A. Pierce would be rendered no less valuable, by the laying out and establishment of said proposed road as a public highway of said County, and recommend that _____ be paid to said complainants before laying out and establishing said road as a public highway.

P. H. Miles,

S. A. Spears,

Justus Wright.

Endorsed:- Filed Oct. 8, 1889.

A. T. Neill, Clerk,

By O. F. Bell, Deputy.

State of Oregon,) ss.
County of Union,)

We, P. H. Miles, Justus Wright, and S. A. Spears, having been appointed by the County Court of Union County to appraise the damages that will accrue to Thomas Keating, and Mrs. E. A. Pierce by reason of the establishment of the proposed County Road, petitioned for by H. A. Anley and others, do solemnly swear that we will support the constitution of the United States and the constitution of the State of Oregon and the laws thereof; and will faithfully, honestly and impartially discharge the duties of said trust to the best of my ability and judgment so help me God.

Justus Wright,

P. H. Miles,

S. A. Spears, Appraisers.

Subscribed and sworn to before me ^{this} 21st day of Sept. 1889.

C. R. Bowman,

Justice of the Peace.

Endorsed:- Filed Oct. 8, 1889,

A. T. Neill, Clerk,

By O. F. Bell, deputy.

according

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

In the matter of the Road)
petitioned for by H. L. Anley, et al.)
-----)

Now at this time come Thomas Keating and Mrs. E. A. Pierce remonstrators by their attorney, T. H. Crawford, and move the Court to set aside the report of P. H. Miles, S. A. Spears and Justus Wright, viewers, in claim for damages occasioned by the opening of said proposed road for the following reasons:-

- 1st:-- That one of the parties signing said report was never appointed a viewer therein, and had no authority to act as such viewer. Namely S. A. Spears.
- 2nd:-- That said report wholly ignore* the rights of these claimants and appears to have been made under the influence of passion and prejudice.
- 3rd:-- That said report is illegal and void.

T. H. Crawford, attorney
for Complainant.

Endorsed:- County Court, Union County.

In the matter of the County Road Petitioned for by
H. L. Anley, et als.

Motion to set aside report of viewers.

The within motion allowed by County Court, November 6th, 1889, and the following persons appointed to appraise damages on the within named road, to-wit: Walter Love, A. J. Brown, and Samuel VanOrder, meet at Thomas Keatings on 16th of November, 1889, at 10 o'clock, A. M.

Filed Nov. 6th, 1889.

A. T. Neill, Clerk,
By Turner Oliver, Deputy.

REPORT OF APPRAISERS.

To the Honorable County Court for Union County, Oregon,-

We, the undersigned viewers heretofore on the 7th day of Nov. appointed to view out and assess the damages claimed by Thomas Keating and Mrs. E. A. Pierce, in the matter of the proposed County Road petitioned for by H. L. Anley, et al, beg leave to report that on the 16th day of November, 1889, we after being duly sworn to discharge our duty faithfully and impartially proceeded to view said proposed road the whole distance through the premises of Thomas Keating and Mrs. E. A. Pierce, ^{complainants,} and to assess and determine how much less valuable said premises of said complainants would be rendered by the opening of said road, and we find that the premises of said Complainant Thomas Keating would be rendered \$166.00 less valuable, and that the premises of complainant Mrs. E. A. Pierce would be rendered \$90.00 less valuable, by the laying out, and establishment of said proposed road as a public highway of said County, and recommend that \$256.00 be paid to said complainants before laying out and establishing said road as a public highway.

W. S. Love,

Samuel Vanorder,

State of Oregon,)
Union County.) ss/

We, Walter Love, A. J. Brown, and Samuel Vanorder, having been appointed by the County Court of Union County to appraise the damages that would accrue to Thomas Keating and Mrs. E. A. Pierce on account of the construction of the proposed road petitioned for by H. L. Anley and others, being first duly sworn, each for himself say that I will support the constitution of the United States and ~~an~~the constitution of the State of Oregon, and will perform the duties of my said trust to the best of my ability and judgment so help me God.

W. S. Love,

Samuel Vanorder.

Subscribed and sworn to before me this ____ day of November, A.D. 1889.

John Erwin,

Justice of the Peace,

Bedrock precinct.

Endorsed:- Filed Nov. 20, 1889,

A. T. Neill, Clerk,

By Turner Oliver, Deputy.

Keating, Union County, Oregon,

April 7, 1890.

To the Honorable County Court, of Union Co. Oregon:-

We, the undersigned citizens, and householders living in the vicinity of the road proposed and petitioned for by H. L. Anley, and others do ask that the petitioners of said road be relieved from paying the sum of \$256.00 the amount allowed to Mrs. Pierce, and Mr. Keating, as damages for the right of way through their farm and that the County Court pay the above damage, and we will ever pray.

Names.

John Erwin,

J. E. Gilkison,

A. T. Merwin, *Wm. Constable*

~~H. L. Anley~~ *J. A. Tucker*

~~W. D. Emble~~ *C. Vandevanter*

~~A. J. Brown~~ *C. Vandevanter*

Names.

A. J. Brown
Thomas M. B. Perry,

~~Wm. Constable~~, *A. T. Merwin*

~~J. A. Tucker~~, *H. L. Anley*

~~C. Van devanter~~, *W. D. Emble*

~~E. Vandevanter~~,

Endorsed:- The within petition granted in full, April 8, 1890.

Filed April 8th, 1890.

A. T. Neill, Clerk,

By Turner Oliver, deputy.

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

X-----X
: In the matter of the County :
: Road petitioned for by :
: H. L. Anley, et al. :
X-----X

I, G. W. Benson, County Clerk of
Union County, Oregon, do hereby certify that the foregoing
are true and correct copies of the original papers in the
above entitled matter and the whole thereof, same being
transferred to Baker county, Oregon.

IN TESTIMONY WHEREOF, I, have hereunto set my hand and
seal of the County Court, this 23rd day
of June, A. D. , 1902.

G. W. Benson
Clerk.
BY *E. P. Schaw* Depy.
5

Butte
County Court
Sumner County, Oregon

Butte master of
the road between
Horsley & H. Andley,
et al,

Transcript of
papers transferred
to Baker County

Filed June 27, 1902
J. M. Benson
Clerk

First Judicial Day

Wednesday July 3rd 1889

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 David Bug, Rudolph Bug and J. A. Marvon be appointed Viewers of said road, and that J. M. Kimbrell be appointed Surveyor of said road, and that they meet at the beginning of said proposed road on the 18th day of July 1889 at the hour of 10 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 }
H. B. Anley and others } Comes now John Erwin, 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: Beginning on the County Road as now traveled on Lower Powder river from Lean Bridge on the North side of Powder River to the Thurman Bridge at a point on said County road at the North East end of the Thomas Heating lane on the North West quarter of North East quarter of Section 17 T8 S R 42 E N. M. Thence running S. N. on the grade as now traveled to the center of Powder River, terminating on the Houghton Bridge in the North East quarter of South West quarter of Section 17 T8 S R 42 E N. M. 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 places of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the places of holding County Court, to-wit: at Union, County of Union State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit: One on the Heating Post Office, one on the Houghton bridge, and one in the Erwin lane on the gate by the public 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 William Constable, George

First Judicial Day

Wednesday July 30th 1889

Abel and Ad Merwin be appointed Viewers of said roads and that J. M. Kimball be appointed Surveyor of said roads, and that they meet at the beginning of said proposed road on the 25th day of July 1889 at the hour of 10 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

Albert Good et al.

Comes now Albert Good 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 North end of the County bridge across Grand Ronde river at the Town of Oro Dell in the S.W. ^{1/4} Sec 31 T2 S R 38 E N.M. Thence by the most practicable route in a North Westwardly direction to the quarter section stake on the Township line between Sec 36 T2 S R 37 E N.M. and Sec 31 T2 S R 38 E N.M. said stake being at the S.W. Corner of N.W. ^{1/4} Sec 31 T2 S R 38 E N.M. Thence North along the Township line to the quarter section stake at N.W. Corner of N.W. ^{1/4} Sec 30 T2 S R 38 E N.M. Thence in a North westwardly direction following as near as may be the old road to the N.W. Corner of Sec 24 T2 S R 37 E N.M. Thence in a North westwardly direction along the old road known as the Fox Hill road as near as practicable to the quarter section stake on the section line between Sections 14 & 15 in Township 2 S R 37 E N.M. being at the N.W. Corner of the S.W. ^{1/4} of said Section 14 and there terminates. 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 Union, County of Union State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit: One on the bridge at Oro Dell, one at top of hill about a mile from Oro Dell on a pine tree by the roadside, and one on a tree by the road side near the place of R. O. Griffin, for more than thirty days immediately prior to the presentation of said petition to the Court, notifying all persons concerned that application would be made to this Court at the present session of the 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 had been duly given. It is therefore ordered that A. J. Hughes Henry Young and J. Chesley be appointed Viewers of said road, and that J. M. Kimball be appointed

First Judicial Day

Wednesday Sept 4th 1889

by the Court that R. M. Oliver, Ed. Game and Jap. Rielhart be and they are hereby appointed appraisers to meet at the house of R. M. Oliver on Saturday Sept 21st 1889 having first subscribed an oath to faithfully and impartially perform their duties in this behalf, and that they then proceed to view the premises of said J. D. A. Richardson the whole distance through which the said proposed road would pass and determine how much less valuable the said premises of claimant would be rendered by reason of the construction of said proposed road and report the same to this Court in writing, and the further consideration of this matter is continued for the term

In the Matter of the
Road petitioned for by
J. M. Pentecost et al.

This matter came on to be heard at this time on the Reports of the Viewers and surveyors heretofore filed herein, and said reports having been read in open Court for the first time and laid over for a second reading on some other day of this term.

In the Matter of the
Road petitioned for
by W. L. Aubrey et al.

This matter came on to be heard upon the Reports of the Viewers and surveyors heretofore appointed herein and on the claims of Thos Keating and Mrs E. A. Peice for damages, and said Report of Viewers having been read in open Court for the first time and it appearing favorable the same is laid over for a second reading on some other day of this term, and it appearing from said claim for damages filed by Thos Keating that claimant is the owner of the N² of SE⁴ SE⁴ of N² W⁴ of N² E⁴ of Sec 17 T⁸ S⁴ R⁴⁰ E¹ N. M. across which said proposed road would extend and claimant alleges would damage him in the sum of \$500⁰⁰, and it appearing from the claim for damages filed herein by Mrs E. A. Peice, that she is the owner of the N² E⁴ of N² W⁴ Sec 17 T⁸ S⁴ R⁴² E¹ N. M. across which claimant alleges that the proposed road would extend to her damage in the sum of \$300⁰⁰, Thereupon it was considered and ordered by the Court that P. H. Miles, Justice Wright and Isaac Spears be appointed appraisers to meet at the house of Thos Keating on Saturday Sept 21st 1889 at 10 o'clock A. M. and having first subscribed an oath to faithfully and impartially perform their duty in this behalf, that they then view the premises of claimants the whole distance through which the said proposed road would

First Judicial Day

Wednesday Sept 4th 1889

pass and determine how much less valuable the premises of said claimants, in Union County, would be rendered by reason of the construction of said proposed road and report the same to this Court in writing. And the further consideration of this matter is continued for the term.

In the matter of the }
Road petitioned for }
by A. Good et al. }

This matter came on to be heard at this time and it appearing to the Court that the viewers and surveyor heretofore appointed failed to report on said proposed road and the surveyor in person came before the Court and stated that said proposed road is impracticable and would be impossible to make a road as prayed for in the petition. It is therefore ordered that the whole matter be dismissed.

In the matter of the }
Road petitioned for by }
J. J. Turner et al. }

This matter came on to be heard on the Report of the Viewers and surveyor heretofore filed herein, and said reports having been read in open Court for the first time are laid over for a second reading on some other day of this term.

In the matter of the }
Road petitioned for by }
A. J. Nicholson et al. }

This matter came on to be heard on the Report of the Viewers and surveyor heretofore filed herein and said Report having been read in open Court for the first time are laid over for a second reading on some other day of this term.

In the matter of the }
Road petitioned for by }
Rudolph H. H. H. et al. }

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 are laid over for a second reading on some other day of this Court.

Fourth Judicial Day

Saturday Sept 7th 1889

J. M. Kimbrell Surveyor 2 days 8⁰⁰ Plat 4⁰⁰ Milage 5³⁰ \$17³⁰
 I hereby certify that the above bills are correct.

And said report is here now by the Court approved and the bills therein set out allowed.
 J. M. Kimbrell County Surveyor

In the Matter of the Road }
 petitioned for by W. L.
 Anley and others

This matter came on to be heard at this time on the Report of J. M. Kimbrell County Surveyor on the expenses and bills incurred in on the Survey of the Road petitioned for by W. L. Anley and others as follows, to-wit:-

North Powder, Or. Aug 12, 1889

In the Matter of the Proposed Co Road of W. L. Anley and others,
 Union Co. Oregon Or.

To A. M. Constable Viewer	one day 2 ⁰⁰	Milage 1 ⁰⁰	\$ 3 ⁰⁰
To Geo. Hulick Viewer	one day 2 ⁰⁰	Milage 1 ²⁰	\$ 3 ²⁰
To A. J. Merwin Viewer	One day 2 ⁰⁰	Milage .70	\$ 2.70
To J. M. Kimbrell Surveyor	one day 4 ⁰⁰	Plat 2 ⁰⁰ Milage 4 ⁰⁰	\$ 10.00

I hereby certify that the above bills are correct.

Whereupon said report and bills were allowed by the Court.
 J. M. Kimbrell County Surveyor

In the Matter of the }
 Road petitioned for by }
 J. J. Turner and others

This matter came on to be heard on the Report of J. M. Kimbrell County Surveyor on the expenses and bills incurred on the survey of the proposed County road petitioned for by J. J. Turner et al. as follows:

North Powder Or Aug 12, 1889

In the Matter of the Proposed Co Road of J. J. Turner and others,
 Union County Oregon Or.

To J. L. Waller Viewer	one day 2 ⁰⁰	Milage .40	\$ 2.40
To Wm. Magier Viewer	one day 2 ⁰⁰	Milage .40	\$ 2.40
To Erwin Magier Viewer	one day 2 ⁰⁰	Milage .40	\$ 2.40
To J. M. Kimbrell Surveyor	one day 4 ⁰⁰	Plat 2 ⁰⁰ Milage 3 ⁰⁰	\$ 9.00

I hereby certify that the above bills are correct.

Whereupon said report is approved and the bill therein set out audited and allowed by the Court.
 J. M. Kimbrell Co Surveyor

Tenth Judicial Day

Thursday Oct 17th 1889

In the Matter of Road }
 petitioned for by M^{rs} }
 Anley et al }

At this time it is ordered that the appraisers of damages on the Road petitioned for by M^{rs} Anley and others be allowed ^{per} as follows: - P. H. Miles \$4²⁰ J. A. Spears \$4²⁰ and Justus Wright \$4²⁰.

In the matter of the }
 Bill of A. N. Hamilton }
 Sheriff }

At this time it is ordered by the Court that the Bill of A. N. Hamilton for \$880¹² for sheriffs fees be allowed.

In the matter of }
 allowing Miscellaneous }
 Bills }

At this time it is ordered by the Court that the Bill of John McDonald for \$26⁰⁰ for Commissioners fees be allowed, and it is further ordered that Bill of W. M. Bennhoff for \$46⁴⁰ for Commissioners fees be allowed, It is further ordered that the bill of J. E. Tuttle for \$1⁰⁰ for copy record for Grand Jury be allowed It is further ordered that bill of A. J. Goodbrod for \$6⁰⁰ for Board of Mrs Meacham Insane, be allowed, It is further ordered that the Bill of S. L. McKenzie for \$20⁰⁰ filling approach on Keeler bridge be allowed. It is further ordered that Bill of J. M. Phy & Co for \$16¹⁵ for flow feed for County four farms be allowed. It is further ordered that Bill of W. L. Alexander for \$4⁰⁰ for Iron work on Proebstl budge be allowed, It is further ordered that Bill of Oswald Wal swinkles for work on Proebstl budge be allowed \$5⁰⁰. It is further ordered that bill of Paul Elledge for \$7⁵⁰ for hauling rock for Alberon budge be allowed, It is further ordered that bill of John Carnies for \$5⁰⁰ for rock used at Alberon budge be allowed. It is further ordered that bill of J. C. Jones for \$57⁰⁰ for work superintending construction of budge at the Carnies crossing and at the Alberon crossing of Grand River be allowed

In the matter of allowing }
 Miscellaneous Contingent Bills }

At this time it is ordered that bill of Eastern Oregon Republican for \$7⁵⁰ for publishing notice of Board of Equal

Second Judicial Day

Thursday Nov 7th 1889

In the matter of the
Road petitioned for
by W. L. Anley et al

This matter came on to be heard at this time upon the report of the appraisers heretofore appointed herein and upon the motion of the Remonstrators to dismiss said report, the said remonstrators, Thos Heating and Mrs E. A. Peice appearing by J. H. Crawford of Counsel. And it appearing to the Court that one of the parties signing said report ^{or appears} was never appointed by the Court to act herein and had no authority to act as such appraiser, and that said report is illegal and void. It is therefore considered and ordered that said motion be sustained and said report of appraisers be set aside and held for naught. It is further ordered that Walter Love, A. J. Brown and Samuel Vanorder be and they are hereby appointed appraisers to view the premises of Thomas Heating and Mrs E. A. Peice the whole distance through which said road passes in Union County Oregon and report to this Court how much less valuable said premises will be rendered by the construction of said proposed road; and after having subscribed an oath to faithfully and impartially perform their duty in this behalf that they meet at the house of Thomas Heating on Saturday November 16th 1889 at 10 o'clock A.M. and proceed with their duty in this behalf.

In the matter of the Road
petitioned for by Rudolph
Hong and other

This matter came on to be heard on the petition of C. E. Wade, Jacob Hong, Frank Eaney, Rudolph Hong and Jas Riggs to change the County road petitioned for by Rudolph Hong and other and turn the same across other parts of their own lands, from which it appears that C. E. Wade is the owner of the S.E. of S.E. Sec 5 T1 R39 E. N.M., That Jacob Hong is the owner of the N.E. of S.E. Sec 5 and S.W. of N.E. Sec 5 T1 R39 E. N.M. That Frank Eaney is the owner of the N.W. of N.E. Sec 5 T1 R39 E. N.M. That Jas Riggs is the owner of the N. of S.E. Sec 32 T1 N R39 E. N.M. and that Rudolph Hong is the owner of the N.E. of S.W. and S.E. of N.W. Sec 32 T1 N R39 E. N.M. all in Union County Oregon and across which the County road petitioned for by Rudolph Hong and other extends. That petitioners are desirous of turning said road to other parts of their said lands respectively and apply to the Court for leave, and permission of the Court to turn such road through other parts of their said

Second Judicial Day

Thursday Jan'y 9th 1890

And after due consideration the Court not deeming said road of sufficient public utility to warrant the Court in ordering said money ~~or~~ damages so assessed and allowed by the appraisers paid out of the County treasury. It is considered and ordered by the Court that said proposed road will be declared a public highway when the petitioners shall have paid said damages and filed with the clerk of this Court a receipt of said J. B. A. Richard-son for the same, or if said claimant refuses to accept said sum and give his receipt for the same, then said money may be deposited with the clerk for said claimant, and said petitioners will be entitled to an order of the Court declaring said road a public highway.

In the Matter of the
Proposed County Road
petitioned for by W. L.
Auley et al.

This matter came on to be heard at this time upon the reports of the Viewers and Surveyors heretofore appointed herein and said reports having been read in open Court for the first time at the present term of Court and laid over for a second reading on some other day of this term of Court.

In the Matter of the
Proposed County Road
petitioned for by A. Keefe
et al.

This matter came on to be heard at this time upon the reports of the Viewers and Surveyor heretofore appointed herein and upon the report of the appraisers heretofore appointed to appraise the damages that would accrue to J. D. Ladd by reason of the construction of the proposed road, and said Viewers report having been read in open Court for the first time at this term is laid over for a second reading reading on some other day of the term, and said Appraisers having filed their report in writing as follows to-wit:-

Report of Viewers

To the Honorable County Court for Union County Oregon:

We, the undersigned viewers heretofore on the 18 day of Nov. appointed to view and assess the damages claimed by J. D. Ladd in the matter of the proposed County road petitioned for by A. Keefe et al

Third Judicial Day

Friday Jan 10th 1890

road be established as a County road and 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 this being only for certain necessary changes in the County Road petitioned for by Rudolf Heng et al heretofore ordered opened and declared a public highway of Union County. 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 that the Court that said reports of the viewers and surveyor be approved and adopted by the Court, and that said proposed road be declared a public highway of Union Co. Oregon, and ordered opened up and placed in repair for travel according to law. It is further ordered that the report of the viewers be placed on record in this Journal, and that the surveyor's 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 James W. Riggs, Road Supervisor of Road Dist No 36, 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. }
L. Aubrey and others }

This matter came on to be heard at this time upon the report of the Viewers and Surveyor heretofore filed herein for a second reading as provided by law, and also upon the report of the Appraisers heretofore appointed to assess the damages that would accrue to Thos Keating and Mrs E. A. Pierce by the establishment of said proposed road, and said report of Viewers and Surveyor having been now read in open Court on two different days of this term, and no good reason having been shown why said reports be not approved, It is ordered that said reports of Viewers and Surveyor be approved by the Court. And it appearing that said Appraisers have filed their report in writing as follows:-

Third Judicial Day

Friday January 10th 1890

Report of Appraisers

To the Honorable County Court for Union County, Oregon:-

We, the undersigned viewers heretofore on the 7th day of Nov appointed to view out and assess the damages claimed by Thos Keating and Mrs E. A. Pierce in the matter of the proposed County road, petitioned for by H. L. Anley et al beg leave to report that on the 16th day of November 1889, we, after being duly sworn to discharge our duty faithfully and impartially, proceeded to view said proposed road the whole distance through the premises of Thos Keating & Mrs E. A. Pierce, Complainants and assess and determine how much less valuable said premises of said Complainants would be rendered by the opening of said road, and we find that the premises of said Complainant Thos Keating would be rendered \$166. less valuable, and that the premises of Complainant Mrs E. A. Pierce would be rendered \$90.00 less valuable by the laying out and establishment of said proposed road as a public highway of said County, and recommend that \$256. be paid to said Complainants before laying out and establishing said road as a public highway.

M. J. Love

Samuel Vanorder

And the Court having duly considered the matter does not deem said proposed County road of sufficient public utility to warrant the Court in ordering said damages so appraised and allowed, to be paid out of the County Treasury. It is therefore considered and ordered by the Court that said proposed road will be declared a public highway of Union County and ordered opened and placed in repair for travel when the petitioners shall have paid said damages and filed with the clerk of this Court the receipts of said claimants Thomas Keating and Mrs E. A. Pierce therefor. And in case said claimants or either of them refuses to accept said sum so appraised as damages, then the same may be deposited by said petitioners with the clerk of this Court, and said petitioners will thereupon be entitled to an order of this Court declaring said proposed road a public highway of Union County and ordering the same opened up and placed in repair for travel.

In the matter of the proposed
County Road petitioned for by
A. Kiefer et al.

This matter came on to be heard at
this time on the reports of the Viewers and Surveyor heretofore

Fifth Judicial Day

Tuesday April 8th 1890

In the matter of the }
 Road petitioned for }
 by W. L. Anley et al }

This matter comes on to be heard at this time on the petition of John Erwin and few other representative citizens and taxpayers of Red Rock precinct asking the court to pay the damages heretofore appraised and assessed to Mrs Pierce and Thos Keating to-wit: the sum of \$90⁰⁰ to Mrs E. A. Pierce, and the sum of \$166⁰⁰ to Thos Keating. And it appearing to the court that the said road is one of much importance to the people of Red Rock precinct and that they can not well pay the damages allowed as above set out being poor. It is considered and ordered that the petition be granted and that the damages heretofore appraised and allowed, as above set out be allowed and paid out of the County treasury, and the Clerk is ordered to issue warrants for the same.

In the matter of allowing }
 Miscellaneous Bills }

At this time it is ordered that the Bill of John McDonald for \$13⁵⁰ for Commissioners fees be allowed, It is further ordered that the Bill of J. W. Galloway for \$36⁷⁵ for lumber for the County bridges be allowed, It is further ordered that the Bill of Chas McChure for \$12⁰⁰ for Juror fees Sept Term 1889 be allowed, It is further ordered that the Bill of S. J. Allen for \$33³³ for Supt Poor farm for one month be allowed, It is further ordered that the Bill of J. N. Rinehart for \$2²⁰ Juror Feb Term be allowed, It is further ordered that the Bill of J. N. Rinehart for \$3⁰⁰ for Appraising Damages on the Hamilton Road be allowed, It is further ordered that the Bill of J. W. Summers for \$2²⁰ for Juror Feb Term be allowed, It is further ordered that the Bill of J. J. Odale for \$2²⁰ for Juror Feb Term be allowed, It is further ordered that the Bill of Nelson Schornover for \$2²⁰ for Juror Feb Term be allowed, It is further ordered that the Bill of Harry McLittle for \$7⁰⁰ for Witness fees in J. P. Ct be allowed, It is further ordered that the Bill of B. T. Moor for \$7⁰⁰ for witness fees in J. P. Ct be allowed, It is further ordered that the Bill of John Moor for \$7⁰⁰ for witness fees in J. P. Ct be allowed, It is further ordered that the Bill of M. C. Thompson for \$7⁵⁰ for witness fee J. P. Ct be allowed, It is further ordered that the Bill of John B. Catto for \$9⁰⁰ for witness J. P. Ct be allowed, It is further ordered that the Bill of Chas Bay for 9⁰⁰ witness before J. P. Ct be allowed, It is further ordered that

Faith Judicial Day

Tuesday April 8th 1890

poor farm be allowed, It is further ordered that the Bill of Geo Wright for \$60⁰⁵ for supplies for poor farm be allowed, It is further ordered that the Bill of R. B. Brown for \$12⁴⁵ for mare for Court house be allowed, It is further ordered that the bill of Jas Bell for \$7⁰⁰ for painting Court house fence be allowed, It is further ordered that the Bill of Edwin C. Coffinberry for \$45⁷⁵ for repairs on jail windows be allowed, It is further ordered that the Bill of F. M. Batters & Co. for \$35⁰⁰ for two record books be allowed, It is further ordered that the Bill of F. M. Batters & Co for \$19⁰⁰ for 2 M Assessment blanks be allowed, It is further ordered that the Bill of F. M. Batters for \$6⁰⁰ for printing township plats for assessor be allowed, and it is further ordered that the Bill of Chas C. Coffinberry for \$8⁰⁰ for washing machine for poor house be allowed.

In the matter of the proposed
County Road petitioned for by
W. L. Anley et al

This matter came on to be heard at this time on the reports of the Viewers and Surveyors 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 3rd day of July 1889 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 W. L. Anley et al, by leave to report that on the 25th day of July 1889, 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 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 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.

A. J. Merwin
Wm C. Crutcher
G. W. K. Culick.

Fifth Judicial Day

Tuesday April 8th 1890

And said report of the viewers and the report of the surveyor having been now publicly read in open court, on the several days of the present term of the Court, and it 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 except the claims of Mrs Pierce and Thos. Keating both of which have been settled and paid, 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 ~~shall~~ be of public utility, It is therefore considered and ordered by the Court that said reports of the viewers and surveyor be approved and adopted by the Court, and that said proposed road be declared a public highway of Union Co., Oregon, and ordered opened up and placed in repair for travel according to law. It is further ordered that the report of the viewers be placed on record in this journal and that the surveyor's 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 Jas R. Gilkison, Road Supervisor of Road District No 27, 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.

Thereupon the Record of today's proceedings was read, approved and is here now signed

O. S. Green, all
County Judge

Thereupon it was ordered that Court be now adjourned until tomorrow morning at 9 o'clock.