

No. of Case Road No. 112

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

"Tumble Road" or
~~Change of~~ Road at Hillsdale

Plaintiff

vs.

FILED

JUN 10 1897

~~A. M. Naughton~~ Defendant
County Clerk.

Action for The within Petition
is Examined and the
Road Viewers Report is hereby
Adopted + Approved
By Order of the Board
This 10th Day of June 1897

~~Attorney for Plaintiff~~

~~Wes. M. Ellis~~
Chairman
~~Dep. Clerk~~ Attorney for Defendant

PETITION FOR ROAD.

No 112

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 ~~free~~ ^{of the Road} holders of the County of Gallatin, in the State of Montana, and ~~that they reside in~~ ^{the county} where the road hereafter petitioned for is to be located, laid out and established if this petition 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, sixty feet in width, to be a public highway, as follows, viz: Commencing, at ^{on the Public Highway} starting point of such road, at ^{the South West corner of Section (35)}

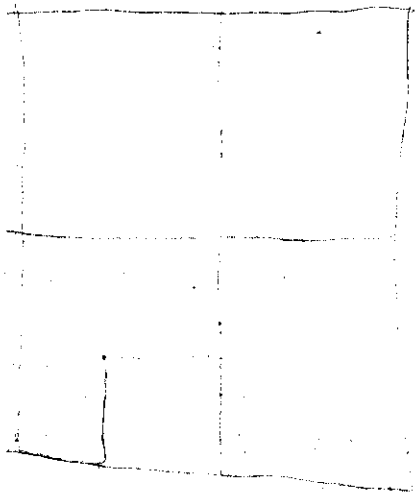
Thirty five in Township Two (2) North of Range Four (4) East - Thence North Eighty rods on the Section line between Sections 34th & 35 (above Township Two Range Four) between lands owned by Jno. H. H. on one side and by B. B. Collins on the other - Thence North Eighty rods between lands owned as last above, and to intersection with present established County Road - And the petitioners whose names are hereunto attached, and whose lands are to be affected by said proposed road, do hereby waive all claim of damages on account thereof.

NAMES.	NAMES.
G. D. Tribble	
Joseph Spragg	Ben Gibson
T. W. Gillet	Thos. Gibson
G. E. Yates	J. W. Starnum
Harry B. Brady	Stell Huling
B. B. Reding	
John Collins	

Filed in office of County
Suror for Apr. 5th 1897
C. M. H. [unclear]

Co. Suror for
of [unclear] of [unclear]
Notice, sent to Chairman, [unclear]
one return on said road, April
21st, 1897

April 23, Chairman of [unclear]
[unclear] [unclear] and [unclear] County
[unclear] [unclear] [unclear] [unclear]
as [unclear] [unclear] [unclear] for
[unclear] same



102
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Office of County Surveyor, Gallatin County Montana, June 1st 1897

To the Honorable, The Board of Commissioners, Gallatin County
Montana.

Gentlemen:-

In pursuance of Sec? VI of House Bill No266, passed
by the Fifth Legislative Assembly of the State of Montana, I
have the honor to submit herewith, the following papers in the
Matters of the petition of George D. Tribble, etal. praying
for the establishment of a County Road in Sec. 35 T.2.N.R.4.E.

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 warrants to viewers, with registered letter re-
ceipts showing that the same had been received.

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

(5th.) Oath of Road Viewers.

(6th.) Report of Road Viewers.

I hereby certify that I posted a copy of the Road Viewers Notice
like the one above referred to, on the front door of the County
Clerks Office on the 28th day of April, 1897.

All dates, names/ and all other matters relating to said road,
will be found in the papers herewith transmitted.

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

Respectfully Submitted,

C. M. Harper

County Surveyor.

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OFFICE OF COUNTY SURVEYOR OF GALLATIN COUNTY MONTANA.

Hon. Geo W. 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 G. D. Tribble and Jan other residents of Read District No. 3 through which district said proposed road is to run. Said road is to commence at the starting point of said road, to-wit: At the Southeast corner of sec. 35 Twp. 2 n. R. 6 E. Thence north 80 rods, Thence west 80 rods and end at a point to-wit: 80 rods north and 80 rods west from the starting point, where it intersects with the Insult County Road. 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. Hoop

County Surveyor of Gallatin County Montana.

OFFICE OF BOARD OF COMMISSIONERS, OF GALLATIN COUNTY MONTANA.

Mr: C. M. Hoop

County Surveyor, Gallatin County Montana.

DEAR SIR:

In pursuance of the above notice, I hereby appoint Mr. _____

Geo. W. Kinney 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 W. Ellis

Chairman Board of Commissioners Gallatin County Montana.

WARRANT FOR ROAD VIEWERS.

Copy

Surveyor
County ~~Clerk's~~ Office,
Gallatin County, Mont.)

Mr. *J. H. Gillet* You are hereby notified that
and yourself were duly appointed Road
Viewers, by the *Your* ~~Honorable Board of County 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, as prayed for in the petition of
Geo. D. Trindle and others, described as follows, to-wit:

Commencing at a point in the Public Highway at the South-west corner of Sec. 35 in T. 2. N. R. 48 East, thence north 80 rods on the Sec. line between Secs. 34 and 35 said T & R., thence west 80 rods to a point in the present traveled road which point is to be the terminus of said road.

By company with Geo. M. Kinney who was duly appointed as a viewer on said road by the Chairman of the Board of County 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
19th day of *May*, 1897, 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 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 *24th* day of *April* 1897

O. M. Thorpe

County ~~Clerk~~, *Surveyor*

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

Copy

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

Mr. Geo. M. Kinney You are hereby notified that
Chairman of the Road and yourself were duly appointed Road
Viewers, by the Honorable Board of County 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, as prayed for in the petition of
Geo. D. Tribble and others, described as follows, to-wit:

Commencing at a point in the Public Highway at the South-west corner of Sec. 35 in T.2.N. R. 4 East, thence north 80 rods on the Sec. line between Secs. 34 and 35 said T & R., Thence west 80 rods to a point in the present traveled road which point is to be the terminus of said road.

In company with J. H. Gillet, who was duly appointed one of said Viewers 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
19th day of May, 1897, 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 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 24th 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 on the 23rd day of April 1897, Term, to view and mark out a proposed County road as prayed for in the petition of Geo. D. Pribble et. al., together with the County Surveyor as Chairman of said Board of Viewers will meet for such view on the 19th day of May, 1897, the time fixed by said Surveyor, and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Commencing at a point in the Public Highway at the South-west corner of Section 35 in Township 2 north Range 4 east, thence North 80 rods, on the Section line between Sections 34 and 35 said township and Range. Thence west 80 rods to a point in the present traveled and established County road, which point is to be the terminus of said proposed road.

Dated this 24th day of April 1897
 C. M. Thorpe, Chairman
 F. H. Gillet
 Geo. M. Kimmer } VIEWERS

the STATE OF MONTANA, }
 County of Gallatin. } SS.

F. H. Gillet being first duly sworn deposes and says, that as the Petitioner designated for that purpose he received from the County Surveyor of said County on the 1st day of May A. D., 1897, three copies of the annexed notice, and that on the 3rd 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 Starting point and one at terminus of said proposed road.

and further deponeth sayeth not.

Subscribed and sworn to before me this 19th day of May A. D. 1897
 C. M. Thorpe
 County Surveyor

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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. H. Billet

Subscribed and sworn to before me this 19th day

of May 1897

C. M. Hooper
County Surveyor

This must be returned to the County Clerk after execution.

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112

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.

G. W. Ramsey

Subscribed and sworn to before me this 19th day

of May 1897

C. M. Hooper
County 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, ^{and the County} ^{Surveyors together with} ^{at the} ^{County} on the 28th day of April 1897 Term of said Board to view a proposed road running from S.W. Cor. Sec. 36 T. 2 N. R. 4 E thence North 80 rods on section line between to Sec. 34 + 35 thence West 80 rods

That on the 19th day of May, 1897, we started from the S.W. Cor. of Sec. 35 T. 2 N. R. 4 E. 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:
 From above starting point North 1/4 mile on sec. line thence West 1/4 mile to terminus as named in petition, the length being 1/2 mile. The cost of constructing 1. 32 ft. plank bridge at Dry Creek, 3 culverts and necessary grading \$236.00

2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows:
 John Klabe owner of S.E. 1/4 of S.E. 1/4 of sec. 34 \$50.00
 C. C. Collins owner S.W. 1/4 of S.W. 1/4 Sec. 35 and N.E. 1/4 of S.E. 1/4 of 34 \$50.00

3. The names of land owners who consent to give the right of way, and we hereto attach their written consent, as follows:
 John Klabe owner of S.E. 1/4 of S.E. 1/4 of sec. 34 T. 2 N. R. 4 E. will give the the land for 1/2 width of the road, or 30 ft. Claims \$50.00 for moving + building fence

4. The names of land owners who do not consent and the amount of damages claimed by each, as follows:
 C.C. Collins owner S.W. 1/4 of S.W. 1/4 Sec. 35 T. 2 N. R. 4 E. and N.E. 1/4 of S.E. 1/4 of Sec. 34 said T. & R. claims \$150.00 damages for 1/2 width, or 30 ft. for road.

5. The following facts bearing upon the subject, which may be of importance to the Board:
 The road passes over good level land. See map. See back of this report for further facts.

We believe said road not to be practicable and not of public utility and necessity and do not recommend the establishment of the same.

Dated May 19th, A. D. 1897

C.M. Hoover
 F. H. Gillet
 H. W. Finney

} Road Viewers.

After having viewed the road as petitioned for and considering the probable cost of same, and the fact that a road of greater public utility could be established running north from the starting point of the road as petitioned for along or near the section line or along the N. + S. line $\frac{1}{4}$ mile East of above section line to connect with the Dry creek ~~road~~ we recommend that the road be not established as petitioned for.

To be ~~time~~ engaged in viewing and reporting today

REGISTRY RECEIPT.

Post Office at Bozeman Montana 112
Registered Letter Parcel No. 57 Rec'd April 27th 1897
of County Surveyor
addressed to J. N. Gillet
Central Park Mont.
D. H. Brooks P. M.

REGISTRY RETURN RECEIPT sent 4-27 1897

Reg. No. 57 from Post Office at Bozeman, Mont.

*Reg. Letter / *Reg. Parcel Addressed to J. N. Gillet
Central Park 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.

(SENDER'S 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.

J. N. Gillet

* Erase letter or parcel according to which is sent.

REGISTRY RECEIPT.

Post Office at Bozeman Montana 112
Registered Letter Parcel No. 59 Rec'd April 27th 1897
of County Surveyor
addressed to Geo. W. Kinney
Central Park Mont.
D. H. Brooks P. M.

REGISTRY RETURN RECEIPT sent 4-27 1897

Reg. No. 59 from Post Office at Bozeman, Mont.

*Reg. Letter / *Reg. Parcel Addressed to Geo. W. Kinney
Central Park 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.

(SENDER'S 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.

Geo. W. Kinney

* Erase letter or parcel according to which is sent.