

1896

#105

No. of Case Bremer C.R.R.

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

*Petition and papers for
Road to Montana R.R.*

*petitioned for by
W.S. Jordan et al.*
Plaintiff .

vs.

Defendant .

Action for _____

Attorney for Plaintiff .

Attorney for Defendant .

PETITION FOR ROAD.

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

The undersigned, your petitioners, citizens of the United States, respectfully show and represent that they are freeholders of Road District No. 31 in the County of Gallatin, in the State of Montana, and taxable therein for road purposes; that they reside in the vicinity of the road hereinafter petitioned for; that the proposed road will be a public convenience, and we think the public good requires it.

Your petitioners respectfully ask your Honorable Body to lay out, locate and establish a County road sixty feet wide, in said road district, to be a public highway therein, and show:

(a). The general route of the proposed road. (b). Over what lands it is proposed 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:

Beginning at a cottonwood post set in the County Road leading from Bagman to Baker Post office, said post being about 1/4 mile northerly from Carl Mc Brown's cabin from which a cottonwood tree, 18 inches in diameter, blazed, bears S 84 1/2° west, 211 2/3 feet. The point where the above described County Road crosses Dry Creek bears N. 33 1/2° E. 201 feet, and running thence in a westerly direction to the top of the divide between Dry Creek and Brewer Creek, thence in a northwesterly direction to ^{a point near} Acola Br's cabin on said Brewer Creek, thence along or near said creek to a point where the Montana Railroad crosses said creek.

The above described road is wholly on unappropriated land. There will be no cost of right of way.

The necessity for, and the advantages of the proposed road is to open a road to the above mentioned Railroad so that grain and other produce may be shipped by that route. A side track has already ^{been} constructed by said railroad Co. at the above described terminus of the road petitioned for.

NAMES:

NAMES:

- | | | | |
|---|------------------|----|-------------------|
| 1 | C. E. Jordan | 2 | August Acola |
| 3 | C. E. Mc Brown | 4 | A. J. Cowan |
| 5 | J. J. Ballantine | 6 | Felix Ballantine |
| 7 | John Ballantine | 8 | Ernest Ballantine |
| 9 | W. J. Richards | 10 | J. H. Gallop |
| | W. J. Durham | | |
| | L. H. L. Durham | | |
| | Louis Acola | | |

FILED

NOV 10 1896

Walter H. Sales
County Clerk.

By W. H. Beck Deputy

The within Viewers Report is hereby approved and the road is hereby ordered opened as per said Report.
By order of the Board of Commissioners
Dec. 12, 96.

Geo. W. Ellis
Chairman

FILED

SEP 12 1896

Walter H. Sales
County Clerk.

REPORT OF ROAD VIEWERS.

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

WE, the undersigned Road Viewers, appointed by the Board of County Commissioners, at the September Term of said Board to view a proposed road running from a point set in the County Road leading from Bowman to Behm P.O. - said point being about 1/4 mile northerly from the Cabin, from which a better road has been described, crossing the creek near the point where it crosses the Mountain R.R. across Bruner's Creek say,

That on the 17th day of October, 1896, we started from the above described 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, termini, and length of the proposed road is as shown on the annexed map of the same. The length being 4 6/10 miles.
The probable cost of constructing the proposed road is as follows, for clearing full width of 60 feet 120⁰⁰ grading and rock work for a road to be constructed by cutting into the bluff where necessary about 8 feet making a road bed 12 feet wide \$1200.00 of 7 bridges & 12 culverts, estimate made for sawed timber) \$400.00 Total Cost \$1700.00
2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows:
There can be no damages, as the proposed road is wholly on unswayed land, through a mountainous country.

3. The following facts being upon the subject, which may be of importance to the Board:
The proposed road will be of great advantage to the Blackfoot Country as it gives a new shipping point for grain via Mountain R.R. The difference in elevation between the divide between Dry Creek and Bruner Creek, and said Railroad is 917 ft. The distance is 4 1/4 miles which gives a fall of about 4 feet to the 100 ft. the grades can be adjusted so that at no point they will exceed 8 ft in 100, see annexed profile. We would refer the Board, to County Commissioner Morgan, who has corresponded with Mr. Lombard Chief Engineer of the Mountain R.R. in regard to the R.R. Co. building over half of said proposed road.

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

Dated Nov 5th, A. D., 1896

C.M. Thorpe
Alf. Johnson
J. J. Ballerel } Road Viewers.

WARRANT FOR ROAD VIEWERS.

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

Mr. *W. M. Thorpe* You are hereby notified that
James J. Ballard, Alfred Johnson and yourself were duly appointed Road
Viewers, by the Honorable Board of County Commissioners of Gallatin County, Montana, at their
September term, A. D., 189*6*, to view and lay out a proposed road, as prayed for in the petition of
C. E. Jordan et. al. and others, described as follows, to-wit:

Beginning at a cottonwood post set in the county road leading from
Bozeman to Baker P.O.— Said post being about 1/4 milenortherly from
Carl Mc Broom's cabin from which a cottonwood tree 18 inches in
diameter, blazed, bears S. 84 1/2 west 211 7/10 feet. The point
where the above described road crosses Dry Creek bears N. 33 1/2
E. 201 feet and running thence in a westerly direction to the top
of the divide between Dry Creek and Bremer Creek, thence in a north-
westerly direction to a point near Accola Bros. cabin on said Creek
thence along or near said creek to a point where the Montana R.R. *on the*
crosses said creek *in the*

as the same out the same by setting stakes, blazing trees, turning furrows, or other appropriate monuments, to the term-
inus 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 and affix my official seal, at my

office this *16th* day of *September* 189*6*

Walter H. Sales
County Clerk,

By *E. H. Schumacher*
Deputy.



WARRANT FOR ROAD VIEWERS.

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

Mr. *C. M. Thorpe* You are hereby notified that
Jama J. Ballard, Alfred Johnson and yourself were duly appointed Road
Viewers, by the Honorable Board of County Commissioners of Gallatin County, Montana, at their
September term, A. D., 189*6*, to view and lay out a proposed road, as prayed for in the petition of
J. C. E. Jordan et. al. and others. described as follows. to-wit:

Beginning at a cottonwood post set in the county road leading from
Bozeman to Baker P.O.— Said post being about 1/4 milenortherly from
Carl Mc Broom's cabin from which a cottonwood tree 18 inches in

You are hereby ordered to meet, be sworn according to law and assume the duties of your office on the
17th day of *October*, 189*6*, commencing at the place designated in said petition
as the starting point of the road sought to be *established* and proceed to view and lay
out the same by setting stakes, blazing trees, turning furrows, or other appropriate monuments, to the term-
inus 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 and affix my official seal, at my

office this *16th* day of *September* 189*6*

Walter H. Sales
County Clerk,

By *E. H. Schumacher*
Deputy.



RETURN OF SHERIFF.

Office of the Sheriff
of Gallatin County, Mont. }

I hereby certify that I received the within warrant on the 16th day of September, 1896, and personally served the same on the 5th day of October, 1896, upon W. M. Thorpe James Bueend and Alfred Johnson, by delivering to each of them a true copy of such warrant.

Whitehead
Sheriff,

By _____
Under Sheriff.

Dated Nov 10th, 1896

Warrant for Road Viewers.

~~FILED~~

NOV 13 1896

Walter H. Doherty
County Clerk

By _____

Filed 1896
Walter H. Doherty
County Clerk,

By _____
Deputy.

FILED

NOV 10 1896

Walter H. Sales
County Clerk.

By W. T. Peck Deputy

OF ROAD VIEWERS.

Balling Road

Jordan Road

FILED

NOV 10 1896

Walter H. Sales
County Clerk.

By W. T. Peck Deputy

OF ROAD VIEWERS.

*Path of Road Viewer
Alfred Johnson*

FILED

OCT 9 1896

Walter H. Sales
County Clerk.

By E. H. Schumacher
Dep.

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.

J. S. Ballard

Subscribed and sworn to before me this 17th day

of October 1896

C. M. Thorpe

Co. 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. M. Thorpe

Subscribed and sworn to before me this 29th day

of September 1896

Walter H. Davis County Clerk

By W. T. Peck Deputy

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.

Alfred Johnson

Subscribed and sworn to before me this 9th day
of October 1896

Walter H. Jales Co. Clerk
By *E. H. Schumacher Dep.*



This must be returned to the County Clerk after execution.