

No. 38 Equity

in

Circuit

Court.

Milgowski Brothers

Plaintiff .

vs.

Dan Chandler

Defendant .

Action for Foreclosure

Docket Page

M. Baker

Attorney for Plaintiffs .

Attorney for Defendant.

78-91-87

**Record of the Case.**

83 P

**WITNESSES.**

<sup>1876</sup>  
 July 5 Petition rec Viewers app'd  
 Journal A p 29.  
 Sept 6 1st reading report  
 Journal B. p 46.  
 Sept 7 ordered opened  
 Journal B. p 50.

Road

Commencing at S.W. Cor. of Sec 17 S. 3. S.  
 R. 38. E. to Catherine Creek Bridge

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

83

State of Oregon } 88.  
County of Union }

I Willis Shiff County  
surveyor, in and for the County and State  
aforesaid do hereby certify that the within  
field notes of the survey of a proposed County  
road commencing at the South West corner  
of Section 12, Town 3 South, Range 38 East  
thence on an Easterly direction to the bridge  
on Catherine Creek are correct as made  
by me under the supervision of the viewers  
on the 15<sup>th</sup> day of July and year 1876.

Willis Shiff  
Co. Surveyor.

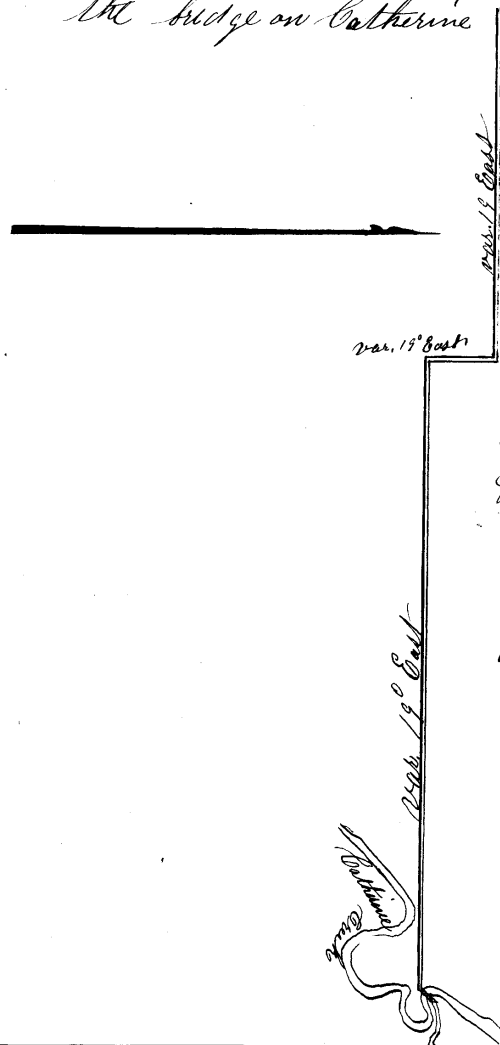
Survey

Filed July 17<sup>th</sup>  
1876  
W. Shiff  
Co. Surveyor

Report to viewers of the survey  
of the proposed County road commencing  
at the S. W. corner of Sec. 12. T. 3 S. Range  
36 East. thence on an Easterly direction to the  
bridge across Catherine Creek.

Beginning at a post-  
marked R placed at the South West corner of  
Sec 12. Town 3 South. Range 36 East. Thence  
East ~~28~~<sup>290</sup> chains to post marked L. M. A. 1. Thence  
South 40 chains to post marked A. 11. Thence  
East 360 chains to post marked R. T. placed at the  
bridge on Catherine Creek.

Plot of proposed County road from the  
South West corner of Section 12. Town 3 South.  
Range 36 East. thence on an Easterly direction to  
the bridge on Catherine Creek



Scale of distances  
80 chains to the inch.

Whole distance  
7 miles and 40 chains

To the County Court of  
Union County, Oregon.

We the undersigned twelve  
citizens and householders and others  
of Union County Oregon living  
in the vicinity and along the route  
of the herein after described route  
ask that you cause to be laid out  
and grant a County road described  
as follows to wit, Commencing at the  
S. W. corner of Section 12, Town 3  
South, Range 38 E. Thence East on  
the Section line about 2 1/2 miles  
to the center of the North line of  
Section 17, Town 3 South, Range 38 East  
thence South 1/2 mile thence due  
East as near as a practical route can be  
found about 4 miles until it  
intersects the La Grand and Cove  
County road at or near the bridge  
on Catherine's Creek, All of which

points and places are in Union  
County, Oregon.

March 27<sup>th</sup> 1846

Names  
Willi Schiff  
W. O. Ewing  
William Stewart  
Calvin Spencer  
E. Greenwald  
Wm D Buchanan  
John Beattress  
John A. Childers  
Linsey Herby

Names  
John Carr  
Peter Mae  
John Teach  
Thomas Teach  
N. D. Boley  
James Buchanan  
Wm B. Campyell  
J. S. Cairnes  
William G. Teach  
John Brandes

Filed July 5<sup>th</sup> 1886  
R. J. Galt's  
Co. Clerk

## Notice

It is hereby given that at the next session of the County Court of Union County Oregon to be held in May 1876 there will be a petition presented asking for the <sup>laying out and</sup> establishment of a County road described as follows. Commencing at the S. W. corner of Section 12. Town 3 South. Range 38 East. thence East on the Section line about 2 1/2 miles to the center of the North line of Section 17. Town 3 South. Range 38 East. thence South 1/2 mile thence due East as near as a practical rout can be found about 4 miles until it intersects the Geo Grand and Cave County road at or near the bridge on Catherine's Creek.

March 27<sup>th</sup> 1876.

Willis Shiff

State of Oregon }  
Union County }  
} ss

I ~~John Deach~~

being duly sworn say that - I  
posted four of the within notices  
in Union County Oregon as follows  
one on the Court house door of  
said Co and three in the vicinity  
of the within described route.

Subscribed & sworn } John Deach  
to before me this }  
5<sup>th</sup> day of June 1876 }  
R. J. Gale's }  
Clerk }

Filed July 5 1876  
R. J. Gale's  
Clerk



Whereas a petition for granting a County  
Road has been presented to the County  
Court for the July term AD 1876,  
asking for a County Road commencing  
at the S.W. Corner S 12. T. 3. S. 38 E  
thence in an easterly direction to  
Catherine Creek bridge as described  
in said petition

Therefore I Willis  
Shuff am held and firmly bound  
to Union County, Oregon, for all  
costs and expenses that may  
accrue by reason of viewing and  
surveying said Road, provided  
the petition is not granted, and  
that said expense shall not exceed  
One hundred dollars, otherwise  
this undertaking to be null and  
void

Dated July 5<sup>th</sup>  
AD 1876

Willis Shuff  
John Beach

Bond of  
Wells & Co. for  
County Road

Filed July 5<sup>th</sup> 1876  
W. S. Bates  
Clerk

Approved April 5<sup>th</sup>  
1876  
C. B. Brown  
County Judge

To the Hon. County Court of Union  
County, Oregon,

In the matter of locating a proposed  
County road commencing at the S. W. corner of  
Section 12, Town 3 South, Range 38 East  
thence in an Easterly direction to the bridge  
on Catherine Creek we the undersigned  
viewers submit the following report.

Agreeable to your order we met on  
the 15<sup>th</sup> day of July 1876 and after being first-  
duly qualified, in company with the surveyor  
proceeded to view, survey and lay out said road  
as directed and as shown by the surveyors report  
and plat submitted herewith. This road is  
located on nearly the same ground as the old  
traveled road leading from La Grand to Cove  
except that it follows lines according to legal  
subdivisions instead of running on an angle  
through different sections as the old road does.  
As this ~~old~~ road is necessary for the travel  
from Cove to La Grand and Island City we  
recommend its establishment as a County  
road, and the vacating of the old road, provided  
it is necessary <sup>in order</sup> to change the travel from the  
old to the new road.

John M. Fry  
A. R. Robinson } Viewers

Viewers Report

Filed Sept 4<sup>th</sup>  
1876  
R. J. Cates  
Collector

At a Regular Term of County Court of the State of Oregon for the County of Union, held by the County Judge & Co Commissioners at the Court house in Union in said Co On Wednesday July 5<sup>th</sup> 1876. There was present Hon. E. C. Brainard County Judge, Jesse Imbler and A. J. Dick Co. Commissioners who were, duly elected as such Commissioners at the general Election held on the 5<sup>th</sup> day of June 1876 & filed their certificate of election with oath of Office endorsed thereon on Monday the 3<sup>rd</sup> day of July 1876, according to law. J. L. Curtis, Sheriff and R. J. Gates Clerk.

Due Proclamations of the opening of Court having been made the following proceedings were had to wit.

In the matter of }  
 qualification of }  
 S. O. Swackhamer }  
 as Sheriff }

Now on this day came S. O. Swackhamer, heretofore on the 5<sup>th</sup> day of June 1876, duly elected Sheriff of Union Co Oregon and files his certificate of Election with oath of Office endorsed thereon according to law, and at the same time filed his Bond as such in the sum of \$10000, which Bond has been approved by the County Court, therefore the said S. O. Swackhamer is duly authorized Sheriff of Union Co Oregon

In the matter of }  
 Road Petition }

Now on this day came Willis Skiff and presents to the Court a petition of himself and 18 others praying for the view, survey and Location of a County Road as follows to wit:  
 Commencing at the S. W. corner of Sec. 12

Town 3 South Range 38 E. Thence East on the Sec. line about  $2\frac{1}{2}$  miles to the center of the north line of Section 17. Town 3 South Range 39 E. Thence South  $\frac{1}{2}$  mile. Thence due east as near as a practical route can be found about 4 miles until it intersects the LaSalle and good County Road at or near the bridge on Catherine Creek

And it satisfactorily appearing to the Court from proof filed herein that due notice of the pendency of this proceeding has been given as by law required; that more than twelve of petitioners thereon are legal householders residing in the vicinity of said Road, and that a good and sufficient bond has been filed:

It is therefore Ordered by the Court that John Phy, Weldon Morris and A. B. Robinson be appointed viewers and Willis Skiff Surveyor to view, survey and report upon said proposed Co Road & that they meet at the house of Willis Skiff on Saturday the 15<sup>th</sup> day of July 1876. and duly qualify before entering upon the discharge of their duties in this behalf.

In the matter of Petition }  
for a County Road }<sup>ss</sup> July 5<sup>th</sup>

On this day came John Beach & presents to the Court the petition of himself and fourteen others, praying for the view, survey & location of a proposed County Road, as follows to wit:

Commencing at the center of Section 5 Town 3 South Range 39 East. Thence due South about  $1\frac{1}{2}$  miles to the center of the North line of Sec 17 to intersect a proposed County road from LaSalle to the Coost.

And it satisfactorily appearing to the Court from proof filed herein, that due notice of the pendency of this proceeding has been given as by law required; that more than twelve of said petitioners are legal householders residing in the vicinity of said road, and that, a

At a Regular Term of the County Court of the State of Oregon for the County of Union begun and held at the Court-house in Union in said County on Wednesday the 6<sup>th</sup> day of September A.D. 1876. There was present Hon. E. C. Brainard Co Judge: Jesse Smibler and F. J. Dick County Commissioners S. C. Swackhamer Sheriff & B. S. Bates, Clerk

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

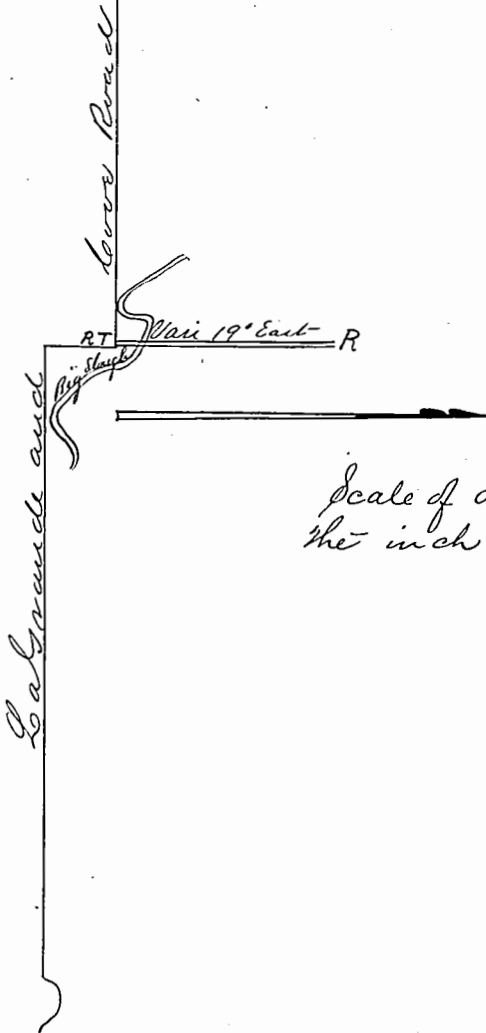
In the matter of Road } Sept 6<sup>th</sup> 1876.  
Viewers Report Read }

Now on this day was read the first time the report of the Viewers of a proposed County Road, commencing at the South West Corner of Section 12 Town 3. South Range Thirty Eight East thence East on the Section line about  $2\frac{1}{2}$  miles to the center of the north line of Sec 17 Town Three South Range 39 East thence South  $\frac{1}{2}$  mile thence due East as near as a practical rout can be found about 4 miles until it intersects the Labraude & Coor County Road; no remonstrance.

In the Matter of Road }  
Viewers Report. } Sept 6<sup>th</sup> 1876.

Now on this day was the first time the report of the viewers appointed to view and Report on a proposed County Road commencing at the center of Sec., 5 Town 3 South Range 39 East thence due South about  $\frac{1}{2}$  miles to the center of the north line of Sec 17. to intersect the County Road running from Labraude to Coor.

Plat of a proposed County Road from the center of Sec 5 T. 3 S. R. 39 E. to the center of the North line of Sec 17. same T. & R.



Scale of distances 80 Chains to the inch whole distance over  $\frac{1}{2}$  mile.

In the matter of Road <sup>view</sup> Sept- 7<sup>th</sup> 1876  
Viewers Report

Now on this day was read a second time the report of the viewers appointed to view out, and report on the practicability of a proposed County Road commencing at the South West corner of Sec 12 T. 3. S. R. 38 E. thence East on the Section line about  $2\frac{1}{2}$  miles to the center of the north line of Sec 17 T. 3. S. R. 39 E. thence South  $\frac{1}{2}$  mile, thence due east as near as practical about 4 miles until it intersects the County Road leading from La Grande to Cove. And there being no remonstrance or petition



for damages presented, and the said crews having reported in favor of said proposed Road being established as a County Road.

It is therefore ordered that said Road be and the same is hereby declared a public highway or County Road and the same is ordered open as by law required as per Field notes & Official Plat of the Survey hereinafter described as made by Willis Shiff County Surveyor, which are as follows:

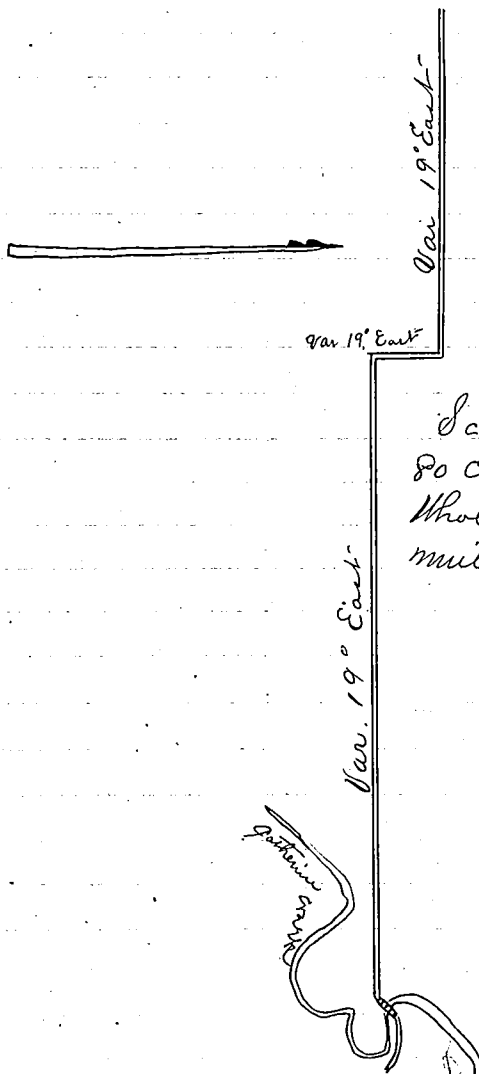
Beginning at a post marked R, placed at the South West Corner of Sec 12, T. 3 E, Rang 38 E  
Thence East 200 chains to post marked 2 M. A 1

" South 40 " " " " " A 11

" East 360 " " " " " R T placed

at the bridge on Catherine Creek.

Plat of a proposed County Road from the South West corner of Sec 12 T. 3 S R. 38. E thence on an easterly direction to the bridge on Catherine Creek



Scale of distances  
80 chains to the inch  
Whole distance 7  
miles & 40 chains