

No. 89 Equity  
in  
Circuit Court

Bamberger and  
Frankel  
Plaintiffs

vs  
Philip Houghton

Defendant

~~Suit~~  
~~Action~~ for Foreclosure  
of Mortgage

Docket

Page

Hyde & Hyde  
Attorneys for Plaintiffs

Attorney for Defendant

1879  
 Feb 5 Petition see Viewers report  
 Journal B p 274  
 April 9 1st report read & report  
 Journal B p 294  
 April 10 Controversy  
 Journal B p 299  
 May 14 Report read 1st time  
 Journal B p 302  
 May 15 ordered opened  
 Journal B p 308  
 Oct 15 see index  
 Journal B p 361

Road

Commencing at Co Road leading  
 from Sumnerville to Wallowa Valley  
 at S W cor of John Huffmans Homestead  
 to a tree marked '3'

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

Road Petition

Dec 30<sup>th</sup> 1878

To the Hon county court of Union county  
Oregon March Term  
We your Petitioners 12 of whom are Household-ers  
living in the vicinity of the proposed road  
do respectfully ask your Honors to locate  
and Establish a county road in Union county  
Oregon commencing at the county road leading  
from Summerville to the Wallowa Valley  
and at the South west corner of John Huff  
Homestead thence north  $\frac{1}{2}$  M thence East  $\frac{1}{2}$  M  
thence north  $\frac{1}{2}$  M thence East  $\frac{1}{2}$  M thence north  
 $\frac{1}{2}$  M thence East  $\frac{1}{2}$  M thence north  $\frac{1}{2}$  M  
thence East  $\frac{1}{2}$  M thence north  $\frac{1}{2}$  M thence  
East  $\frac{1}{2}$  M thence a northerly direction to  
a tree marked T your Petitioners would  
respectfully represent to your Honors that  
said road is greatly needed in order to  
facilitate travel therefore your  
Petitioners will ever pray

George Knapp

Jackson Graham

Names of Petitioners

C. A. White

W. White

James Patterson

J. L. Batten

John Wickens

John Hill

A. Long

James Kimber

Ernest Cumber

Charles Knapp

Edward Evans

Samuel Roberts

W. H. Breshears

E. J. Barker

J. E. Barker

John King

James Polk

A. Miller

Leman Blanchard

Thomas Beam

Board Petitioners

Filed March 3<sup>rd</sup> 1879

Willis Skiff

C. Clerk

Dec 30th 1878

Notice is hereby given that there will be  
a Petition presented to the County Court  
of Union County Oregon March Term  
asking for the Establishment of a County  
road commencing at the County road  
leading from Summerville to the Wallowa  
Valley at the South West corner of  
John Huffmans Homestead thence North  $\frac{1}{2}$  m  
thence East  $\frac{1}{2}$  m thence North  $\frac{1}{2}$  m thence East  
 $\frac{1}{2}$  m thence North  $\frac{1}{2}$  m thence East  $\frac{1}{2}$  m thence  
North  $\frac{1}{2}$  m thence East  $\frac{1}{2}$  m thence North  $\frac{1}{2}$  m  
thence East  $\frac{1}{2}$  m thence a Northerly direction  
to a tree marked J

State of Oregon } ss

Union County } 38

I John Kimber being duly sworn say that three copies of the within notice were by me posted along and in the vicinity of the within proposed road more than thirty days prior to this date and that the proposed route is all in this county.

Subscribed and sworn to before me this

3<sup>rd</sup> day of March A.D. 1879

By J. E. Lewis

Willis Skiff clerk

John Kimber

Deputy

State of Oregon } ss

County of Union } 38

I S. C. Swackhammer being first duly sworn say that I posted the within notice in the Court house door more than thirty days prior to this date.

Subscribed and sworn to before me this

3<sup>rd</sup> day of March A.D. 1879

Willis Skiff

County Clerk

S. C. Swackhammer

# Know all Men by these Presents:

THAT WE, Jackson Graham and John Kimber  
 and Union, of the County of Musconine and  
 State of Oregon, are held and firmly bound unto the said County of Musconine in the sum of  
Fifty 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 34 day of March A. D. 1879

Now the condition of the above obligation is such, that whereas, if the County Road petitioned  
 for by Jackson Graham and others, and presented  
 at the March term, 1879, of the County Court of said Musconine county, commencing  
 at the South West corner of John Huford's home  
 stand there in a North Easterly direction  
 to a tree marked T.

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

Jackson Graham  
John Kimber

Handwritten text at the top of the page, possibly a header or title, which is mostly illegible due to blurring and fading.

13 - Mrs. Moore  
1819  
Miss Stuy  
@ Lane  
C. L. Leach  
D. Jones



March 5<sup>th</sup> 1879

In the matter

Road<sup>2</sup> Petition } Now comes Jackson Graham and files with this court - his petition with twelve other citizens and householders living along and in the vicinity of a route they ask to be established as a county road as follows to wit: Commencing at the county road leading from Summerville to the Willowa Valley at a stake marked "B" thence West as near as practicable to intersect the county road leading from Summerville to Walla Walla at or near the crossing of Gordon Creek.

And it satisfactorily appearing to the court the due notice of the pendency of these proceedings have been given as by law required and that a good and sufficient bond has been filed as by law required which bond was approved by the court. It was therefore ordered that E. S. Taylor Jacob Long & J. J. Stablesfield be and they are hereby appointed viewers and W. B. Campbell Surveyor to view survey and report upon said road, and that they meet at the residence of Jackson Graham on the 20<sup>th</sup> day of March 1879 and after being duly qualified proceed to view survey and layout said road and that they report their proceedings thereon and in that behalf at or before the next term of this court - 1879.

In the matter

Road<sup>2</sup> Petition } Now at this time comes Jackson Graham and files a petition with this court signed by himself and twelve other citizens and householders living along and in the vicinity of a route they ask to be established as a county road and public highway to wit: And it satisfactorily appearing to the court commencing at the county road leading from Summerville to the Willowa Valley at the South West corner of John Stappman's homestead thence North  $\frac{1}{2}$  mile thence East  $\frac{1}{4}$  thence

Thence North  $\frac{1}{4}$ . Thence East  $\frac{1}{2}$ . Thence North  $\frac{1}{4}$  of mile thence East  $\frac{1}{4}$  of mile thence North  $\frac{1}{4}$  of mile thence East  $\frac{1}{4}$  thence North  $\frac{1}{4}$  of mile thence East  $\frac{1}{4}$  of mile thence a Northernly direction to a tree marked "T."

And it satisfactorily appearing to the court that due notice of the pendency of these proceedings had been given as by law required, and that a good and sufficient bond had been filed,

It was therefore ordered that C. S. Taylor Jacob Long. & J. J. Stubblefield be and they are hereby appointed viewers and W. D. Leampoll surveyor to view, locate and report on said road, and that they meet at the residence of Jackson Graham on the 19<sup>th</sup> day March 1889 and after duly qualifying proceed to view survey and locate said road and that they report their proceedings therein and in that behalf at the April Term of this court - A.D. 1889.

In the matter

Road Petition } Now at this time said <sup>petition</sup> was filed with this court <sup>as petition</sup> by Chas. Goodrough and twelve other citizens living along and in the vicinity of a route they pray to be established as a county road as follows to-wit: commencing at the center of S. 5. T. 3. S. R. 39 E. Thence West as near as a practical route can be found about  $2\frac{1}{2}$  miles to the center of the West line of S. 1. T. 3. S. R. 38. Thence North  $\frac{1}{4}$  of a mile to the subdivision corner.

Thence due West  $1\frac{1}{4}$  mile to the East line of M. Sterling's land. Thence North about 92 rods to a point due East of the center of First Street in the town of Island City as the same appears on record in the clerk's office of said Union County. Thence West  $\frac{1}{4}$  of a mile to intersect the county road at Island City. And at the same time appeared John Carr et al. by Baker & Eakin and filed a motion to strike out said

April 9<sup>th</sup> 1879

In the matter of }  
 Viewers report } Now at this time was  
 presented the viewers report on a proposed  
 County road, Beginning at the S. W.  
 corner of John Huggins' Homestead  
 thence to a tree marked R.T. which  
 report was read in open court and laid  
 over until tomorrow for further action

In the matter }  
 of appointment }  
 of Justice of the Peace } Now at this time was  
 presented the petition of J. K. P. Harris and  
 thirty-one others, which petition prays the  
 court to appoint James A. Hunter Justice  
 of the Peace, for Willow Precinct, and  
 there being no remonstrance against said  
 petition and no person or persons appearing  
 to show cause why said appointment should  
 be made, and it further appearing that the  
 office of Justice of the Peace for said precinct  
 is vacant, It was ordered that said  
 James A. Hunter be and he is hereby  
 appointed Justice of the Peace for Willow  
 Precinct Union Co Oregon and that his  
 term of office expire as that of the  
 regularly elected County officers or until  
 his successor is elected and qualified.

In the matter }  
 of }  
 Viewers report } Now at this time was presented  
 the viewers report on a proposed County road  
 heretofore ordered located as follows to wit:  
 Beginning on the County Road leading  
 from Summersville Walla Walla thence to  
 intersect the County Road leading from  
 Willowa to Summersville which report  
 was read and laid over until tomorrow  
 for further action

10th  
In the matter

Application of  
P. M. Coffin for  
deduction of his  
assessment for the  
year 1848

How comes P. M. Coffin  
and files his Motion with the Court  
for a deduction from his assessment  
in the sum of \$6,000<sup>00</sup>, and after due  
consideration of the Court - the said  
Motion was overruled.

In the matter of  
error of Court in  
Viewers report -

How on this day it  
appearing that the Court - has been  
in error in the matter of taking up  
for consideration the viewers reports  
of which mention is made in  
yesterday's proceedings on this  
journal. It was ordered that no  
further action be taken upon said  
petition reports - until the next  
regular term of this Court -

In the matter of  
George Starts ex-  
Security Treasurer

How at this time it  
appearing that George Starts ex-Security  
Treasurer of Union County was accepted  
- to refused to his successor in  
office the sum of \$1997<sup>92</sup>. ~~Gold coin~~  
that being his default - as said Security  
Treasurer. And it appearing that  
said amount was made delinquent on  
the 6<sup>th</sup> day of Sept - 1848 and that no  
part of said amount has been paid  
as demanded. It was ordered  
that L. B. Iron to District Atty

May 14<sup>th</sup>  
1879

At a regular term of the County Court for Union County, State of Oregon begun and held at the court house in said county on Monday the 12<sup>th</sup> day of May A.D. 1879 and from day to day thereafter during the continuance of said term, there was present on Wednesday the 14<sup>th</sup> day of May, it being the first day of the Commissioners Court, the following officers were present to wit:

Hon A. C. Craig County Judge, L. R. Holmes & Wm S Hunter County Commissioners, S. P. Swad-hammer Sheriff by A. Chancey Bailiff and Willis Skiff Clerk by Wm. C. Calk Deputy

Due proclamation of the opening of Court having been made the following proceedings were had to-wit:

### Viewers Report

In the matter of

Viewers Report } Now at this time was read  
in open court for the first time  
the report of viewers appointed to view a  
proposed <sup>Cherokee</sup> County Road petitioned for by Jesse  
Gemell et al

In the matter of

Viewers Report

Now was read for the first  
time in open court the report of viewers appointed  
to view a proposed county road from Sum-  
merville to Wallawa.

In the matter of  
Viewers Report

Now at this time was read for  
the first time in open court the report of  
viewers appointed to view a proposed commencing  
at South West corner of John Huffmans' ranch and  
running in a North East direction about 7 miles to  
a tree marked "J"

In the matter of  
Viewers Report - } Elk Flat Road

Now at this time the report following was read a second time in open Court.  
Elk Flat - March 19<sup>th</sup> 1875

To the Hon. County Court of Union County, Oregon  
We the undersigned viewers of road met on the present - 3<sup>rd</sup> inst, and owing to the inclemency of the weather &c adjourned until March 22<sup>nd</sup>.  
We on this day met and after being first duly sworn proceeded to view, lay out and locate as per your order, commencing at the S.W. corner of John Hoffman's Homestead as mentioned in your order, and strictly following your orders for the distance and direction as shown by surveyor's report & plat which we submit herewith, and we clearly recommend the road and the public good demands the opening of the same.  
We submit our report.

E. S. Taylor }  
Jacob Long } Viewers  
J. J. Stubblefield }

And it appearing to the satisfaction of the Court that the proceedings herein have been according to law and there being no remonstrance and no one having filed any claim for damages which might be incurred by reason of the location of the road as prayed for, &c.

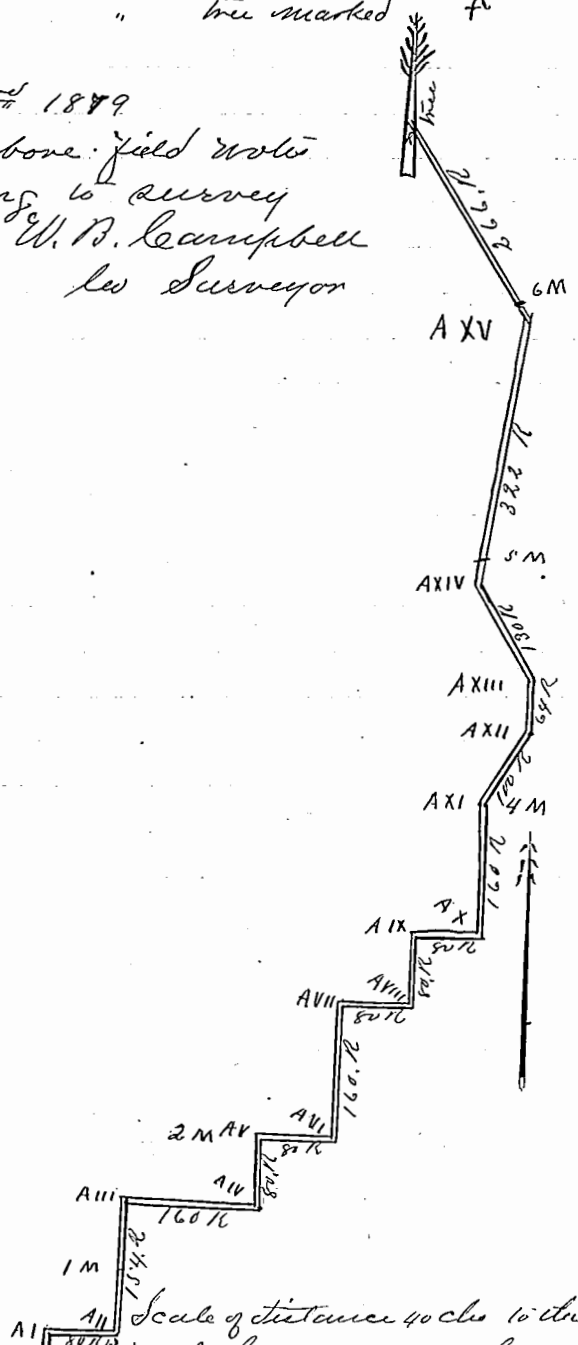
It is therefore ordered and adjudged by the Court that said road as prayed for, be and the same is hereby established and ordered opened as provided by law, and in accordance with the Official Survey and plat thereof of which the following field notes and plat are copies to wit:

commencing at S.W. corner of John Hoffmann's Homestead, thence

N	160	R	to State marked	A 1	thence
E	80	"	" " " "	A II	"
N	"	"	" " " "	1 784	"
N	74	"	" " " "	A III	"
E	160	"	" " " "	A IV	"
N	80	"	" " " "	A V 2 M	"
E	"	"	" " " "	A VI	"

N	160	R 10	State Marked	A 11	Stone
E	80	"	"	A 11 1/3 M	"
N	"	"	"	A IX	"
E	"	"	"	A X	"
N	160	"	"	A XI 4 M	"
N 32° E	100	"	"	A XII	"
N 2° "	64	"	"	A XIII	"
N 33° 30' W	130	"	"	A XIV	"
N 8° E	26	"	"	5 M	"
N 8° E	296	"	"	A XV	"
N 34' W	24	"	"	6 M	"
N 34° "	242	"	tree marked	R	"

Surveyed March 22<sup>nd</sup> 1879  
 I certify to the above field notes  
 as true according to survey  
 W. B. Campbell  
 Surveyor



Scale of distance 40 chs to 10 inches  
 I hereby certify this  
 plat is true to survey  
 of Road M<sup>ch</sup> 22<sup>nd</sup>  
 W. B. Campbell Surveyor

State marked R

Oct 15.

Third Judicial Day October 15<sup>th</sup> A.D. 1899

Court met pursuant to adjournment.

Same officers present as of yesterday. Due proclamation of the opening of court having been made the proceedings of yesterday were read, approved and are now signed

A. C. Craig  
County Judge

Thereupon the following proceedings were had, to wit:

In the matter of opening the county road leading from Summerville to Eckle Flat

Now at this time it was ordered that an order issue to the Supervisor of Road Dist No. 6, commanding him to open the county road leading from Summerville to Eckle Flat or appear at the November Term 1899 of this court and show cause why the same is not done.

In the matter of letting contract for bridges across Grand Ronde River

Now at this time was opened the bids for building two bridges across Grand Ronde River to wit one at the crossing of the county road at Orvella and one at the crossing of the county road leading from Union to Summerville at the place known as the "Mitchell" bridge. And upon said opening of said bids the court ordered that the building of said bridges be awarded to A. S. Miller & Son of Portland Oregon for the sum of \$32,940 and that a contract be drawn and executed in accordance with the specifications drawn