

No. of Case Road 110

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

Reynolds's Change  
in Rocky Canyon Road.

Plaintiff

vs.  
**FILED**

JUN 13 1897

*A. P. McNaughton*  
County Clerk. Defendant

Action for The within Petition is  
examined and the Road Trimmers  
Report is hereby approved.  
By order of the Board, this 10<sup>th</sup> day  
of June A.D. 1897

*Geo. W. Ellis*  
Chairman

Attest

~~Attorney for Plaintiff~~

*E. M. Schumacher*  
Dep. Clerk

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

Reynolds's change in Road, Rocky Canyon

# PETITION FOR ROAD.

No. 110

*C. M. Phelps* County Surveyor  
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 ~~residents~~ <sup>residents</sup> of Road District No. 5 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 ~~that a County road be~~ <sup>That a County road be</sup> laid out, locate and establish ~~a County road~~ <sup>a County road</sup> 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 the point where the County Road as laid out and surveyed in Sept 1892 leaves the north line of the  $1/2$  of the  $1/4$  of Sec 23 T, 2, S, R 6 E said point being near Bear Creek and designated on the map of said survey as stake 191 thence east along said line to the Bear Creek Road thence to follow said described road as surveyed in 1892 to where said road cross said subdivision line thence east on said line to N.P.R.R.'s right of way thence south east on said right of way to the E line of Sec 23 T, 2, S, R, 6 E thence South on said Sec line to the said Road before described as surveyed in 1892 - the said <sup>Proposed</sup> Road will pass over the lands of Mrs. Dently A Reynolds Mrs Hall & Mrs. Frenschman

The only owners who could be found are A. Reynolds who consents to above change, and L. A. Frenschman who claims \$50 = damage.

NAMES:

NAMES:

- |                            |                         |
|----------------------------|-------------------------|
| 1 <i>A Reynolds</i>        | 2 <i>Conrad Stang</i>   |
| 3 <i>L. H. Frenschman</i>  | 4 <i>A. Bigelow</i>     |
| 5 <i>Wm. H. Frenschman</i> | 6 <i>J. H. Bigelow</i>  |
| 7 <i>Charles P. Hoff</i>   | 8 <i>E. J. Rowan</i>    |
| 9 <i>Jacob Carolus</i>     | 10 <i>C. M. Somers</i>  |
|                            | <i>A. J. Frenschman</i> |

Received and filed in my  
Office this 16th day of April 1892

County Surveyor

Notice to Chairmen of Board, to  
appear at session said Board  
held April 23, 1892

April 26, Chairman appointed  
W. S. Lawrence and the Surveyor  
appointed E. W. Ross as ordinaries  
May 13th set for said meeting.

Office of County Surveyor, Gallatin County Montana, June 1st 1897  
To the Honorable Board of Commissioners of Gallatin County Mont  
Gentlemen:-

In pursuence 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 Alonzo Reynolds, Etal. for a change in the line of the <sup>Sloan</sup> Trail Creek Road, in Sec. 23 T.2.S.R.6E. To-wit (1st.) The petition with the endorsements thereon.

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

(3rd.) Copy of the warrants to the viewers, and registered receipts showing that they had received the same.

(4th.) Sworn proof of posting Notices with copy of same attached

(5th.) Oath of Road Viewers.

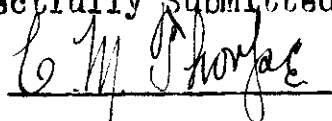
(6th.) Report of road viewers, and consent of land owners to the proposed change, in so far as it affects their lands.

I hereby certify that I posted a like Viewers Notice on the front door of the County Clerks Office on the 29th day of April 1897.

All dates, names, and all matters relating to the above mentioned change, will be found in the papers herewith <sup>with</sup> transmitted.

I have no suggestions to make relative to the same, except those embodied in the report of the Viewers.

Respectfully Submitted,



County Surveyor.

OFFICE OF COUNTY SURVEYOR? GALLATIN COUNTY MONTANA

Hon. Geo. H. Ellis

Chairman Board of Commissioners, Gallatin County Montana.

Dear Sir:

You are hereby given notice that a petition for a County road has been received in my office signed by Mr. A. Reynolds and 11 other residents of Road District No. 5 through which District said proposed road is to run. Said road commences at the following point to-wit: At stake 191 of the County Road as Surveyed in 1892. Known as the "Sloan" Road, Sec. 23. T. 2. S. R. 6. E. and ends at the following point to wit: At the point where the said County Road, known as the "Sloan" Road, crosses the east line of said Sec. 23. T. 2. S. R. 6. E. 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 this 23 day of April 1897

C. M. Thorpe

County Surveyor of Gallatin County Montana.

OFFICE OF BOARD OF COMMISSIONERS 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: \_\_\_\_\_

W. L. Lansing to act on behalf of the Board of Commissioners as a viewer on the proposed road above petitioned for.

Dated at Bozeman Montana, this 26 day of Apr 1897

Geo. H. Ellis

Chairman of the Board of Commissioners of Gallatin County Montana.

# WARRANT FOR ROAD VIEWERS.

*Ca*  
*By*

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

Mr. *E. A. Rouse* You are hereby notified that  
*You* and yourself were duly appointed Road  
Viewers, by the ~~Honorable Board of County Commissioners~~ *County Surveyors* of Gallatin County, Montana, at their ~~1721~~ *1721* the  
*26<sup>th</sup> day of April* term, A. D., 1897, to view and lay out a proposed <sup>*change in a*</sup> road, as prayed for in the petition of  
*W. Reynolds* and others, described as follows, to-wit:

Commencing at a point where the County road as laid out and surveyed in Sept. 1892 leaves the north line of the south half of the north half of Sec. 23, T. 2. S. R. 6 E. said point being near Bear Creek and designated on the survey of said road as ~~the~~ stake No. 191 Thence east along said line to the Bear Creek road Thence to follow said described road as Surveyed in 1892 to where said road crosses said subdivisional line, thence east on said line to the N. P. R. R. Co. Right of way to the east line of Section 23 T. 2 S. R. 6 East thence south on said Section line to the said road before described and surveyed in 1892.

*Accompanied by W. H. Hausing, who was duly appointed a Viewers on said road by the Chairman of the Board of Commissioners, and by 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  
*13<sup>th</sup>* day of *May*, 1897, commencing at the place designated in said petition as the starting point of the road sought to be *Changed* 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 ~~and affix my official seal~~, at my

office this *29<sup>th</sup>* day of *April*, 1897

*C. M. Thorpe*

County Clerk, *Surveyors*

By \_\_\_\_\_ Deputy.

# WARRANT FOR ROAD VIEWERS.

*Copy*

*Surveyors*  
County Clerks Office,  
Gallatin County, Mont. }

Mr. *W. L. Lansing* 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 meeting~~  
*26th day of April* ~~term~~ A. D., 1897, to view and lay out a <sup>change is a</sup> proposed road, as prayed for in the petition of  
*A. Reynolds* and others, described as follows, to-wit:

Commencing at a point where the County road as laid out and surveyed in Sept. 1892 leaves the north line of the south half of the north half of Sec. 28, T. 2, S. R. 6 E. said point being near Bear Creek and designated on the survey of said road as ~~stake~~ stake No. 191 Thence east along said line to the Bear Creek road Thence to follow said described road as surveyed in 1892 to where said road crosses said subdivisional line, thence east on said line to the M. P. R.R. Co. Right of way to the east line of Section 28 T. 2 S. R. 6 East thence south on said Section line to the said road before described and surveyed in 1892.

*Accompanied by E. A. Ross who was duly appointed a viewer on 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  
*13th* day of *May*, 1897, commencing at the place designated in said petition as the starting point of the road sought to be ~~changed~~ *changed/Established* 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 and affix my official seal, at my

office this *29th* day of *April*, 1897

*C. 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 Honorable Board of County Commissioners of the County of Gallatin, Montana, ~~at their~~ <sup>Chairman</sup> on the 26<sup>th</sup> day of April, 1897, Term, to view and mark out a proposed <sup>and by the County Surveyor</sup> ~~change in~~ <sup>change in</sup> ~~the~~ <sup>County</sup> road as prayed for in the petition of A. Reynolds et. al., ~~together with the County Surveyor~~ <sup>Chairman of said Board of Viewers</sup> will meet for such view on the 3<sup>rd</sup> day of May, 1897, the time fixed by said ~~Board~~ <sup>Surveyor</sup> and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Commencing at the point where the County Road as laid out and Surveyed in September 1892 leaves the north line of the South half of the North half of Section 23 Township 2 South of Range 6 East, said point being near Bear Creek and designated on the map of said road as stake No. 191 of said survey. Thence east along said line to the Bear Creek road, thence to follow said described road as surveyed in 1892 to where said road crosses said subdivisional line, thence east on said line to the N. P. R. R. CO. Right of Way, thence south Easterly on said Right of Way to the East line of Section 23 T. 2 S. R. 6 East, thence south on said Section line to the said Road before described as surveyed in 1892.

Dated this 29<sup>th</sup> day of April 1897

C. M. Thorpe  
W. L. Lanning  
E. A. Rouse

} VIEWERS

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

E. A. Rouse being first duly sworn deposes and says, that as the Viewers designated for that purpose he received from the County ~~Clerk~~ <sup>Surveyor</sup> of said County, on the 3<sup>rd</sup> day of May A. D., 1897, ~~two~~ <sup>two</sup> copies of the annexed notice, and that on the 3<sup>rd</sup> day of May 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 and one at the terminus of said proposed road.

and further deponeth sayeth not.

Subscribed and sworn to before me this 13<sup>th</sup> day of May A. D., 1897

E. A. Rouse  
C. M. Thorpe

County Surveyor



REGISTRY RECEIPT.

Post Office at \_\_\_\_\_

Registered Letter/Parcel No. 74 Rec'd \_\_\_\_\_ 189

of W M Florpe

addressed to W L Lawrence  
Bozeman Mont-  
DK Brooks

P. M.

REGISTRY RECEIPT.

Post Office at \_\_\_\_\_

Registered Letter/Parcel No. 75 Rec'd \_\_\_\_\_ 189

of W M Florpe

addressed to E A Rouse  
Bozeman Mont-  
DK Brooks

P. M.

REGISTRY RETURN RECEIPT sent 4-29 <sup>110</sup>, 1897

Reg. No. 74 from Post Office at Bozeman Mont

\*Reg. Letter/Parcel Addressed to W L Lawrence  
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.

W L Lawrence

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 4-29 <sup>110</sup>, 1897

Reg. No. 70 from Post Office at Bozeman Mont

\*Reg. Letter/Parcel Addressed to E A Rouse  
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.

E A Rouse  
Johnnie Rouse

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.

# 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.

*W. L. Lausney*

Subscribed and sworn to before me this 13<sup>th</sup> day

of May 1897

*C. M. Shope*

*County Surveyor*

This must be returned to the County Clerk after execution.

110

REPORT OF ROAD VIEWERS.

To The Honorable the Board of Commissioners of Gallatin County  
We, the Undersigned Road Viewers, appointed by the Chairman of  
the Board of Commissioners of Gallatin County, and by the  
County Surveyor of said County, on the 26th day of April 1897.  
together with the County Surveyor, who is by law made the Chair-  
man of said Viewers?, to view a road as prayed for in the peti-  
tion of ~~George~~<sup>Alonso</sup> Reynolds, Etal. in Road District No 5 of said  
County, beg leave to report as follows to-wit:

We met for such view on the 13th day of May 1897, due and legal  
notice of such view having been given as required by law, and  
as shown by the papers herein transmitted for your consideration

We met at the point designated in the petition as the starting  
point of such proposed road to-wit: A point where the County  
Road as laid out and Surveyed in September 1892 leaves the north  
line of the South half of the North half of Section 23 Township  
2 South of Range 6 East, Said point being near Bear Creek and  
designated on the map of said road as stake No. 191 of Said  
survey. Thence east on the above line to the Bear Creek Road,  
as described in said petition, Thence we proceeded east on said  
line to the bluff or near stake No. 204 of said Survey of 1892

At this Point we deem it best to leave the line as designated  
in the petition and, instead of following the same, to proceed  
along <sup>across the foot of</sup> the Bluff, on the line marked out by your Viewers, by bla-  
sing trees and other monuments, to the point where the said road  
crosses the line between Sections 23 and 24 of Township 2 south  
Range 6 East., Said point being the terminus of said proposed  
Road as prayed for in the said petition.

We would recommend that a road 60 feet wide, be laid out on the  
line above described, and that the old road as laid out in 1892  
between the above points be vacated. Our reasons for not follow-  
ing the line as prayed for in the petition, from Stake No. 204

(2)

of the road as surveyed and laid out in 1892, to the point as described as the terminus of the said proposed road, to-wit: the point where the road crosses the Section line between Section 23 and 24 in T. 2 S. R. 6 East., are as follows, 1st. We find that the land over which the road was to pass as described in the petition, is very soft and swampy.

2nd. That said change would increase the length of the road about 700 feet.

3rd. An estimate of the approximate cost of building <sup>a passable</sup> the road on the ground as prayed for in the petition would be about ~~250~~ <sup>300</sup> 00.

4th. We find that a great improvement could be made <sup>over</sup> in the present location of the road by locating the same along the side of the bluff to the South-West of the present road and have so viewed and marked the same.

We would also recommend that a County road 30 feet wide be laid out and established from the point where the proposed road crosses the line between the North half and the South half of the North east quarter of Section 23 T. 2 S. R. 6 East, east along the said line to the right of way of the N. P. R R CO..

We recommend the opening of the same in order to give the people an opening or highway to the siding or switch of the said R/ R. Co., located at the above named place.

The estimate of damages to the owner of any land over which it is proposed to run the above road is as follows: \_\_\_\_\_

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

Alonzo Reynolds Mrs Y.M. Hall

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

The estimated cost of constructing a road on the line as viewed by us, is \$ 400 ← This is to cover the cost of a road at least 16 feet wide with a ditch on the upper side. The material for building a road on the above line is good, and when once built will be permanent, while if the road were built on the line as prayed for in the petition it can only be made passable at the cost as above approximated, to-wit \$300.00, and to get a good, permanent road on said line would cost a great deal of money.

We believe said change to be practicable and of public utility and recommend the establishment of the same.

We deemed it best not to survey the same until your Honorable Body had taken action on the matter as it will require some time to make the survey, because the section lines, and corners are ~~are not established~~ <sup>in dispute and on this particular line</sup>, and will have to be established before the survey can be made, and we thought that it would be best not to make the survey before the road had been ordered opened, thereby avoiding an unnecessary expense.

Dated this 24<sup>th</sup> day of May 1897.

Respectfully Submitted,

C. M. Thorpe  
W. H. Kausling  
E. A. Rorer

Road Viewers.

Bozeman, Montana, May 24<sup>th</sup> 1897

I hereby consent to the County Road being  
changed from where it now runs, to the line as  
marked out by blazed trees by the Viewers on May 13<sup>th</sup>  
along or near the foot of the bluff, through the SW<sup>1/4</sup> of  
the NE<sup>1/4</sup> of sec. 23. T. 2. S. R. 6. E. A Reynolds

May 31 — 1897  
 to the Honorable Board  
 of County Commissioners  
 of Gallatin County Mont.  
 Gentlemen:—

I have by agreement  
 to give a strip of land 30 ft  
 in width for road purposes  
 off the south side of the  
 north  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of Sec. 23  
 T. 2 S. R. 6 E. and extending  
 east from the west line to  
 to a point where the County  
 Road laid out in 1892  
 crosses the south line of said N.

also a strip of land  
30 feet in width off the  
south side of said  $N\frac{1}{2}$   
Extending east from the  
County road to the westerly  
line of the N.P. Ry Co's right-  
of way the same to be  
used as a road to the  
border side track.

The county is to bear the expense  
of changing the fence and put  
the said strip in condition for  
road.

Mrs. G. M. Hall (Betty Gile)



# Notice of Opening Public Road.

Notice is hereby given that after sixty days from the date of posting this notice, a public highway will be opened, over the following route, to-wit: Commencing at a point, where the County Road as laid out and surveyed in Sept. 1892. leaves the North line of the S 1/2 of W 1/2 of Sec. 23, T. 2. S. R. 6. E. Said point being near Bear creek and designated on the Map of said Road as Stake No 191. of said survey, thence East on said line to the Bluff at or near Stake No 204 of said survey, thence along or near the foot of the bluff on the line marked out by viewers to the South line of the W 1/4 of said Sec. 23. thence East on said line to the Road as surveyed in 1892. The first portion of said change is not to be made, (described as following the North line of the S 1/2 of W 1/2 of said Section 23) until the proposed new Road is put in a good condition by Mr. Reynolds or his representatives, as the old road is now in and accepted by the County surveyor.

By order of the Board of County Commissioners of Gallatin County, Montana.

Dated June 10<sup>th</sup> 1897 H. P. McNaughton  
 Clerk,  
 By E. H. Schumacher  
 Deputy.  
 Date of Posting July 12 1897

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

A. D. Taylor being first duly sworn deposes and says, that as the person designated for that purpose he received from the County Clerk of said County, on the 12<sup>th</sup> day of July A. D., 1897, 3 copies of the annexed notice, and that on the 12<sup>th</sup> day of July 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 bridge at Bear Creek near the beginning of the road as described above, and one on a telephone pole near the terminus as above described, and one midway between the above, and further deponeth sayeth not.

Subscribed and sworn to before me this 10<sup>th</sup> day of Aug. A. D., 1897  
 C. H. Taylor  
 C. M. Shorpe  
 Co Surveyor.