

County Road in Sec.
11 R. 2 S. R. 5 E.

No. 109

Filed

June 5, 1897.

H. P. McNaughton
Clerk

By E. H. Schumacher
Dep

The within Petition is
examined and the Road
Viewers Report is hereby adopted
and approved.

By order of the Board, this 10th day
of June A.D. 1897.

Geo. W. Ellis
Chairman.

Attest:

E. H. Schumacher
Deputy Clerk.

Petitions to accept
252/109. Not accepted.

The within petition
received Apr. 14th 1897
C. M. Hooper
County Surveyor and S. H. of Road.

Notice of appeal over views filed
to Chairman Board of Commissioners
April 21st 1897

April 23rd Geoas Augustine
appointed Clerk by the Chairman
of the Board, and John M. Robinson
appointed viewers by the County
Surveyor.

Board received and report
made May 8th 1897

PETITION FOR ROAD.

No. 109

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

The Undersigned, your petitioners, citizens of the United States, respectfully show and represent ~~that they are~~ ^{Residents} ~~Householders~~ of the County of Gallatin, in the State of Montana, and ~~that they reside in~~ ^{of the road} ~~the vicinity where the road hereafter petitioned, for is to be located,~~ ^{to be discontinued} ~~laid out and established if this peti-~~ ~~tion be granted.~~ That the proposed road will be a public convenience, and we think, the public good requires it.

Your petitioners do respectfully ask and petition your Honorable Body to lay out, locate and ~~establish a County road,~~ ^{that the} ~~60~~ ³⁰ feet in width, to be a public highway, as follows, viz: Commencing, at ~~road being described as follows viz~~ ^{a strip of} ~~starting point of such road, at~~

land 30 feet in width off the west side
of the south west quarter of section
11 T. 2 S. R. 5 E.

NAMES.

E. D. Ferguson
J. D. Huffine
V. E. Reine
James [unclear]
John [unclear]
John M. Roberts
W. C. Newton
[unclear]
E. Moss

NAMES.

R. P. Smathers
Perry [unclear]

REGISTRY RETURN RECEIPT sent 4-27, 1897

Reg. No. 03 from Post Office at Bozeman

*Reg. Letter } Addressed to Jonas Henderson
 Reg. Parcel } City

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.

(SENDER'S NAME ON OTHER SIDE.)

Sign on dotted lines to the right. } Jonas Henderson

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.

REGISTRY RETURN RECEIPT sent 4-27, 1897

Reg. No. 04 from Post Office at Bozeman

*Reg. Letter } Addressed to John M. Robinson
 Reg. Parcel } City

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

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(SENDER'S NAME ON OTHER SIDE.)

Sign on dotted lines to the right. } John M. Robinson

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.

REGISTRY RECEIPT.

Post Office at Bozeman Montana

Registered Letter } No. 03 Rec'd April 27 1897
 Parcel } 1897

of County Surveys

addressed to Jonas Henderson
Bozeman Montana
D.A. Brooks P. M.

REGISTRY RECEIPT.

Post Office at Bozeman Montana

Registered Letter } No. 04 Rec'd April 27 1897
 Parcel } 1897

of County Surveys

addressed to John M. Robinson
Bozeman Mont.
D.A. Brooks P. M.

2 109

OFFICE OF COUNTY SURVEYOR OF GALLATIN COUNTY MONTANA.

Hon. Geo. M. Ellis

Chairman Board of Commissioners, Gallatin County Montana.

Dear Sir:

You are hereby given notice that a petition ^{to vacate} ~~for~~ a County Road has been received in my office, signed by Mr E. D. Ferguson and Jan other residents of Road District No. 4 through which district said ^{road now runs} ~~proposed road is to run~~. Said road is to ~~commence~~ ~~at the starting point of said road~~, to-wit: described as follows, to-wit: A strip of land 30 feet in width off of the west side of the S.W. 1/4 of Sec. 11 T. 2 S. R. 5 E. and ~~end at a point to-wit:~~ _____

~~which point is to be the terminus of said proposed road.~~

You are hereby requested to appoint one viewer on the above proposed road.

Dated at Bozeman Montana, April 21st 1897.

C. M. Thorpe
County Surveyor Gallatin County Montana

OFFICE OF BOARD OF COMMISSIONERS OF GALLATIN COUNTY MONTANA.

Mr: C. M. Thorpe

County Surveyor of Gallatin County Montana.

DEAR SIR:

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

Dated at Bozeman Montana, this 23^d day of Apr 1897.

Geo. M. Ellis

Chairman Board of Commissioners Gallatin County Montana.

WARRANT FOR ROAD VIEWERS.

County ^{Surveyor} Clerk's Office,
Gallatin County, Mont. }

Copy

Mr. John M. Robinson You are hereby notified that

You ~~and yourself~~ were duly appointed Road Viewers, by the ~~Honorable Board of Supervisors~~ ^{County Surveyor} Commissioners of Gallatin County, Montana, at their ~~on the~~ ^{23rd day of April} term, A. D., 1897, to view ~~and lay out a proposed road,~~ ^{a road proposed to be vacated} as prayed for in the petition of E. D. Ferguson and others, described as follows, to-wit:

A strip of land 30 feet in width off the west side of the southwest quarter of Sec. 11 T. 2. S. R. 5. E.
You will meet with the other Viewers, at the southwest corner of said Sec. which will be the starting point,

In company with Juan Hudson, who was duly appointed one of said viewers by the Chairman of the Board of County Commissioners, and the County Surveyor, as Chairman of said Board of Viewers, You are hereby ordered to meet, be sworn according to law and assume the duties of your office on the 8th day of May, 1897, commencing at the place designated in said petition as the starting point of the road sought to be ~~vacated~~ ^{vacated and discontinued} 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~~ ^{vacation}; 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,~~ ^{vacation of said} and whether the ~~opening~~ ^{vacation} 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 23rd day of April, 1897

C. M. Thorpe

County Clerk, ^{Surveyor}

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

Copy

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

Mr. *Jonas Henderson* You are hereby notified that

You and yourself were duly appointed Road Viewers, by the ~~Honorable~~ Board of County Commissioners of Gallatin County, Montana, at their ~~on~~ the *25th* day of *April* term, A. D., 189*7*, to view ~~and lay out a proposed road~~ *a road proposed to be vacated*, as prayed for in the petition of *C. D. Ferguson* and others, described as follows, to-wit:

A strip of land 30 feet in width off the west side of the Southwest quarter of Sec. 11 T. 2. S. R. 5. E.
You will meet with the other viewers at the South west corner of said Sec. which will be the starting point.

In company with John M. Robinson, who was duly appointed as one of the Viewers in said road by the County Surveyor, and by the said County Surveyor, as chairman of said Board of Viewers.
You are hereby ordered to meet, be sworn according to law and assume the duties of your office on the *8th* day of *May*, 189*7*, commencing at the place designated in said petition as the starting point of the road ~~sought to be vacated~~ *discontinued* 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 *vacation of said* highway, if ~~opened~~, and whether the *vacation* ~~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 *23rd* day of *April*, 189*7*

O. M. Thorpe
County Clerk, *Surveyor*

By _____ Deputy.

ROAD VIEWERS' NOTICE.

NOTICE IS HEREBY GIVEN, to all whom it may concern: That we, the undersigned Road Viewers, appointed by the Board of County Commissioners of the County of Gallatin, Montana, ~~at their~~ ¹⁸⁹ Term, to view ~~and mark out a proposed~~ ^{a road proposed to be discontinued and} ~~road~~ ^{vacated} as prayed for in the petition of E. D. Ferguson et. al., together with the said County Surveyor, as Chairman of said Board of Viewers will meet for such view on the 8 day of May, 1897, the time fixed by said ~~Board~~ ^{Surveyor} and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Said road is described as follows to wit:

A strip of land 30 feet in width off the west side of the South-west quarter of Section II Twp. 2 South, Range, 5 East.

Said viewers will meet at the starting point to-wit: The South West Corner of said Section II Twp. 2 South of Range 5 East.

Dated this 23rd day of ~~May~~ April, 1897

C. M. Thorpe, Chairman
Jonas Anderson
John M. Robinson VIEWERS

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

John M. Robinson being first duly sworn deposes and says, that as the Petitioner, designated for that purpose he received from the County ~~Office~~ ^{Surveyor} of said County, on the 26th day of April, A. D., 1897, ~~two~~ ^{two} copies of the annexed notice, and that on the 26th day of April, 1897 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 said road, and one at the terminus of said road.

and further deponeth sayeth not.

Subscribed and sworn to before me this 8th day of May, A. D., 1897.

To be sworn to and returned to the County

John M. Robinson
C. M. Thorpe

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 Board of County Commissioners.

John M. Robinson

Subscribed and sworn to before me this 8th day

of May 1897

C. M. Thorpe
Co. 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 Board of County Commissioners, at the
on the 23^d day of April 1887 ^{(Chairman of the) and the Co. Surveyor} the vacation of a
Term of said Board to view a proposed road ~~running from~~ described as
follows to-wit: - A strip of land 30 feet in width
off the west side of the south west quarter of
Section 11 T2 S. R5 E
submit the following report.

On the 8th day of May 1897 we started from
the south west corner of said section 11 T2 S. R5 E
the place designated in the Petition as the starting point of such proposed road, and viewed
the road proposed to be vacated to the NW. corner
of said SW. 1/4 of said Sec 11. the terminus of
said road.

We find the above described road to be of public
utility, bearing evidence of considerable travel,
and therefore recommend that the same be not
vacated

~~and we estimated the cost of opening the same for travel at \$
We assess as damages to~~

~~We believe said road to be practicable and of public utility
and necessity and do recommend the establishment of the same. The plat of said road, survey and
report of Surveyor is hereto attached and made a part of this report.~~

~~Dated May 8th 1897~~

~~C. M. Hooper
John M. Robinson
Jonas Henderson~~ } Road Viewers.

Office of County Surveyor, Gallatin County, Montana, June / 1897.
To The Honorable Board of Commissioners, Gallatin County, Montana
Gentlemen:-

In Poesuence of Sec. VI of House Bill No. 266 passed by the Fifth Legislative Assembly of the State of Montana, I have the honor to submit herewith, the following papers, in the Matter of the Petition of E.D.Ferguson, etal., praying for the vacation a of a road, along the west line of the S.W.1/4 of Sec. II T.2.S.R.5 E.

(1st) The petition with endorsements thereon.

(2nd) Notice to the Chairman of the Board of Commissioners to appoint a viewer , and the appointment of the same.

(3) Copy of warrants to Viewers, with registered letter receipts

(4th) Sworn proof of posting road viewers notices with copy attached.

(5th.) Oath of Road Viewers.

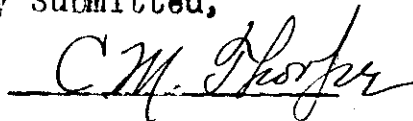
(6th.) Report of Road Viewers.

I hersby certify that I posted a like copy of Viewers Notice at the front door of the County Clerks Office on the 28th day of April, 1897.

All dates, names, and all matters relating to the same will be found in the papers herewith attached.

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

Respectfully Submitted,



County Surveyor.

To the HONORABLE BOARD of COUNTY COMMISSIONERS

of GALLATIN COUNTY, MONTANA

Gentlemen:

We, the undersigned Citizens and Taxpayers, do most respectfully, earnestly, and sincerely, remonstrate, against the closing of the Road described as follows:

"A strip of Land, Thirty Feet wide off the west side of the Southwest Quarter of Section 11, Township Two South, of Range 5 east, in Gallatin County Montana." And concerning which, your viewers will meet on May 8th.

We desire to represent that the Road is of great convenience to the people of the County; that it follows a section line; that it is used by many, and that its closing would operate greatly to the disadvantage of many people.

E. B. Martin

L. E. Ruell

Chas. S. Kirk

W. S. McDonnell

H. M. Kirk

J. E. McDonnell

George Ruffner

John Daves

S. Stucky

Geo. Gibson

J. J. Stucky

John McDonnell

J. D. Border

Robert Miller

Lester Kahlinger

Frank Beach

McEun

B. J. Stanton

W. C. Cunningham

D. C. Kenyon