

THE EBBETTS PASS OR BIG TREE ROAD

By J. A. SMITH

The credit of having discovered the pass over the Sierra Nevada Mountains on the Old Emigrant or Big Tree Road is given to one John or Major Ebbetts. The date of the discovery was in 1850 or 1851.

However, in 1844, Kit Carson with an exploring party coming over the Sierra Nevada Mountains looking for a route to the valleys of California, came down the ridge on the south side of the Mokelumne River and continued his course westward until he came to the Middle Fork of the said stream at a point he designated West Point. Finding the Middle Fork of said stream at flood stage, he crossed the North Fork on the old Indian Ladder Bridge and turning eastward discovered the pass that now bears his name.

Emigrants used the Ebbetts Pass road coming to California gold mines, though it was a rudely broken track sufficient to get over and followed by those who came later.

At Big Meadows the road forked, one fork going westerly into West Point, following the route taken by Kit Carson, while the other route followed the northern ridge of the North Fork of the Stanislaus into Murphys.

By the late fifties, when the first great gold rush had subsided, the road was used infrequently and it reverted to the primeval. The road bed was soft and wagons attempting to pass over it were frequently mired down to their beds. Most of the emigrants were then using other routes, or coming by way of the Isthmus of Panama.

The Calaveras Grove of Big Trees had been discovered and opened as a resort for tourists and the road improved from Murphys to the Big Trees.

Supplies were being hauled over the mountains by the various routes and there was a demand for a good road over the mountains. In 1862 a company of men, residents of Murphys, were granted a franchise by the Legislature of the State of California to build and maintain a turnpike road from Big Trees Grove in Calaveras County to the east-

ern boundary of the State. The franchise was granted to James L. Sperry, John Perry, P. L. Traver, John Kimball, Ephraim Cutting, Freeman Dunbar, John DeLaitte, Joseph Shepherd, Volney Shearer and Riley Senter.

The act of the Legislature authorized these men to incorporate a company under the name of Big Tree and Carson Valley Turnpike Company and the right to collect tolls upon said road for a period of 25 years. They were required to start work within six months after the date of the act and to have the road completed in two years. The act further provided that grades on the road should be constructed with convenient places for the turning out and passing of the heaviest teams and kept open in good repair for at least six months in each year.

Upon the completion of certain specified amount of the road the company was authorized to charge and collect such tolls as the Board of Supervisors of Calaveras County should fix and upon completion of the road, the tolls were to be annually fixed by the Board of Supervisors of the county.

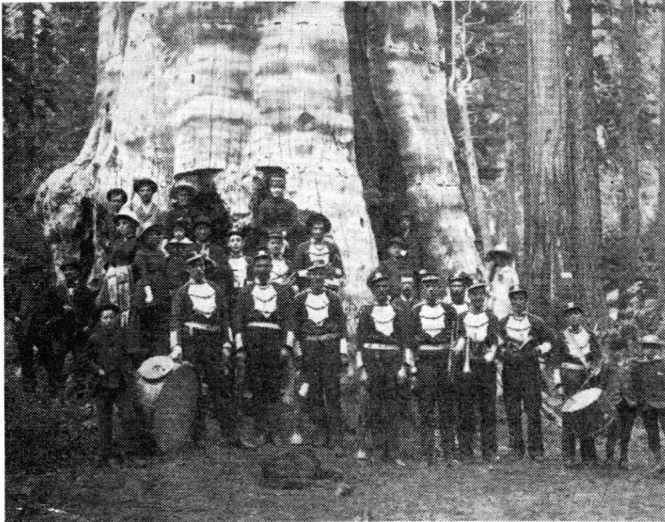
The company was thereafter incorporated on April 17, 1862, to build the road from the Big Tree Grove in Calaveras County by way of "Mud Springs," "Grizzly Bear Valley," the Mokelumne River at Hermit Valley to the eastern boundary of the State of California. Murphys, Calaveras County, was the principal place of business of the company and the personnel was changed from those granted the franchise to the following named incorporators: W. G. Graham, John Perry, George Metz, P. L. Traver, Volney Shearer, Freeman Dunbar, C. H. Coonly and John DeLaitte.

James L. Sperry was president of the corporation, De Laitte, secretary, and Shearer was the superintendent in charge of construction. Stock was sold particularly in Calaveras County and Stockton as Stockton merchants were interested in a good road across the mountains.

The construction work was begun in June, 1862. Oxen were used for a time but were later discontinued and horse teams were used instead. Labor was cheap, the ordinary laborer receiving the sum of \$40 and board per month. A

few of the more skilled men received \$50 and board per month, while a few of the men received \$60 and board per month.

The first construction work was done under Volney Shearer between Black Springs and Carson Valley. Camps were established as the work progressed. It was an expensive matter to get supplies to the workers. A man named Ramon Duarte operated a pack train delivering the supplies and received \$3 per 100 pounds for all supplies delivered. This was before the use of giant powder and great quantities of black powder was packed in on mules and used on the road.



OLD MURPHYS BAND in front of the "Mother of the Forest" (big tree), showing Frank Mischler, Mike Marshall, Lennie Housel. Loaned by Mr. Fred Kenney.

The original route of the road from Big Trees to Hermit Valley is practically as at present. From Hermit Valley the original road then went northerly of the present road through Deer Valley, Clover Valley, Twin Lakes, Summit Valley, Faith, Hope and Charity Valley, crossing the west Carson River and forming a junction with the road to Placerville. With the discovery of the mines at Silver Mountain, Alpine County, and the development of that place, the eastern end of the road was changed and the route was thereafter by way of Silver Mountain and Markleeville. It appears that the Big Tree and Carson Valley Turnpike Company did no construction or maintenance work on the road easterly of Silver Mountain.

Work was continued upon the road during the year 1863 under the supervision of Shearer, but with a much smaller crew than the year previous.

The State Legislature by an act dated March 12, 1864, extended the time for the completion of the road to the 3rd of April, 1866, and also extended all rights and privileges granted to the company to the same date.

In the spring of 1864, work was resumed on the road and Volney Shearer was again sent into the mountains with a crew of men to repair and reconstruct the road. A great deal of work was done on the eastern side of the mountain and the road was put into fair condition for travel. It became a regular freight route between Stockton and Nevada.

In May, 1864, the corporation adopted a rate of tolls

and applied to the Board of Supervisors of Calaveras County to establish the rate as adopted. The Board at its meeting in June of the same year entered its order in connection with the tolls to be collected on the road as follows:

The company is hereby authorized to charge, demand and receive the following rates of toll for travel over said road which are hereby established from and after the 5th day of June, 1864, and to be collected at each gate established by the company (not to exceed four) as soon as each 25 miles of said road shall be completed, and until the further order of the Board, not to exceed one year, to-wit:

For loaded wagon with two horses, mules or oxen attached, \$1; each additional animal 25c; for same, with empty wagon, half rate; for pleasure carriages, buggy, cart or other vehicles drawn by one animal, 75c; for each additional animal, 25c; for man and horse, 25c for each loaded pack animal, 25c; for each empty pack animal, 12½c; for loose horses, mules or meat cattle, each 12½c; for sheep, goats or swine, 5c.

Toll gates were erected at Cottage Springs, Hermit Valley and Silver Mountain.

On May 11, 1864, the Turnpike Company entered into an agreement with Harvey S. Blood and Jonathan C. Curtis of Bear Valley. By this agreement, Blood and Curtis were to take over the road, pay the taxes, complete the unfinished portion from Bear Valley to Silver Mountain, maintain the road, collect the tolls and repay themselves with interest for what had been expended on the road, provided that the agreement should not exceed a term of five years after which time the road was to be surrendered to the Turnpike Company. During this period the transcontinental railroad was completed and the roads over the Sierras were no longer used to transport freight.

Apparently at the end of the five year period the road was not returned to the Turnpike Company, but Harvey S. Blood continued to keep the road in repair and collect tolls at Bear Valley Station until the 25-year franchise granted by the State Legislature expired in 1887.

On April 7, 1887, the Board of Supervisors of Calaveras County granted H. S. Blood by Ordinance No. 20, a right and franchise to collect tolls on that part of the road situated in Calaveras County for a term of 10 years. No toll gates had been authorized by the board in Calaveras County.

In 1890, Blood petitioned the Board of Supervisors of Calaveras County for the right to establish a toll gate at Gardner's or Cold Spring Ranch and to collect tolls at that place. The board granted the petition empowering Blood to collect tolls at Gardner's.

The gate was erected and George Woods, owner of a homestead claim located three or four miles above Gardner's on the line of the road, refused to pay tolls at the Gardner gate and in January, 1891, Blood commenced an action against Woods in the justice court of Murphys Township for the amount of toll he claimed due him from Woods. Woods' attorney set up that the legality of the county ordinance would be involved in the trial of the action and the matter was certified to the Superior Court for trial.

The court held that the franchise granted by the Legislature had expired and that the road then became a free public road and that the Supervisors had no authority to grant the rights to Blood that was done by Ordinance No. 20. Blood appealed the case to the Supreme Court and lost

his appeal.

In 1893, the Legislature of the State revised its County Government Act to provide "that the County Board of Supervisors have jurisdiction and power to grant licenses and franchises for taking tolls on public roads or highways whenever in their judgment the expense necessary to operate or maintain such road or highway is too great to justify the county in operating and maintaining them." Harvey S. Blood on April 3, 1893, then petitioned the Board of Supervisors of Calaveras County for a right and franchise to collect tolls for a period of 20 years on that part of the Big Tree and Carson Valley Toll Road in Calaveras County.

The board set the petition for hearing on April 20, 1893, and the hearing was thereafter continued. On July 19, 1893, R. T. McCarty filed a petition in the Superior Court of Calaveras County for a writ of prohibition, to prohibit the Board of Supervisors of Calaveras County from granting a franchise to Blood to collect tolls on the road, claiming that the board had no jurisdiction to grant such a franchise. Upon a hearing, the Superior Court held that the board did have such a right and judgment was entered in favor of the Board of Supervisors.

On the following July 3, the Board of Supervisors adopted Ordinance No. 48. By this ordinance the Board found and determined that in their judgment the expense of operating and maintaining the Big Tree Road in Calaveras County was too great to justify its maintenance by the county and granted to H. S. Blood for a term of eight years the right to collect tolls upon said road. Blood was to keep the road in reasonable repair and was permitted to erect and maintain a toll gate at Gardner's. Rates of toll were also set.

Thereafter, Blood maintained the road as a toll road and on July 15, 1901, the Supervisors of Calaveras County granted Blood by Ordinance No. 109 of said board, the right for a term of 12 years to collect tolls on said road and maintain the toll gate at Gardner's. The ordinance also recited that the cost of maintaining the road as a free public road was too great for the county to assume.

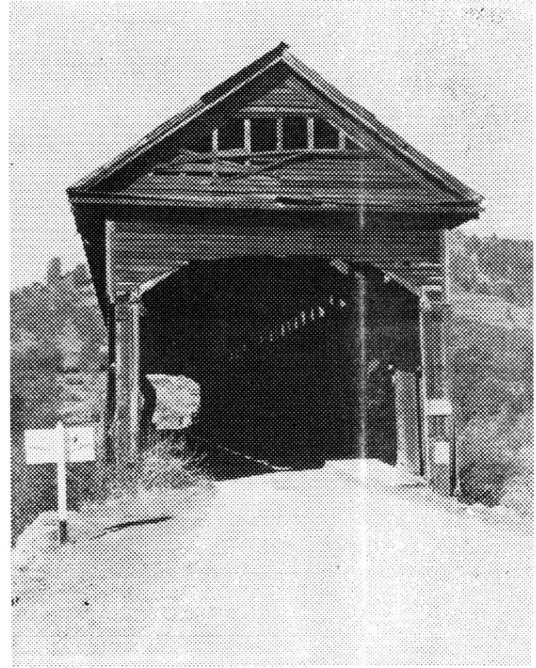
Prior to the expiration of the franchise and at the April, 1910, meeting of the Board of Supervisors, Blood relinquished all his rights and privileges granted under Ordinance No. 109 and the road became a free public road. The following year, 1911, the road was incorporated into the State highway system and called "Alpine Highway." The road is now usually referred to as Ebbetts Pass Road.

O'BYRNES FERRY BRIDGES

By J. A. SMITH

The site of the O'Byrnes Ferry Bridges was originally called Byrnes Ferry. The old ferry was conducted by Mr. P. O. Byrnes, but for many years last past the site has been called O'Byrnes Ferry.

In the fall of 1852 Mr. P. O. Byrnes began the construction of a chain cable suspension bridge with a plank floor across the Stanislaus River at Byrnes Ferry, which was supposed to be 8 feet above high water. This bridge was completed in the spring of 1853 and at that time was on the principal road between Sonora and Stockton. Cop-peropolis had not come into existence at the time. The bridge was opened to the general traveling public as a toll



bridge.

In November, 1853, the bridge fell into the stream, caused by the heavy storms increasing the weight on the chains until one of them parted. There was on the bridge at the time it fell a six-oxen team and two men. The oxen and wagon were lost but the two men managed to reach shore and were saved. When conditions became favorable the bridge was repaired the next summer at a cost of approximately \$3000.

This bridge continued in use until the high water of 1862, when it was swept away. A miner's cabin near the bridge was also carried away by the rushing waters.

The bridge was replaced by a covered cantilever bridge built ten feet higher than the old bridge. The Union Bridge Company, a corporation with headquarters at Sonora, California, erected this new bridge. Joe Pardies operated the bridge as a toll bridge for many years and his nephew, Peter Camou, succeeded to his interests. The buildings used in connection with the bridge were on the Calaveras side of the river and the ruins of the buildings are still in existence.

Apparently the bridge was out of repair during the early eighties as the "Calaveras Citizen," a newspaper published at San Andreas, on March 24, 1884, carried a notice to the public stating that "the Union Bridge at O'Byrnes Ferry had been thoroughly repaired and is now ready for the traveling public."

Soon after its erection, one of the supporting arches within the structure buckled badly and still remains in that condition.

It has been stated that the cause of the arch buckling was from a workman tightening the bolts instead of loosening them for the winter season. The bridge continued to be used as a toll bridge until 1902 when it was purchased from the Union Bridge Company by the counties of Calaveras and Tuolumne for the sum of \$4000, and immediately

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NOTES FROM THE EDITOR

The president, the executive committee, and the editor would like to wish all the members of the Calaveras County Historical Society a very Happy New Year. We invite your support and enthusiastic cooperation in making this another successful year for the Historical Society. A practical way to start the new year is to send in your renewal subscription and membership dues at once if you have not already done so.

The new cut, "Las Calaveras," with the Vallecito bell monument in the background, was drawn by Mrs. Dave Matthews of Stockton and Murphys. We think it adds quality to the appearance of the Bulletin.

The first meeting of the committee to draw up a plan for an association of local historical societies convened at the College of the Pacific on December 12th and drew up a preliminary set of rules for the proposed association. Your editor is the chairman of this committee. Another meeting of the group will be held at the California History Foundation Institute on March 19th at the College of the Pacific to complete the plan, which will be presented to the local historical societies at their annual conference in Columbia in July.

Don't forget the California History Foundation Institute at the College of the Pacific on March 19-20. Outstanding leaders will be on hand to present material of interest to all lovers of California. The theme of the meeting will be "The Problems and Needs of Local California Historical Societies."

Elliot Taylor, director of Tours at the College of the Pacific, asked us to announce the seventh annual tour of the California Missions sponsored by the College. The party will leave Stockton on Saturday, April 10, by bus and will visit all of the twenty-one missions before returning to Stockton on Saturday, April 17. Two units of college credit may be earned through study conducted on and following the tour. Write Elliot Taylor for further information.

We're sorry it seemed necessary to cancel the December

meeting of the society, but, due to a conflict with the Community Christmas program in San Andreas, it seemed the proper thing to do. We hope this will not be necessary again, but this will be an annual problem due to the lateness in the month of our meetings and its conflict with Thanksgiving and Christmas. Perhaps we should consider a date

Dues, changes of address, etc., should be sent to the secretary at Valley Springs. Send material for Las Calaveras to the editor at Murphys.

Meetings of the Society are held regularly on the fourth Thursday of each month at the Court House in San Andreas unless otherwise announced. Dinner meetings are held quarterly in different communities of the county.

Membership dues are \$4.00 for individuals, \$8.00 for groups, and \$1.00 for junior members. for our meetings earlier in the month.

Those members who missed the November meeting on the old Sierra Railroad slipped up on a very enjoyable evening. Our enthusiastic friend from Sonora, Archie Stevenot, read a very fine paper on the history of the railroad. He also showed several interesting pictures of the old locomotives which had been loaned by Joe Azevedo. Elizabeth Kaler read another one of her charming papers on "recollections" of her experiences on the railroad.

C. W.

"California in the Making," written by Dr. Rockwell D. Hunt, of the College of the Pacific, is now on sale at all book stores and at the college.

Louise Oneto is assembling a cast for an historical skit to be presented at "Calaveras Creates," to be held on February 25.

The 39th District Agricultural Association has invited the Calaveras County Historical Society to enter a booth at the Calaveras County Fair and Frog Jump Jubilee, to be held Friday, Saturday, and Sunday, May 21, 22, and 23.

O'BYRNES FERRY

(Continued from page three)

made a free bridge.

This seems to be the only covered bridge crossing streams in the County of Calaveras or on joint county streams.

It is said that O'Byrnes Ferry is the locale of Bret Harte's "Poker Flat."

At the present time irrigation districts in the San Joaquin Valley are contemplating constructing a dam across the Stanislaus River below the O'Byrnes Ferry Bridge and at a height that will flood the bridge. At present a new site is being investigated by the counties of Calaveras and Tuolumne.