

No 5991

IN THE  
**CIRCUIT COURT**  
UNION COUNTY OREGON

**EQUITY**

*J. L. Soule*

Plaintiff

vs

*J. B. Lyall*

Defendant

Docket

Page

*S-9*

*Cochran Eberhard*

Attorney for Plaintiff

Attorney for Defendant

GLASS & PRUDHOMME CO. COUNTY SUPPLY SPECIALTY HOUSE

65 67 E W P R N O

Road # 711

Private vacation of  
a road in Section 4,  
in Twp 4 S R 39 E Wm  
(near Pot Lake)

Ordered vacated May 7, 1925  
Commissioner's Journal P.  
page 299

IN THE COUNTY COURT OF THE STATE OF OREGON FOR THE COUNTY OF UNION.

In the matter of vacating :  
a road in Section 4, in :  
Tp., 4. S. R. 39, E. W. M. :  
.....:

The undersigned respectfully represents to the above entitled Court: the County Judge and Commissioners thereof, that a certain road, beginning at the Southwest corner of the Northwest quarter of Sec., 4, in Tp., 4. S. R. 39, E. w. M, in Union County, Oregon, running thence Easterly 80 rods more or less, thence South to the Oregon State Highway, should be vacated as a county road.

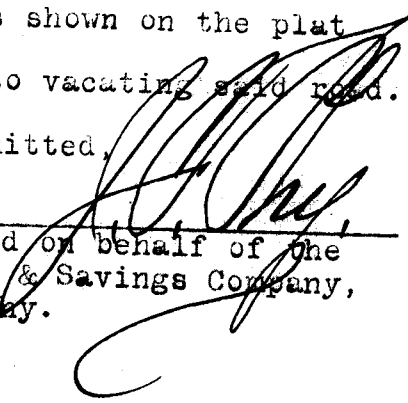
The undersigned further states that said above described road is no longer used as a County road; that the same is useless; burdensome to maintain and that the public will be benefitted by its vacation.

The undersigned further states that the said road has been replaced, as far as public convenience is concerned, by a new road from the Southwest corner of the Northwest quarter of said Section, 4, South to the Oregon State Highway, said new road being well fenced and graded, and only one-half the length of the old road.

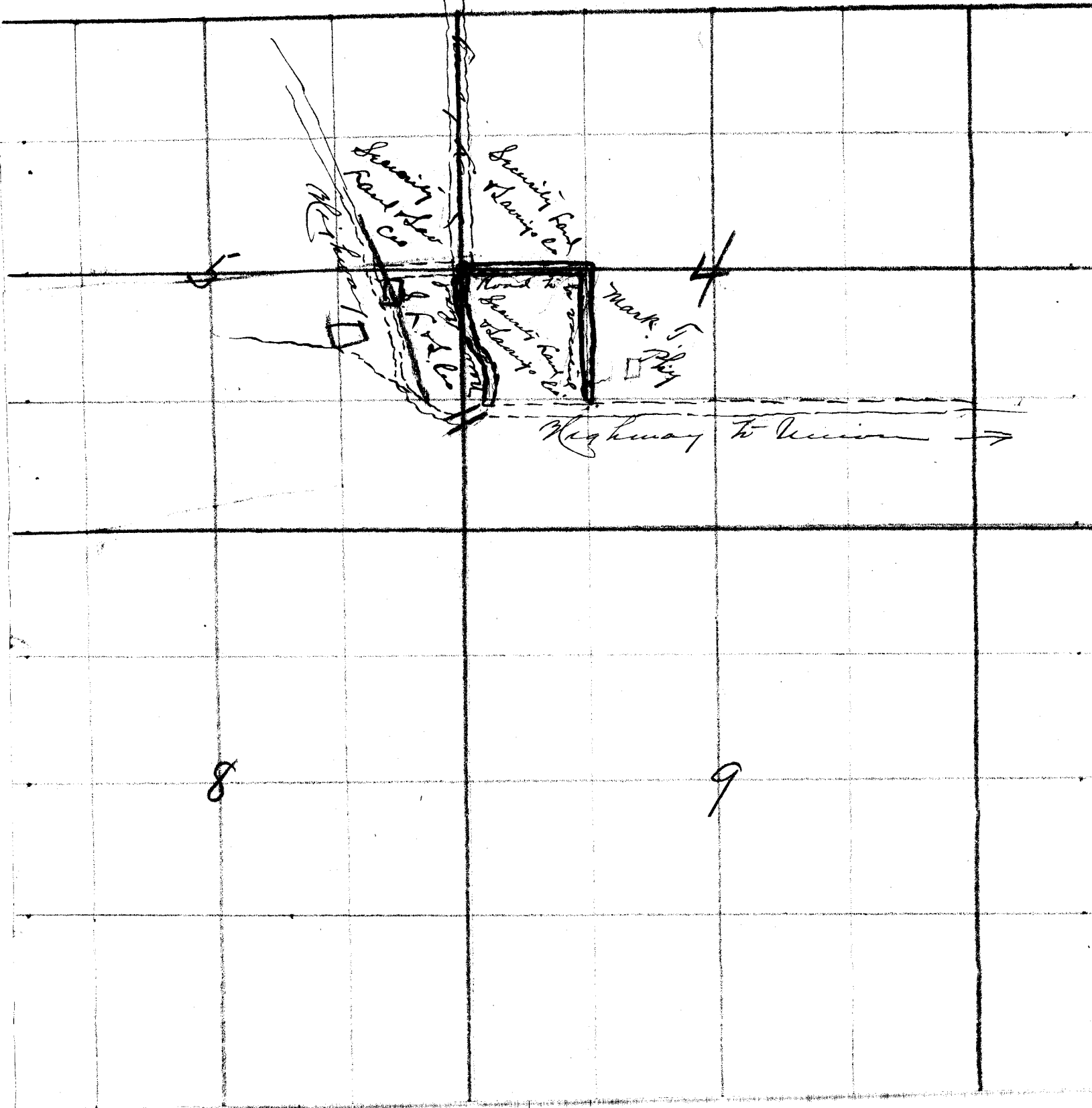
I now ask that the County Roadmaster make the necessary investigation and report, and in the event said report is satisfactory to the Court; that the Court then adopt a resolution with the view of vacating said road.

The ownership of the adjoining lands is shown on the plat herewith, and none of said owners will object to vacating said road.

Respectfully submitted,

  
Acting for and on behalf of the  
Security Land & Savings Company,  
and Mary T. Pay.

Tr 4- S.R. 39.



IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY.

In the matter of vacating  
a road in Section 4, in  
Tp. 4 S., R 39 EWM.

WHEREAS, it appears to the County Court of Union County, Oregon, that a certain county Road described as follows: Commencing at the quarter corner between Sections 4 and 5 T 4 S., R 39 EWM., thence East a distance of 550 feet, thence S 60 degrees 00 minutes E. a distance of 200 feet, thence East a distance of 618 feet, thence South a distance of 1444 feet to the intersection of the Old Oregon Trail Highway, said point being approximately 1572 feet South and 1321 feet East of the quarter corner between Sections 4 and 5 T 4 S., R. 39 EWM., is useless as a part of the general road system of Union County and is burdensome to maintain, and

WHEREAS, the public will be benefited by the vacation of said ~~portion of said~~ road, therefore

BE IT RESOLVED, that such proceedings as are required by law be taken to vacate said above described road.

Dated at La Grande, Oregon, this 5th day of March, 1925.

Ch. G. Couch County Judge,  
John Wells Commissioner,  
W W Stevens Commissioner.

OFFICE OF  
COUNTY ROADMASTER  
UNION COUNTY, OREGON

La Grande, Oregon,  
April 2, 1925.

TO THE HONORABLE COUNTY COURT OF UNION COUNTY, OREGON.

I beg leave to report that on the 11th day of March, 1925 in pursuance with said order, I proceeded to view out that portion of the present County Road in the south west quarter of section 4 T 4 S R 39 EWM, as shown on the accompanying map.

The above described road is no longer used as a County road; that the same is burdensome to maintain and that the public will be benefitted by its vacation.

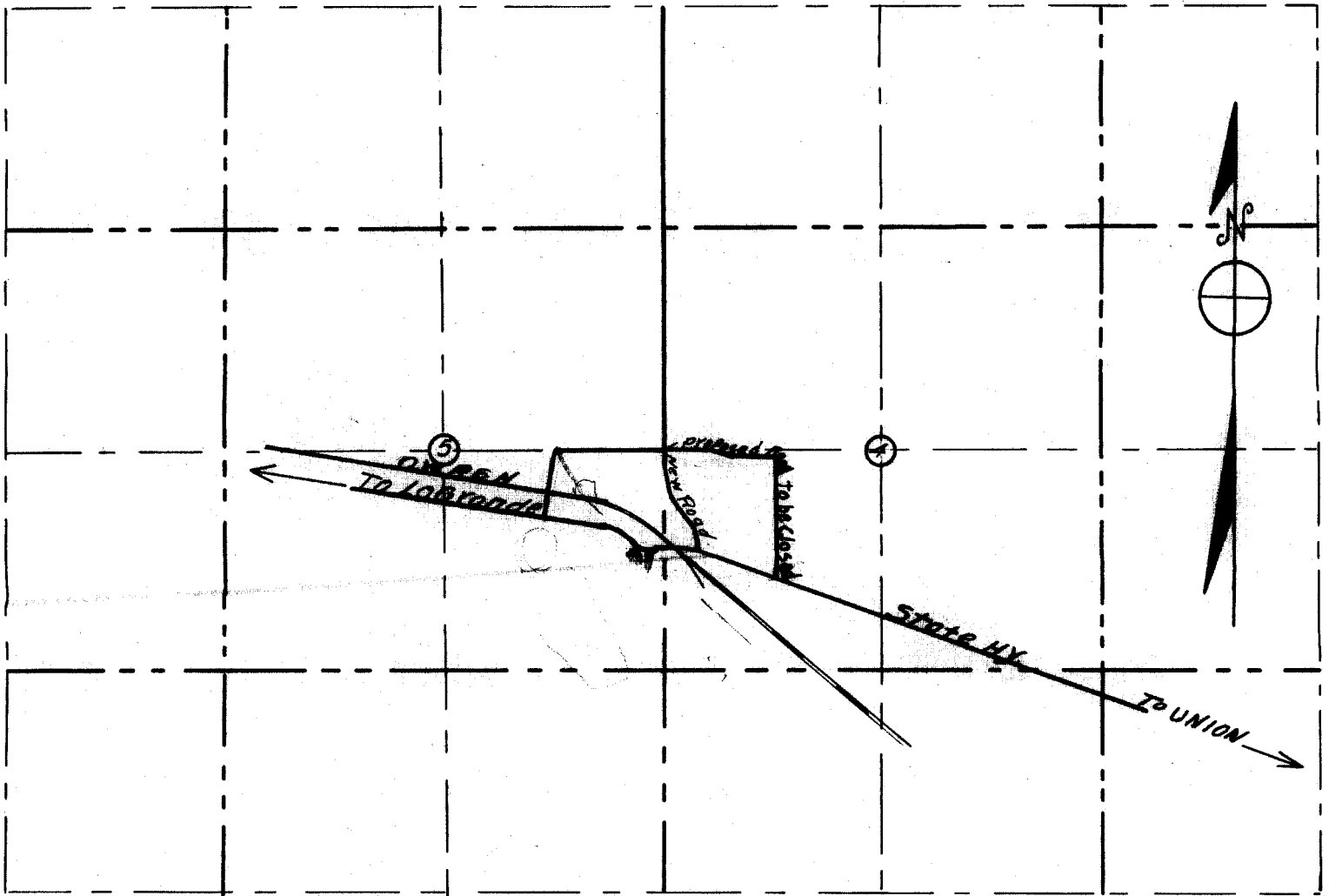
The above described road has been replaced as far as public convenience is concerned, by a new road from the quarter corner between sections 4 & 5 T 4 S R 39 EWM, thence in a south easterly direction to the Old Oregon Trail Highway, said new road being well graded and only about one-half the length of the old road.

I therefore recommend that said road be closed as a public highway of Union County, Oregon.

Respectfully submitted,



County Roadmaster.



**MAP OF THE PROPOSED ROAD TO  
BE CLOSED IN SECTION 4 T4 S R39 E W.M.**

Commencing at the  $\frac{1}{4}$  corner between sections 4 and 5 T4 S R39 E W.M., thence East a distance of 550 feet, thence S60°00' E a distance of 200 feet, thence East a distance of 618 feet, thence South a distance of 1444 feet to the intersection of the old Oregon Trail Highway Said point being approximately 1572 feet South and 1321 feet East of the  $\frac{1}{4}$  corner between sections 4 and 5 T4 S R39 E W.M.

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 4th day of March, A. D., 191<sup>25</sup>, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable U. G. Couch, County Judge,  
John Wells, Commissioner,  
W. W. Stevens, Commissioner,  
C. K. McCormick, Clerk,  
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 5th day of March, A. D. 191<sup>25</sup>, or the second Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the vacation of  
a road in Section 4, Tp 4 S.,  
R 39 EWM.

Now at this time, it appearing that this Court has resolved to take such proceedings as are required by law to vacate that certain county road in Section 4, in Tp. 4 SR 39 EWM, described as follows:

Commencing at the quarter corner between sections 4 and 5 T 4 S., R 39 EWM, thence east a distance of 550 feet, thence S 60 degrees 00 minutes E a distance of 200 feet, thence East a distance of 618 feet, thence South a distance of 1444 feet to the intersection of the Old Oregon Trail Highway, said point being approximately 1572 feet South and 1321 feet East of the quarter corner between Sections 4 and 5 T 4 S., R 39 EWM,

It is therefore ORDERED that S. B. Morgan, County Roadmaster be and he is hereby directed to examine the above described road and report to this Court in writing at its next meeting the advisability of preserving said road as a part of the General Road System of Union County.

U. G. Couch, County Judge,  
John Wells, Commissioner,  
W. W. Stevens, Commissioner.



BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 1st day of April, A. D., 1925, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable U. G. Couch, County Judge,  
John Wells, Commissioner,  
W. W. Stevens, Commissioner,  
C. K. McCormick, Clerk,  
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 2nd day of April, A. D. 1925, or the 2nd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the vacation  
of a road in Section 4, Tp 4 S.,  
R. 39, E.W.M.

Now at this time, it appearing to the Court that the County Surveyor has viewed the portion of the above entitled road proposed to be vacated and has filed a written report recommending that said road be vacated,

It is therefore CONSIDERED AND ORDERED that May 7th, 1925, at 10:00 AM, and the County Court Room in the city of La Grande, Oregon, be fixed as the time and place for hearing said report, and the County Clerk is hereby directed to give notice of the said hearing for the time and in the manner provided by law.

U. G. Couch, County Judge,  
John Wells, Commissioner,  
W. W. Stevens, Commissioner.

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 6th day of May, A. D., 191<sup>25</sup>, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable U. G. Couch, County Judge,  
John Wells, Commissioner,  
W. W. Stevens, Commissioner,  
C. K. McCormick, Clerk,  
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 7th day of May, A. D. 191<sup>25</sup>, or the 2nd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the vacation of a certain road in Section 4, Twp 4 S R 39, EWM.

Now at this time the above entitled matter comes on for the hearing of the report of the County Roadmaster on the proposed vacation of a certain road in Section 4, Tp 4 S R 39 EWM, more particularly described as follows:

Commencing at the quarter corner between Sections 4 and 5, T 4 S, R 39 EWM, thence East a distance of 550 feet, thence S 60 degrees 00 minutes E a distance of 200 feet, thence East a distance of 618 feet, thence South a distance of 1444 feet to the intersection of the Old Oregon Trail Highway, said point being approximately 1572 feet South and 1321 feet East of the quarter corner between Sections 4 and 5 T 4 S., R 39 EWM,

and it appearing to the Court from the report of the Roadmaster that said road proposed to be vacated is burdensome to maintain and is no longer practical or useful to the traveling public for the reason that the public is served by a new road which is well graded and is only half the length of the road proposed to be vacated, and it further

appearing from the affidavit of posting on file that the County Roadmaster, more than 30 days prior to the date set for hearing, the said Roadmaster reported that 3 notices of the date of said hearing were posted in the vicinity of the road proposed to be vacated and that one

notice was posted at the place of holding County Court and that said notices remained posted at least 30 days prior to the date met for said hearing, and it further appearing that no person has appeared to object to the vacation of said road and that no remonstrance has been filed,

It is therefore CONSIDERED AND ORDERED AND ADJUDGED that said road be and same is hereby vacated between the points and along the line above described.

(Sd) *W. L. Houch, County Judge*  
*John Wells, Commissioner*  
*W. W. Stevens, Commissioner*

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 4th day of March, A. D., 1925, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable U. G. Couch, County Judge,  
John Wells, Commissioner,  
W. W. Stevens, Commissioner,  
C. K. McCormick, Clerk,  
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 5th day of March, A. D. 1925, or the 2nd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the vacation of a road in Section 4, in Tp. 4 S., R 39, EWM.

Now at this time, it appearing that this Court has resolved to take such proceedings as are required by law to vacate that certain county road in Section 4, in Tp. 4 S., R 39 EWM, described as follows:

Commencing at the quarter corner between Sections 4 and 5 T 4 S., R 39 EWM., thence East a distance of 550 feet, thence ~~51 60 degrees 00 minutes~~ ~~51 60 degrees 00 minutes~~ East a distance of 200 feet, thence East a distance of 618 feet, thence South a distance of 1444 feet to the intersection of the Old Oregon Trail Highway, said point being approximately 1572 feet South and 1321 feet East of the Quarter corner between Sections 4 and 5 T 4 S., R 39 EWM,

It is therefore ORDERED that S. B. Morgan, County Roadmaster, be and he is hereby directed to examine the above described road and report to this Court in writing at its next meeting the advisability of preserving said road as a part of the General Road System of Union County.

*U. G. Couch* County Judge,  
*John Wells* Commissioner,  
*W W Stevens* Commissioner.

SECOND JUDICIAL DAY

THURSDAY, MARCH 5th, 1925.

In the matter of the application  
of The Wolfe Creek Community Hall X  
for a Dance Hall Permit.

Now at this time is presented to the Court the application of The Wolfe Creek Community Hall, by A. F. Bowman, Secretary, for a license to conduct a public dance hall near North Powder, Oregon, and it appearing to the Court that said application should be granted,

It is hereby ORDERED that the County Clerk issue a license to the said Wolfe Creek Community Hall for conducting a dance hall with a floor space of 1440 square feet during the year 1925.

In the matter of the application  
of Albert E. Watson for a Dance X  
Hall Permit.

Now at this time is presented to the Court the application of Albert E. Watson for a license to conduct a public dance hall at Hilgard, Oregon, and it appearing to the Court that the applicant is a person of good moral character,

It is hereby ORDERED that the County Clerk issue a license to the said Albert E. Watson to conduct a dance hall with a floor space of 768 square feet at Hilgard, Oregon, during the year of 1925.

In the matter of the application  
of Fritz Hofmann for a Dance X  
Hall Permit.

Now at this time is presented to the Court the application of Fritz Hofmann for a license to conduct a public dance hall at Mill Canyon, south of La Grande, Oregon, and it appearing to the Court that the applicant is a person of good moral character,

It is hereby ORDERED that the County Clerk issue a license to the said Fritz Hofmann to conduct a dance hall with a floor space of 2000 square feet at Mill Canyon, south of La Grande, Oregon, during the year 1925.

In the matter of the application  
of Martha Buchanan for County Aid.

Now at this time, it is ORDERED that this matter be and the same is hereby continued for the term for investigation.

In the matter of vacating a road  
in Section 4, in Tp. 4 S., R 39, EWM.

WHEREAS, it appears to the County Court of Union County, Oregon, that a certain county Road described as follows: Commencing at the quarter corner between Sections 4 and 5 T 4 SR 39 EWM, thence East a distance of 550 feet, thence S. 60 degrees 00 minutes E a distance of 200 feet, thence East a distance of 618 feet, thence South a distance of 1444 feet to the intersection of the Old Oregon Trail Highway, said point being approximately 1572 feet South and 1321 feet East of the Quarter corner between Sections 4 and 5 T 4 S., R 39 EWM., is useless as a part of the general road system of Union County and is burdensome to maintain, and

SECOND JUDICIAL DAY

THURSDAY, MARCH 5th, 1925.

WHEREAS, the public will be benefited by the vacation of said road,

THEREFORE

BE IT RESOLVED, that such proceedings as are required by law be taken to vacate said above described road.

In the matter of the vacation of a road in Section 4, in Tp. 4 S., R 39, EWM.

Now at this time, it appearing that this Court has resolved to take such proceedings as are required by law to vacate that certain county road in Section 4, in Tp. 4 S., R 39 EWM, described as follows: Commencing at the quarter corner between Sections 4 and 5 T 4 S., R 39 EWM., thence East a distance of 550 feet, thence S 60 degrees 00 minutes E. a distance of 200 feet, thence East a distance of 618 feet, thence South a distance of 1444 feet to the intersection of the Old Oregon Trail Highway, said point being approximately 1572 feet South and 1321 feet East of the quarter corner between Sections 4 and 5 T 4 S., R 39 EWM,

It is therefore ORDERED that S. B. Morgan, County Roadmaster be and he is hereby directed to examine the above described road and report to this Court in writing at its next meeting the advisability of preserving said road as a part of the General Road System of Union County.

In the matter of the application of Emma Burnaugh, et al., for the improvement of the Phillips Creek Road.

Now at this time this matter comes on for consideration upon the petition of Emma Burnaugh, et al., for the improvement of that certain road leading west from Elgin up Phillips Creek and connecting with the road leading north from Summerville, and the Court having considered said petition,

It is ORDERED that Commissioner John Wells and the County Roadmaster be and they are hereby authorized to inspect said road and to file their recommendation concerning said improvement at the next meeting of this Court.

In the matter of the transfer of Funds.

Now at this time, it appearing to the Court that the County Treasurer has heretofore transferred the sum of \$8000.00 from the General Fund to the Market Road Fund and the sum of \$378.29 to the Road Bond Interest Fund and that claims in the sum of \$791.37 have been paid from the General Road Fund which were properly chargeable to the Market Road Fund,

It is CONSIDERED AND ORDERED that the Treasurer be and she is hereby directed to return said amounts to the funds from which transferred and to transfer the sum of \$791.37 from the Market Road Fund to the General Road Fund.

And it further appearing that there are Road Bond Fund Warrants outstanding in the sum of \$15.38 in excess of the amount to the credit of the Road Bond Fund,

It is ORDERED that the County Treasurer be and she is hereby authorized and directed to transfer the sum of \$15.38 from the General Fund to the Road Bond Fund.

SECOND JUDICIAL DAY

THURSDAY, APRIL 2nd, 1925.

Court met pursuant to adjournment.

Present: Same officers as on last Judicial Day.

Due proclamation of the opening of Court having been made, the Journal of the last day's proceedings was read, approved, and is here now signed.

*Chas. G. Cawley* County Judge,  
*John Wells* Commissioner,  
*W. W. Stevens* Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of the monthly report of the County Treasurer and credits given her.

Comes now Florence Bacon, County Treasurer of Union County, Oregon, and presents to the Court certain vouchers, warrants, and receipts showing that she has paid out of the various funds of the County certain sums of money. And it appearing to the Court from an examination of said vouchers and warrants that the sums have been duly paid out of the funds applicable thereto, that the warrants were regularly issued on the order of the Court, and that the Treasurer should have credit upon her account for the same,

It is therefore ORDERED that said vouchers, receipts, etc., be filed and the Treasurer be given credit therefor as follows:

238 General Fund Warrants	\$ 7,489.71
63 General Road Fund Warrants	2,148.14
5 Market Road Fund Warrants	141.05
7 Road Bond Fund Warrants	68.00
2 Indigent Soldier Fund Warrants	72.00
4 Prohibition Enforcement Fund Recpts	680.91
1 Game Law Receipt	87.50
5 Special Tax Cities Receipts	1,761.92
22 Special School Receipts	<u>13,465.19</u>
	\$25,914.42

In the matter of the application of Martha Buchanan for County Aid.

Now at this time it is ORDERED that this matter be and same is hereby continued for the term for further investigation.

In the matter of the vacation of a road in Section 4, Tp 4 S., R 39, EWM.

Now at this time, it appearing to the Court that the County Surveyor has viewed the portion of the above entitled road proposed to be vacated and has filed a written report recommending that said road be vacated,

It is therefore CONSIDERED AND ORDERED that May 7th, 1925, at 10:00 A.M., and the County Court Room in the city of La Grande, Oregon, be fixed as the time and place for hearing said report, and the County Clerk is hereby directed to give notice of the said hearing for the time and in the manner provided by law.

SECOND JUDICIAL DAY

THURSDAY, MAY 7th, 1925

Sencerbox, Justice of the Peace of the North Powder Justice of the Peace and Constable District, and it appearing to the Court that said Bond is in the sum of \$1,000.00 as required by law, and that same is signed by the National Surety Company of New York as surety,

It is therefore CONSIDERED AND ORDERED that said bond be and the same is hereby approved.

In the matter of the application of the Pacific Hoist & Derrick Co., for the issuance of a new warrant in lieu of a Lost Warrant.

Now at this time this matter comes on to be heard upon the application of the Pacific Hoist & Derrick Company for the re-issuance of General Road Fund Warrant No. 155, Series 1925, in the sum of \$546.70, and it appearing to the Court that said Warrant was mailed by the County Clerk to the Pacific Hoist & Derrick Company at Seattle, Washington, but that same was not received by said company and has not been presented to the Treasurer for payment and that said warrant has either been lost or destroyed; and it further appearing that the said Company has filed a good and sufficient bond indemnifying the County against any loss which may arise on account of the payment of said warrant,

It is therefore CONSIDERED AND ORDERED that the County Clerk be and he is hereby authorized and directed to draw another warrant on the General Road Fund of the County in the sum of \$546.70 in lieu of said lost warrant.

In the matter of advertising for bids for the grading of Unit A of the Alicel-Lower Cove Market Road.

Now at this time, it is ORDERED that the County Roadmaster be and he is hereby directed to advertise for bids for the grading of Unit A of the Alicel-Lower Cove Market Road, said bids to be filed not later than June 6th, 1925, at 10:00 AM.

In the matter of the vacation of a certain road in Section 4, Twp. 4 S, R 39, EWM.

Now at this time the above entitled matter comes on for the hearing of the report of the County Roadmaster on the proposed vacation of a certain road in Section 4, Tp 4 S, R 39 EWM, more particularly described as follows:

Commencing at the quarter corner between Sections 4 and 5, T 4 S., R 39 EWM; thence East a distance of 550 feet, thence S 60 degrees 00 minutes E a distance of 200 feet, thence East a distance of 618 feet, thence South a distance of 1444 feet to the intersection of the Old Oregon Trail Highway, said point being approximately 1572 feet South and 1321 feet East of the Quarter corner between Sections 4 and 5 T 4 S., R 39 EWM,

and it appearing to the Court from the report of the Roadmaster that said road proposed to be vacated is burdensome to maintain and is no longer practical or useful to the traveling public for the reason that the public is served by a new road which is well graded and is only half the length of the road proposed to be vacated, and it further appearing from the affidavit of posting on file that the County Roadmaster, more than 30 days prior to the date set for hearing, the said Roadmaster reported that 3 notices of the date of said hearing were posted in the vicinity of the road proposed to be vacated and that one notice was posted at the place of holding County Court and that said notices remained posted at least 30 days prior to the date set for said hearing, and it further appearing that no



SECOND JUDICIAL DAY.

MAY 7th, 1925, THURSDAY.

person has appeared to object to the vacation of said road and that no remonstrance has been filed,

It is therefore CONSIDERED AND ORDERED AND ADJUDGED that said road be, and same is hereby vacated between the points and along the line above described.

In the matter of the vacation of a portion of the road petitioned for by John Carr, et al., (County Road No. 30).

Now at this time the above entitled matter comes on for the hearing of the report of the County Roadmaster on the proposed vacation of a portion of that certain road petitioned for by John Carr, et al., (County Road No. 30), described as follows:

Commencing at the quarter corner between Sections 25 and 26, Twp 2 S., R 38 EWM, thence South on the section line 1775 feet to the intersection of the La Grande-Joseph Highway, and it appearing to the

County from the affidavit of posting on file that the County Roadmaster, more than 30 days prior to May 7th, 1925, the date set for hearing, said Roadmaster reported posting 3 notices of the hearing in the vicinity of the road proposed to be vacated, and one notice at the place of holding County Court, and that said notices remained posted at least 30 days prior to the date set for hearing, and the Court having considered the Roadmaster's report as well as the remonstrance of a number of tax-payers residing in the vicinity of the road proposed to be vacated, and being fully advised in the premises,

It is CONSIDERED, ORDERED and ADJUDGED that these proceedings be dismissed and said road be not vacated.

Thereupon the Journal of today's proceedings was read, approved and is here now signed, and it was ORDERED that Court be now adjourned for the term.

<i>U. G. Couch</i>	County Judge
<i>John Wells</i>	Commissioner,
<i>W. W. Stevens</i>	Commissioner.

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