

Petition for Declaring Road
N1E 2N1E

No. *281*

PETITIONER,

G. O. Corbett et al

Petition filed *July 27* 190*6*

Viewers appointed *April 3* 190*7*
John *4* 190*7*

Report filed *April 23* 190*7*
Sept 4 190*7*

Date of hearing 190*7*

Report approved *Sept 5* 190*7*

Order of survey 190*7*

Surveyor's Report filed 190*7*

Declared County Road 190*7*

See Book *10* Commissioners' Proceedings,
pages *257-263-267-332*

Recorded, Road Book, pages

County Clerk

In Commissioners Court.
In and for Gallatin County,
In State of Montana.

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In the Matter of the Application
for Discontinuance of certain
Highways.

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Filed
July 27, 1906.
A. A. Cameron
County Clerk

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IN COMMISSIONERS' COURT

In and for the County of Gallatin,

STATE OF MONTANA.

In the Matter of the Application for
Discontinuance of Highway on Section line between
Section 35, Tp. 2, N. R. 1 E. and Section 2. Tp. 1
N. R. 1 E., and on or near Section line between
Sections 1 and 2, in Tp. 1 N. R. 1 E.

To the Honorable Board of Commissioner of the County
of Gallatin, in State of Montana:

The undersigned, consisting of a majority of the free holders
of Road District No. One in and for the County of Gallatin
and State of Montana, must respectfully show and represent unto
this Honorable Court that there is a road or highway situate in
said district running east from the line of the Northern Pacific
Railroad to the corner of Sections One and Two in Township One,
North of Range One East and Sections Thirty five and Thirty six
in Township Two, North of Range One East, which is fifty feet wide
one half of which is on the land of Michael Lane, being the Northe
east Quarter of Section Two, in Township One North of Range One
East, and one-half of which is on the land of the Anaconda Copper
Mining Company being the Southeast Quarter of Section Thirty Five,
in Township Two North of Range One East, which road has for many
years last past been fenced at the east end thereof and a consider-
able portion of the time at the west end thereof, but concerning
which there is much doubt as to whether the same is a legal
highway [that there is a road or trail running from the Northwest
corner of Section One being the east end of the road above des-
cribed to the Southeast corner of said Section on or near the
section line between said Section One and Section Two in the same
Township and Range. So far as your petitioners know this road
has never been worked by the County of Gallatin, but some persons

1 insist that it is a legal highway; and your petitioners show and
2 allege that it would be to the best interest of the public gener-
3 ally to have said roads herein above described vacated and
4 discontinued if the same be public highways.

5 WHEREFORE, your petitioners respectfully pray unto your
6 Honorable Body that such steps be taken in the matter as are
7 required by the statute in such case made and provided and the
8 rules and practice of this court, for the discontinuance and va-
9 cation of said roads above described, and that an order be made
10 and entered of record by your Honors vacating and discontinuing
11 said roads and both and each thereof.

12 And thus your petitioners will ever pray.

13 *G. P. Corbett*

14 *Michael Lane*

15 *Con Lane +*

16 *Tom Lane +*

17 *H. D. Fredericks*

18 *James Donohue +*

19 *Thomas Moore +*

20 *R. H. Hammond*

21 *C. C. Harwood*

22 *John J. Gallagher*

23 *Mary Murray*

24 *Patrick Hansberry*

25 *Pat Lane*

26 *Anacorida Copper Mining Co*

27 *By Wm L Irvine*

OFFICE OF
COUNTY CLERK AND RECORDER
GALLATIN COUNTY, MONTANA.

HON. W. H. DAVIS,
Chairman of the Board of County Commissioners, Gallatin County, Montana.

vacating
DEAR SIR:—You are hereby notified that a petition for a County Road has been received in this office, signed by G. P. Corbett and others
..... of Road District No. One

vacated
The petition above referred to, petitions that a Road be established, ~~commercial~~ running east from the line of the N.P. Ry. to the Cor. of Sec. one and two in T. I. N. R. I. E. and Sec. Thirty five and Thirty six in T. 2. N. R. I. E., which is fifty feet wide one half of which is on the land of Micheal Lane being the NE 1/4 of Sec. Two, T. I. N. R. I. E. and the other half on the land of the Anaconda Copper Co., being the SE 1/4 of Sec. Thirty five, T. 2. N. R. I. E., which road has been fenced for many years past at the east end thereof and for a large part of the time at the west end thereof, but there is some doubt as to whether or not it is a public highway; there is a road or trail running from the NW corner of Sec. (1) being the east end of the road above described to the SW corner of said Sec. on or near the line between Sec (1) and Sec. (2) in the same Township and range. So far as it is known this road has never been worked by the County, some persons claim it has been,

You are hereby notified to appoint three Viewers to view the above proposed Road, ^{and inasmuch it is a} ~~public~~ ^{highway your petitioners} claim it should be vacated.

Yours Very Respectfully,

W. E. Brandenburg
County Clerk and Recorder

Dated at Bozeman, Montana, this 3rd day of April 1907

OFFICE OF
THE BOARD OF COUNTY COMMISSIONERS
GALLATIN COUNTY, MONTANA.

W. E. BRANDENBURG,
County Clerk, Gallatin County, Montana.

DEAR SIR:—In pursuance to the above notice, I hereby appoint:

Harvey Sloan
W. M. Carpenter
Byron McCulloch

to act in behalf of the Board of County Commissioners as viewers of the above petitioned Road.

Yours Very Respectfully,

W. H. Davis
Chairman of the Board of County Commissioners, Gallatin County, Montana

Dated at Bozeman, Montana, this 3rd day of April 1907

OFFICE OF
COUNTY CLERK AND RECORDER
GALLATIN COUNTY, MONTANA.

HON. W. H. DAVIS,
Chairman of the Board of County Commissioners, Gallatin County, Montana.

vacating
DEAR SIR:—You are hereby notified that a petition for a County Road has been received in this office, signed by **G.P. Corbett and others**
..... of Road District No. One.

vacated
The petition above referred to, petitions that a Road be ~~established, commencing~~ running east from the line of the N.P.Ry. to the Cor. of Sec. one and two in T.1 N.R.1 E. and Sec. Thirty five and thirty six, T.2N.R.1 E., which is fifty feet wide one half of which is on the land of Micheal Lane, being the NW 1/4 of Sec. 2, T.2N.1E and the other half on the land of the Anaconda Co., being the SE 1/4 of Sec. 35 T.2.N.R.1E., which road has been fenced for many years at the east end thereof and for a large part of the time at the west end thereof, but there is doubt as to whether or not it is a public highway ; (there is a road or trail running from the NW corner of Sec. 1, being the east end of the road above described to the SW corner of said Sec. , on or near the line between Sec. 1, and Sec. , 2, in the same Township and range. So far as it is known this road has never been worked by the County, some persons claim it has been and others claim it has not been worked and your petitioners ask that it should be vacated)
You are hereby notified to appoint three Viewers to view the above proposed Road.

Yours Very Respectfully,

W. E. Brandenburg
County Clerk and Recorder

Dated at Bozeman, Montana, this 4th day of June 1907

OFFICE OF
THE BOARD OF COUNTY COMMISSIONERS
GALLATIN COUNTY, MONTANA.

W. E. BRANDENBURG,
County Clerk, Gallatin County, Montana.

DEAR SIR:—In pursuance to the above notice, I hereby appoint:

Harvey Sloan
W. M. Carpenter
Byron M. Cullom

to act in behalf of the Board of County Commissioners as viewers of the above petitioned Road.

Yours Very Respectfully,

W. H. Davis
Chairman of the Board of County Commissioners, Gallatin County, Montana

Dated at Bozeman, Montana, this 4th day of June 1907

Warrant for Road Viewers.

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

Mr.

You are hereby notified that you were duly appointed Road Viewer by
~~Chairman~~ of the Board of County Commissioners of Gallatin County, Montana, on the 4th
day of June 1907, to view and ~~locate~~ vacate a proposed road, as prayed for in the
petition of G.P. Corbett and others, described as follows, to-wit:

Running east from the line of the N.P.Ry. to the Cor. of Sec. one and two in T1.N.R.1E. and Sec. thirty five and thirty six, T.2N.R.1E., which is fifty feet wide one half being on the land of Michael Lane, being the NE $\frac{1}{4}$ of Sec. 2, T.1N.R.1E., ~~SW $\frac{1}{4}$ of Sec. 35, T.2N.R.1E.~~ and the other half being on the land of the Anaconda Copper Co., being the SE $\frac{1}{4}$ of Sec. 35, T.2N.R.1E., which road has been fenced for many years at the east end thereof and for a large part of the time at the west end thereof, but there is doubt as to whether or not it is a public highway; (there is a road or trail running from the NE corner of Sec. 1 being the east end of the road above described to the SW corner of said Sec. on or near the line between Secs. one and two, in the same township and range. So far as it is known this road has never been worked by the County, some persons claim that it has been and is a public highway and others claim it has not been and your petitioners ask that it should be vacated)

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with, who were duly appointed as Viewers on said road by the Chairman of the Board of County Commissioners on the 4th day of June 1907, commencing at the place designated in said petition as the starting point of the road sought to be vacated 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 practical 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 practical, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand, at my office this 13th day of June 1907.

County Clerk,

By _____ Deputy.

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 am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

W. M. Carpenter

Subscribed and sworn to before me this 18th day

of June 1807

J. H. Sloan
County 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 am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

C. A. Ellison

Subscribed and sworn to before me this 18th day

of June 1807

J. H. Sloan
County 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 am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

W. E. Brandenburg

Subscribed and sworn to before me this 12th day

of April 1897

*B. N. Smith
Notary Public
for Gallatin Co. Mont.*

This must be returned to the County Clerk after execution.

Bozeman, Montana, 4/12 1907

Received from W. E. Brandenburg

Warrant for Road Viewer DOLLARS

For Road # 281

BY Jerry Shae

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 am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

Byrdon McCallister

Subscribed and sworn to before me this 16th day

of April 1897.

W. Abbott
Justice of the Peace

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. _____

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY, MONTANA:

We, the undersigned Road Viewers, consisting of

Wm Carpenter
 G. W. Ellison
 J. H. Sloan

appointed to view a proposed road running from along the North Side of Sec. 2 T-1-N R-1-E and thence south to along East Side of the said Sec. 2, as described in the annexed petition, say, That on the 18 day of June A. D., 1907 we assembled at the place designated in the petition, as the starting point of such proposed road and proceeded to view the same, and submit the following report:

1. The width of the proposed road, the description of the center line of the same, the length, how defined, the marks and sources, grades, character of ground, description of the land and owners of the same, over which the proposed road passes, and probable cost of constructing the said road, as follows:

There are no Records of this Road on file which would constitute it a county Road, and it has not been used for a Road or any work. How and it by the county except what the county has done lately and there is a slaughter that is set out for that would have to be bridged. Now if it could be traveled or called a Road and has been fenced for a number of years and until the Anasconda Co and Patrick Lane refused to let Chas. Tompson go through their fields because Tompson left their gates open.

This Road is much needed by at least two or more land owners. Several of the signers of the petition signed the petition only because cattle collected in the land had been killed and the R.R. crossing and closing the Road would benefit them in protecting their cattle. Sec. 1 T-1-N-R-1-E belonging to the Anasconda Co and is important and the west side and closing this Road would thus enclose the section by joining to the fences of Tompson and Patrick Lane.

as Mr Tompson objects to the Road
being closed. He would undoubtedly object
to having his fence so as far
Result. If the amacenda co would necessarily
have to build the fence as the fence
would have to be built as the Land here
is valuable only as pasture Land
the continuation or maintenance of a
Road between Sect 1-302- would not work
any great hardship on the amacenda co
if there were gates at each end
of this Lane - it would benefit many
of the Farmers by protecting their cattle

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

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

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

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

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~~We believe said road~~ *we did not find a Public Highway -* ~~to be practical and~~ *of public utility and* ~~necessity and do~~ *recommend the establishment of the same.*

Dated *June 26* A. D., *1907*

Wm Carpenter
L. A. [unclear]

Road Viewers.

REPORT OF ROAD VIEWERS.

ROAD NO. _____

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY, MONTANA:

We, the undersigned Road Viewers, consisting of *J. M. Carpenter*
Byron McCallum, Harry Shaw

appointed to view a proposed road running from *N.P.Ry running east to*
corner of Sec 142 T17N R1E and 35, 36, T27N R1E,
 to _____

as described in the annexed petition, say, That on the *19* day of *April*
 A. D., *1907* we assembled at the place designated in the petition, as the starting point of such proposed
 road and proceeded to view the same, and submit the following report:

1. The width of the proposed road, the description of the center line of the same, the length, how
 defined, the marks and sources, grades, character of ground, description of the land and owners of the
 same, over which the proposed road passes, and probable cost of constructing the said road, as follows:

The road as described in the petition
leads from the main Willow Creek-Logan
road east to public lands and to
several farms which have no other
outlet than this road.

Since it is the only outlet to these
lands we recommend that the
road should be maintained and not
abolished.

Inasmuch as cattle drifting from
the roads are often killed on the
R.R. Crossing we would suggest
that any interested party who may
desire to build gates across the lanes
to keep cattle away from the crossing,
may have the privilege of constructing
said gates provided they be never
locked against public travel.

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

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

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

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

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We believe said road is ~~to be~~ practical and is ~~to be~~ of public utility and necessity and do hereby recommend the continuance ~~establishment~~ of the same.

Dated April 19 A. D., 1907

Dwight Stebbins
W. M. Carpenter
J. H. Sloan } Road Viewers.

REPORT OF ROAD VIEWERS.

ROAD NO. _____

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY, MONTANA:

We, the undersigned Road Viewers, consisting of

J M Carpenter
C A Ellison
J H Slone

appointed to view a proposed road running from *along the north side of*
Sec 2, TIMRIE and thence *south along east*
side of the said Sec 2

as described in the annexed petition, say, That on the *18* day of *June*
A. D., *1907* we assembled at the place designated in the petition, as the starting point of such proposed road and proceeded to view the same, and submit the following report:

1. The width of the proposed road, the description of the center line of the same, the length, how defined, the marks and sources, grades, character of ground, description of the land and owners of the same, over which the proposed road passes, and probable cost of constructing the said road, as follows:

The road is used and is much needed by
at least two or more land owners and,
inasmuch as it is the only inlet
to their lands, and is actually used
by them, we cannot recommend
that it be closed.

Several of the signers to the petition
signed the petition only because cattle
collecting in the lane had been killed
on the R.R. crossing, and closing the
road would benefit them in protecting
this cattle.

Section 1, TIMRIE, belonging to the Anaconda
Copper Co, is unfenced on the west side
and closing this road would thus enclose
the section, by joining to the fences of
Thompson and Patrick Lane.
As Mr. Thompson objects to the road being closed
undoubtedly object to joining to his fences
and as a result the Anaconda Co would
necessarily have to build the fence.
As the fence must be built and as the
land here is valuable only as pasture land

the continuance or maintenance of the present travelled road will not work any great hardship on the Anaconda Co.

If the Board of Commissioners see fit to recommend the construction of gates at the RR Crossing it will benefit many of the stockman by protecting their cattle.

There are no records of this road on file, which would constitute it a county road.

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

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

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

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

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We believe said road: _____ to be practical and *to be* _____ of public utility and necessity and do _____ recommend the establishment of the same.

Dated *June 7th* _____ A. D., 189 *7*

J. H. Sloan } Road Viewers.

After.....⁵.....days, return to

OK 212

LOGAN, MONT.



A. E. Brandenburg
County Clerk *Bozeman Mont*

Logan, Montana, June 16 th., 1907.

The Hon. Board County Commissioers:

Bozeman, Montana.

Gentlemen:-

Mr. Byron McCollum of Logan, Montana, has requested me to advise you, that he cannot serve further as a road viewer in the proposed closing of a road west and south of Three Forks.

That he served on original board in viewing this road and brought in his findings and it would be useless for him to again go over this work, for his findings would be the same as he previously brought in. Under these circumstances he thinks it advisable for you to appoint another viewer.

Yours very truly,

Justice of the Peace.

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at Logan, Mont.
(Delivering office.)

Registered ^{Letter}~~Parcel~~ No. 1805, from Logan, Mont.
(Office of origin.)

Addressed to Byron M. Cullon,
(Name of addressee.)

Date _____, 190
(Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

Byron M. Cullon
(Signature or name of addressee.)

(Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at Logan, Mont.
(Delivering office.)

Registered ^{Letter}~~Parcel~~ No. 1806, from Logan, Mont.
(Office of origin.)

Addressed to W. M. Carpenter,
(Name of addressee.)

Date June 17, 1907
(Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

W. M. Carpenter
(Signature or name of addressee.)
Missy Carpenter
(Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.