

Feb 20, 1899

IN THE COUNTY COURT OF THE STATE OF OREGON, FOR UMATILLA COUNTY.

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IN THE MATTER OF THE PETITION OF :  
 F. B. CLOPTON AND J. M. GILLILAND :  
 FOR THE LAYING OUT, LOCATING AND ES- :  
 TABLISHING OF A ROAD FROM THE RESI- :  
 DENCE OF PETITIONER, J. M. GILLILAND :  
 on the Southwest  $\frac{1}{4}$  of the Northeast :  
 $\frac{1}{4}$  of Section 8 in Township 2 North, :  
 of Range 32 East of the Willamette :  
 Meridian, over and across what is :  
 known as the W.C.McKAY DONATION LAND :  
 CLAIM IN the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of :  
 said Section 8 and the West  $\frac{1}{2}$  of the :  
 West  $\frac{1}{2}$  of Section 9 in said Town- :  
 ship and Range, and over and across :  
 Lots 3, 11, 10 and 7 to the Southeast :  
 corner of said Lot 7 in said Section :  
 9, Township and Range aforesaid, :  
 thence East, along the Section line :  
 between Lot 8 in Section 9 and Sec- :  
 tion 16 in said Township and Range, :  
 to a point upon the said line where :  
 the same intersects the public road :  
 leading from the City of Pendleton :  
 to Pilot Rock in said County and :  
 State, said point being 445 $\frac{1}{2}$  feet :  
 West of the Southeast corner of said :  
 Section 9, and also the point at :  
 which commences county road No.430. :

P E T I T I O N .

TO THE HONORABLE COUNTY COURT OF UMATILLA COUNTY, STATE OF OREGON;--

✕ Your petitioners, F. B. Clopton and J. M. Gilliland, res-  
 pectfully represent and show to this Honorable Body, that the said  
 F. B. Clopton is now, and has been for a long time last past, the  
 owner of the Southwest one-fourth( $\frac{1}{4}$ ) of the Northeast one-fourth( $\frac{1}{4}$ )  
 of Section(8) Eight in Township Two (2) North, of Range Thirty-two(32)  
 East of the Willamette Meridian; that ever since he became the own-  
*Said dwelling house being about 900 feet east and 800 ft north of the center of said section*  
 er of said premises, he has had a dwelling house thereon and has im-  
 proved and cultivated the said land and other lands adjacent there-  
 to; that your petitioner, J.M.Gilliland, has resided upon said  
 premises for about two years last past, and has a lease upon the said  
 premises for a term of five(5) years, three(3) years of which said  
 term have not expired; that the said last named petitioner now re-  
 sides in the dwelling-house upon the real property hereinbefore de-

IN THE COUNTY COURT OF THE COUNTY OF OREGON, PROBATE DIVISION.

scribed; that the said J. M. Gilliland has no other dwelling-place or residence in said County or State, and the same is the usual place of abode of said petitioner, J. M. Gilliland and his family; that the dwelling-house located upon the said premises, in which the said J. M. Gilliland and family reside, is situated South of the Umatilla River, which during the winter and spring seasons of each year, is a rapid, turbulent mountain stream, having no bridge or public highway across the same, and that said petitioner is unable to ford, or otherwise cross the same during the winter and spring months of each and every year; that upon the west and south of the dwelling-house upon the said premises, flows what is known as McKay Creek, which is also a rapid, turbulent stream, and during the winter and spring months of every year, the said McKay Creek is impassable, there being no bridge or public highway across the same in the vicinity of the said residence; that to the south and west of said dwelling, there are high and impassable bluffs, and no wagon road can be constructed over the said bluffs, nor can a wagon be driven across them; that there is no public road or highway south or west of said lands, over which your petitioners can reach said residence, nor is there any public road between the said Umatilla River and said residence.

Your petitioners further represent, and show that for many years last past, there has been in existence a road leading from the dwelling-house upon the said premises to the City of Pendleton; that heretofore, on or about the 31st day of January, 1899, C. O. Fanning, who now <sup>claims</sup> ~~owns~~ and resides upon what is known as the W. C. McKay Donation Land Claim, which is in the East Half( $\frac{1}{2}$ ) of the East Half( $\frac{1}{2}$ ) of Section Eight (8) and the West Half( $\frac{1}{2}$ ) of the West Half( $\frac{1}{2}$ ) of Section Nine (9) in Township Two (2) North of Range Thirty-two (32) East of the Willamette Meridian, closed the said road, and refused to allow these petitioners any egress from or ingress to the said residence upon the said premises; that your petitioners can travel <sup>if a road is laid out</sup> from the said residence of petitioners, in a southeasterly direction across the said W.C. McKay Donation Land Claim, and thence in a south-

OF WPOPE OF ESTE...  
OF BORTQENCE IN ESTE...  
SOLIPOR: ESTE...  
casterly direction over and across Lots Three (3), Eleven (11) and Ten (10) in Section Nine (9), which are now owned by Mary Kine, and thence in a southeasterly direction over and across Lot Seven (7) in said Section Nine (9), which is now owned by J. H. Raley, to the Southeast corner of said Lot Seven (7) in said Section, and from thence in an Easterly direction on the Section line between Lot Eight (8) in <sup>Section</sup> Section Nine (9) (said Lot 8 being now the property of E. Welch) and Section Sixteen (16) in said Township and Range, (said part of Section 16 over which said road crosses, being the property of Stephen E. Walker) to a point where the said section line intersects the public road leading from Pendleton to Pilot Rock in said county and State; said point being 445½ feet west of the S.E. corner of said Section 9, and also the point at which commences county road No. 430; that petitioners' residence is not reached by any convenient public county road provided for by law, or otherwise, and it is necessary that the public and these petitioners have ingress to and egress from the said residence of the said petitioner, J. M. Gilliland; that a good public highway and county road, and the only one *without great and unnecessary expense* that it is possible to reach from said residence, runs from the City of Pendleton to Pilot Rock in said county and State across the Southeast corner of Lot Eight (8) in Section Nine (9), Township Two (2) North, of Range Thirty-two (32) East of the Willamette Meridian; that a good road, without doing unnecessary damage to the lands of the parties hereinbefore ~~described~~ <sup>mentioned</sup>, can be constructed, laid out, and located upon the line of the old road hereinbefore described, and which runs in the directions and over and across the lands hereinbefore described. *(at the gate in the doorway of said petitioners about 400 feet north and 50 feet west from*

AND YOUR PETITIONERS PRAY, that, commencing ~~at~~ a point on the East line of Lot No. 2 of Section Eight (8), in Township Two (2) North, of Range Thirty-two (32) East of the Willamette Meridian, <sup>which said point is</sup> a distance of 380 links North, and 1550 links East of the center ~~line~~ of said section Eight (8), said point also being on the West boundary <sup>line</sup> of the W. C. McKay Donation ~~land~~ <sup>Claimed</sup> Claim No. 38, now ~~owned~~ and oc-

IN SAID SECTION NINE (9) AFTER BEING NOW OWNED BY J. H. WELCH TO THE  
PRESENCE IN A SOUTHEASTERLY DIRECTION OVER SAID ROAD FOR SEVEN (7)  
LETS (10) IN SECTION NINE (9) AFTER BEING NOW OWNED BY MARY KINE AND  
SOUTHEASTLY DIRECTION OVER SAID ROAD FOR SEVEN (7) THENCE (11) AND  
cupied by C.O.Fanning, thence running in a Southeasterly direction,  
following the course of the old road, as it now runs through the  
W.C.McKay Donation Land Claim, thence following said traveled road  
in a Southeasterly direction, through Lots 3, 11 and 10 in Section  
Nine(9) and Township Two (2) North, of Range Thirty-two(32) East of  
the Willamette Meridian, now owned by Mary Kine, thence following  
said traveled road in a Southeasterly direction through Lot Seven  
(7) in said Section Nine (9) in Township Two (2) North, of Range  
Thirty-two (32) East of the Willamette Meridian, Now owned by J.H.  
Raley, to the Southeast corner of said Lot Seven (7) in said Section  
Nine (9) Township Two (2) North, of Range Thirty-two (32) East of  
the Willamette Meridian, thence in an Easterly direction on the  
Section line between Lot 8 in said Section Nine (9) (which is now  
owned by E. Welch), and Section Sixteen (16) (said part of Section  
16 being now owned by Stephen E. Walker), in said Township and Range,  
to a point where the said Section line intersects the county road  
leading from the City of Pendleton to Pilot Rock in said County and  
State, which said road crosses the Southeast corner of said Lot  
Eight (8) in Section Nine (9) in Township and Range aforesaid, said  
point being 445½ feet from the Southeast corner of said Section  
Nine (9), and also the point at which commences county road No.430;  
that your Honorable Body cause to be laid out, located and establish-  
ed a county road and public highway thirty (30) feet wide, from the  
point of commencement as hereinbefore set forth, over and across the  
lands hereinbefore described, upon the line of said old road, and  
in the direction, as nearly as practicable, to the point hereinbe-  
fore set out, and that viewers be appointed to lay out, locate and  
establish said road, and to appraise and assess the damages to the  
said C.O.Fanning, Mary Kine, J.H.Raley, E.Welch and Stephen E.Walker,  
and to their said lands, by reason of the laying out, locating and  
establishing said public road. \*

*J. B. Costin*  
*J. M. Gilliland*