

No. of ~~Case~~ ^{Road} 138.

GALLATIN COUNTY,
DISTRICT COURT,
NINTH JUDICIAL DISTRICT,
STATE OF MONTANA.

Petition for
Location of a portion
of the Corby Road.

FILED ^{Plaintiff}

SEP 8 1898

A. P. McNaughton
County Clerk

E. H. Johnson
Defendant *vs*

Action for Road News Report
order adopted and

road not vacated
by order of
J. A. Patterson
Chairman
Sept 24 '98.

Attorney for Plaintiff

Attorney for Defendant

defendant

Vacating PETITION FOR ROAD.

To the County Surveyor of Gallatin County, Montana:

The Undersigned, your petitioners, citizens of the United States, respectfully show and represent that they are residents of Road District No. 5, in the County of Gallatin, State of Montana, where the road hereafter petitioned for, is ~~to be~~ located, laid out and established, if this petition be granted. That ~~the~~ ^{the} proposed road ~~will be~~ ^{is} a public convenience, and, we think, the public good requires it.

vacating of
city of

Your petitioners do respectfully ask and petition that a County road, sixty feet in width, ~~to be~~ ^{vacated} highway, ~~be laid out, located and established,~~ and show:— (a) The general route of the ~~proposed~~ road; (b) over what lands it is ~~to be~~ established; (c) who are the owners thereof; (d) whether such of them as can be found, consent thereto; (e) who of them do not consent; (f) the ~~probable cost of the right of way where such consent is not had;~~ (g) the necessity for and the advantages of the proposed ~~road as follows, to wit:~~

vacating of said road No. 66. From East-line of Sec. 1 G. N. R. 5 E. up the locality known

NAMES:

1. C. Guillebranson
2. A. Gunnar
3. Thor Coome
4. L. E. Menzel
5. Aarons Rigen
Rosie & Benjamin

P. S. Nelson

NAMES:

6. Charles Etan
7. John H. Reuss
8. Fred Astell
9. George H. Gee
10. Warren A. Thompson

NAMES:

1. S. S. Harding
2. Noah Gu
3. W. H. H. H. H. H.
4. Wm. Norwood
5. W. J. Norwood

NAMES:

6. George Smith
7. O. E. Norwood
- 8.
- 9.
- 10.

Office of County Surveyor, Gallatin County, Montana

Hon. *J. L. Patterson*

Chairman, Board of County Commissioners, Gallatin County Montana.

Dear Sir:-

You are hereby given notice, that a petition for a change the vacating of a County road has been received in my office, signed by C. Galbranson and eighteen other residents of road District No. 5 through which District said road runs. Said road commences at a point in Sec. 1 T. 1 N. R. 5 E., and terminates up the Corbly Cann Canyon.

Yours Respectfully,

C. M. Thorpe
County Surveyor.

Dated at Bozeman, Montana, this 25th day of July 1898.

Office of Board of Commissioners, Gallatin County, Montana.

Mr. *C. M. Thorpe*

County Surveyor, Gallatin County, Montana.

Dear Sir:-

In pursuance of the above notice, I hereby appoint Mr. *M. M. Hunter* to act on behalf of the Board of Commissioners, as a viewer on the above petitioned for vacation of road.

Yours Respectfully,

J. L. Patterson

Chairman, Board of Commissioners, Gallatin County, Montana.

Dated at Bozeman, Montana, this 26 day of July 1898.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. *Wm Decker*

You are hereby notified that you were duly appointed Road Viewer by *J. L. Patterson* Chairman Board of Commissioners of Gallatin County, Montana, on the *26th* day of *July*, 189*8*, to view and lay out a proposed road, as prayed for in the petition of *C. Gilbranson* and others, described as follows, to-wit.

Beginning at the east line of Sec. 18. 1 N. R. 5 E. where the same is intersected by the Corbly Canyon road, thence along said road up Corbly Canyon to the terminus of said road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *Mr. C. E. Mangel*, who was duly appointed as a Viewer on said road by the *County Surveyor* and by the County Surveyor, who is Chairman of said Board of Viewers, on the *24th* day of *Aug*, 189*8*, commencing at the place designated in said petition as the starting point of the road sought to be *located* and proceed to view and lay out the same by setting stakes, blazing trees, turning furrows, or other appropriate monuments to the terminus named in said petition, by the most practicable route that you in your judgment can find. You shall notify the resident owner or agent of land over which it passes, of the proposed route; ascertain whether such owner consents thereto and the amount of damages, if any, claimed or demanded for the right of way over the same. You shall estimate the actual damage to any land over which the proposed road passes and the cost of any bridges or grading necessary. You shall report the necessity for and the public convenience to be subserved by the highway, if opened, and whether the opening thereof or the change therein proposed should be made, and make and sign a report of your proceedings, as required by law.

Roads shall in all cases, when practicable, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand, at my office this *26th* day of *July*, 189*8*.

C. M. Thorpe
County Surveyor.

By _____ Deputy.

RETURN OF SHERIFF

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office, }
Gallatin County, Montana. }

MR. C. E. Mangel,

You are hereby notified that you were duly appointed Road Viewer by C. M. Thorpe
County Surveyor of Gallatin County, Montana, on the
26th day of July, 1898, to view and lay out a proposed road, as prayed
for in the petition of C. Gulbranson and others, described as follows, to-wit.

Beginning at the east line of Sec. 1 T. 1 N.
R. 5 E. where the same is intersected by the
Corby Canyon Road, thence along the
said road up Corby Canyon to the terminus
of said road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with Wm Becker, who was duly appointed as a
Viewer on said road by the Chairman Board of Commissioners and by the
County Surveyor, who is Chairman of said Board of Viewers, on the 24th
Aug., 1898, commencing at the place designated in said petition as the
starting point of the road sought to be located and proceed to view and
~~lay out~~ the same by setting stakes, blazing trees, turning furrows, or other appropriate monuments to the
terminus named in said petition, by the most practicable route that you in your judgment can find.
You shall notify the resident owner or agent of land over which it passes, of the proposed route; ascertain
whether such owner consents thereto and the amount of damages, if any, claimed or demanded for the
right of way over the same. You shall estimate the actual damage to any land over which the proposed
road passes and the cost of any bridges or grading necessary. You shall report the necessity for and the
public convenience to be subserved by the highway, if opened, and whether the opening thereof or the
change therein proposed should be made, and make and sign a report of your proceedings, as required by law.

Roads shall in all cases, when practicable, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand, at my office this 26th

day of July, 1898.

C. M. Thorpe
County Surveyor.

By _____
Deputy.

BELOW OF SHERIFF

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 100 Rec'd. July 29 1898
of Co Sur

addressed to Comdr
Springhill Mont.
W. B. BURKET. P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 94 Rec'd. July 28 1898
of Co Sur

addressed to Comdr
Springhill Mont.
W. B. BURKET. P. M.

Form 1548. REGISTRY RETURN RECEIPT sent July 29, 1898

Reg. No. 100 from Post Office at Bozeman, Mont.
*Reg. Letter Parcel Addressed to John Brooks
Springhill Mont.

After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.

RECEIVED THE ABOVE DESCRIBED REGISTERED *LETTER-PARCEL.
(Send name on other side.)
SIGN ON DOTTED LINES TO THE RIGHT.
When delivery is made to other than addressee, the name of both addressee and recipient must appear.
*Erase letter or parcel according to which is sent.

Form 1548. REGISTRY RETURN RECEIPT sent July 28, 1898

Reg. No. 94 from Post Office at Bozeman, Mont.
*Reg. Letter Parcel Addressed to Comdr
Springhill Mont.

After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.

RECEIVED THE ABOVE DESCRIBED REGISTERED *LETTER-PARCEL.
(Send name on other side.)
SIGN ON DOTTED LINES TO THE RIGHT.
When delivery is made to other than addressee, the name of both addressee and recipient must appear.
*Erase letter or parcel according to which is sent.

ROAD VIEWERS' NOTICE.

Notice is hereby Given to all whom it may concern. That we the undersigned Road Viewers, appointed by the Chairman of the Board of County Commissioners of the County of Gallatin, and by the County Surveyor of said County, Montana, on the 26th day of July, 1898, to view ~~and mark out~~ a proposed vacation of road as prayed for in the petition of C. Gubbranson et. al.,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 24th day of Aug., 1898, the time fixed by said Surveyor, and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Beginning at the east line of section one Township one north range 5 East ^{where the same is intersected} of the Corbly Canyon Road, thence along said road up Corbly Canyon to the terminus of said road.

Dated this 26th day of July, 1898.

C. M. Thorpe,
Jim Decker,
C. E. Menzel, } VIEWERS.

STATE OF MONTANA, }
 County of Gallatin. } ss.

C. M. Thorpe being first duly sworn deposes and says, that as the County Surveyor he received from the County Clerk of said County, on the 26th day of July, A. D., 1898 ~~three copies of the annexed notice, and that on the 28th day of July 1898 he posted a copy of said notice at each of the following points, on the line of road described in said notice, to-wit: One at the door of the County Clerk's office~~ the annexed at the door of the County Clerk's office

and further deponeth sayeth not.

Subscribed and sworn to before me this 8 day of Sept. A. D., 1898

C. M. Thorpe
H. P. McNaughton Co. Clerk
by E. H. Schumacher Depy

STATE OF MONTANA, }
County of Gallatin. } ss.

C. E. Mergel

being first duly sworn deposes and says, that as the
river appointed for that purpose he received from
the County ~~State~~ ^{Surveyor} of said County, on the 3^d day of Aug. A. D.,
1898, ~~three~~ ^{two} copies of the annexed notice, and that on the 5th day of Aug. 1898 he posted
a copy of said notice at each of the following points, on the line of road described in said notice, to-wit: One
at the starting point of the above described road which is
proposed to be located and one at the terminus

and further deponeth sayeth not.

Subscribed and sworn to before me this 24th day of Aug. A. D., 1898

C. E. Mergel

C. M. Chapin

Co. Surveyor

OATH OF ROAD VIEWERS.

STATE OF MONTANA, }
County of Gallatin. } ss.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the ^{Chairman of the} Board of County Commissioners.

William Decker

Subscribed and sworn to before me this 24 day

of Aug 1898

C. M. Thofa
C. Surveyor

This must be returned to the County Clerk after execution.

OATH OF ROAD VIEWERS.

STATE OF MONTANA, }
County of Gallatin. } ss.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the ^{County Surveyor} Board of County Commissioners.

G. E. Menzel

Subscribed and sworn to before me this 24th day

of Aug. 1898

C. M. Thofa
C. Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

To the Honorable, the Board of County Commissioners of Gallatin County:

WE, the undersigned Road Viewers, appointed by the ^{Chairman of the} Board of County Commissioners, at the ^{and the Co. Surveyors} ~~creation~~ ^{recreation} of a portion of road No. 66
~~Term of said Board to view a proposed road running from~~ ^{known as the}
 Cobble Road, from where said road bears the East line of Sec. 1 T. 1 N. R. 5 E.
 to ^{up} Cobble Canyon to the terminus of said Road. say,
 That on the ^{24th} day of ^{Aug.}, 189⁸, we started from ^{the above}
^{described starting point} the place designated in the petition as the starting point of such proposed road and
 proceeded to view ~~and lay out~~ the same, and submit the following report:

1. The course, termini, length and probable cost of constructing the proposed road, as follows:

The course of the proposed recreation is from where said Cobble Road
 bears the East line of Sec. 1 T. 1 N. R. 5 E. thence up said
 road as surveyed to the terminus of said road.
 Length of proposed recreation about 2 miles.

2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows:

We find that the road which it is proposed to
 recreate is used by a large number of people to get at
 wood and timber and that the closing of said roads
 would work a hardship on a great many.

3. The names of land owners who consent to give the right of way, and we hereto attach their written consent, as follows:

also that the parties who have taken up
 the land along the road which they wish recreated, took
 up the land with the road laid out on the same.

4. The names of land owners who do not consent and the amount of damages claimed by each, as follows:

We therefore recommend that the petition to recreate
 be not granted.

5. The following facts bearing upon the subject, which may be of importance to the Board:

We believe said road ^{recreation} ~~not~~ to be practicable and ~~not~~ of public utility and
 necessity and do ~~not~~ recommend the establishment of the same.

Dated ^{Aug. 24}, A. D., 189⁸

C. M. Hooper
 G. E. Menzel
 M. E. Decker
 Road Viewers.

4th The Petitioners do not reside in the vicinity of said road and are not interested in the closing of the same, or in the retention of the road. Further more, there are names attached to the Petition who are not Tax payers nor residents of this county.

5th The parties seeking the vacator of said road are not the owners of the land over which the road passes, but are merely "squatters" on unsurveyed public domain, and further that they have neither of them ~~and~~ i.e. ^{Wm.} Beghuen and Heber Green, asked that the road be abandoned,

Many other good and substantial reasons could be given why said Road should not be vacated, but deeming the above sufficient, we ask you careful consideration of the same, and as in duty your Petitioners will ever pray

^{Road}
By The Honorable Board of Viewers on the Petition of C. Guilbranson et al Gentlemen we the undersigned Citizens, and resident householders, in the vicinity of the Road proposed to be vacated in the above named petition, respectfully Remonstrate against such vacaton for the following reasons-

1st The Road is a public necessity for the convenience of the whole community in getting to and from the timber in Cully Canyon, of which all are more or less in need,

2nd Said Canyon is now the only place between Bastwick Canyon and Pass Creek to which settlers have free and unrestricted access.

3rd The road sought to be vacated leads to the only range for stock in the vicinity, and the closing of the same would exclude the free access there to

We the undersigned have no interest, or desire to, in closing the "Carly Canyon Road" as prayed for in the Petition of C. Gulbranson et al. In signing the said petition we did so solely at the request of W. C. Baguhin.

Hyrod Castell
George to Geo
S. S. Secord
Warren Thompson.

Signers

J. H. Bogby
J. D. Sobiech
J. W. Walton
F. R. Barker
Rubus Thompson
J. E. Gouffier
John Hucker
Shade Harding
Thos. S. Davis
John M. Schmel
F. A. Grew
John T. McGuire
Chas. H. Winston
Moses Becker
Thos. Clavin
J. S. Gouin
Geo. Stinson.
Wm. Orcher
R. Guy Pennell

M. W. Pennell
M. A. Leader
G. S. Thompson
W. H. Davis
Walter Davis.
John M. Lord
J. M. Gates
W. H. Alexander
D. M. Williams

Bozeman, Montana, Sept. 7th. 98.

To the Honorable Board of County Commissioners.

Gentlemen; -

I have the honor to submit herewith the following papers in the matter of a petition of C. Gulbranson et al to vacate a portion of the Corbly Canyon road, as follows;

First; The petition and the remonstrance.

Second, Notice to the Chairman of the Board to appoint viewers and the appointment of the same.

Third, Copy of warrants to road viewers with registered letter receipts showing that the same had been duly received.

Fourth, Sworn proof of posting notices with copy attached.

Fifth, Oath of road viewers.

Sixth, Report of road viewers.

All matters relating to the above vacation will be found in the papers hereto attached.

I have no suggestions to make other than those embodied in my report of the viewers.

Yours Respectfully

C. M. Thorpe
Co. Surveyor.