

No. of case Road.

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

The within Petition was examined and the Board of Public Works the Road and the Road this 10th Sept.

On 11th Sept. 1897  
By E. H. Johnson

The within Petition was examined, Road Wm. Reber is hereby adopted and approved and the Road ordered opened and declared a public highway of the State of Montana.

J. K. Patterson  
Chairman Board of Commissioners

A. P. McNaughton  
County Clerk

Defendant

Action for  
Ordered laid over until  
Special September 24 or 25, session  
By order of the Board, now convening to be  
Sept 27/97  
Attest: Geo. W. Ellis  
Chairman  
E. H. Johnson  
S. J. Clerk

Laid over until  
Dec Session by order  
of the Board  
Attorney for Plaintiff  
Geo. W. Ellis  
Sept 25/97  
Chairman

Attorney for Defendant

# PETITION FOR ROAD.

*B. M. Short, 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 ~~freeholders~~ <sup>residents</sup> of Road District No. 4 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~~ <sup>that you will</sup> locate and establish ~~a~~ <sup>as</sup> 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:
- Commencing at a point in the present County road at the North-west corner of the South-east quarter of section 29, in Township 2 South, Range 5 East in Gallatin County, Montana, thence running South one half mile, thence South-east to the center of the North-east quarter of section 32, same township and range, thence due South one fourth of a mile to the South-west corner of the South-east quarter of the North-east quarter of said section 32, to the present County road.
- b. Said road to occupy sixty feet of land in ~~the~~ East of and adjacent to the above described line through section ~~32~~, and 30 feet on each side of said line for the remaining portion thereof.
- c. Samuel Hobbs and D. O. Holland own the East half of the South-west quarter of said section 29. J. C. Schultz owns the N. 1/2 and the S. E. 1/4 and O. Gant the S. W. 1/4 of the N. E. 1/4 of said section 32.
- d. All except O. Gant consent and give the right of way for said road.
- e. G. Gany does not consent.
- f. Probable cost of right of way \$ 10.<sup>00</sup>
- g. That the proposed road is on high ground over which a road can be constructed and kept in repair while the present road is in a low swampy location and is impossible to keep in repair. A road is necessary for a large community to get to the Bozeman-Salesville road and to either of those two places.

NAMES:

NAMES:

1 D. O. Holland

2 William Plaine

3 J. C. Schultz

4 A. B. Blackwood

5 Samuel Hobbs

6 David Jackson

7 P. Plankenship

8 Thos. J. Fowler

9 G. B. Prodicent

10 A. R. Williams

Ephraim Adams

Wm. Post

Alphens Badgley

H. J. Foster

1874  
1875

1876  
1877

Peterson's Bounty Book

"Schultz" Board

Received in my office this  
24<sup>th</sup> day of April 1877

C. W. Shoemaker  
County Surveyor.

Office of County Surveyor, Bozeman Gallatin County Montana.  
To the Honorable Board of Commissioners Gallatin County Montana.  
Gentlemen:

In pursuance of an Act of 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 F. C. Schultz, et al, praying for a change in the County road in Twp. 2 S. R. 5.E. as follows:

First: The petition with endorsements thereon.

Second: Notice to Chairman to appoint a viewer on same, and the appointment of said viewer.

Third: Copy of warrants to viewers, with registered letter receipts showing that the same had been duly received.

Fourth: Sworn proof of posting notices with copy attached.

Fifth: Oath of road viewers.

Sixth: Report of road viewers and consent of land owners for change where same was given.

I hereby certify that a like copy of the viewers notice was posted at the County Clerks Office on the 7th day of July 1897.

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

Respectfully Submitted,

C. M. Thayer

County Surveyor.

Office of County Surveyor, Gallatin County, Montana.

Hon. Geo. H. Ellis

Chairman, Board of Commissioners, Gallatin County, Montana.

Dear Sirs:-

You are hereby given notice that a petition for a County road has been received in this office, signed by Mr F. C. Schultz and 13 other residents of road district No. 4 through which

district, said proposed road is to run. Said road to commence at

The N.W. corner of the SW<sup>1</sup>/<sub>4</sub> of sec. 29 T. 2 S. R. 5 E.

and terminate at SW. corner of SW<sup>1</sup>/<sub>4</sub> of the N. E<sup>1</sup>/<sub>4</sub> of Sec. 32 T. 2 S. R. 5 E. you are hereby

requested to appoint a viewer on the above proposed road.

Yours Respectfully,

C. M. Thorpe

County Surveyor.

Dated at Roseman, Montana, this 17<sup>th</sup> day of June 1897.

Office of Board of Commissioners, Gallatin County, Montana.

Mr. C. M. Thorpe

County Surveyor, Gallatin County Montana.

Dear Sirs:-

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

E. Brooks Martin to act on behalf of the Board of Commissioners as a viewer on the above petitioned for road.

Yours Respectfully,

Geo. H. Ellis

Chairman, Board of Commissioners, Gallatin County, Montana.

Dated at Roseman, Montana, this 19<sup>th</sup> day of June 1897.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF...  
No. 12, the undersigned Taxpayer in the amount of \$100.00  
of the Board of the Road District for the year 1908 and of the  
of the Board of the Road District for the year 1909 for the

*Protect  
County Road  
as returned for  
of default - 1908*

F I L E D

MAR 5 1898

*W. J. McLaughlin*  
County Clerk

To the Honorable Board of County Commissioners of Gallatin County

Gentlemen:

We, the undersigned Taxpayers hereby protest against the opening up of the Road petitioned for by F.C. Schultz and others for the reason that the old road answers all purposes for the present.

Respectfully submitted :

A. O. Gant  
Geo. Sigge  
W. R. Johnson  
J. B. French  
Mrs. J. B. French  
Sidney Fraser  
Joe McReynolds  
Chas. Anderson  
J. A. Patton  
J. B. Blanchard  
W. A. Hull  
E. W. Anderson  
Pete Carlson  
Lee Martman  
E. H. Gouch  
L. D. Day  
M. E. K. Hart  
S. W. Keattlee  
Almos Williams  
Isaac Williams  
Ed. Perry  
J. H. H. H.  
M. E. Day

12/2

J. J. Stucky  
Geo Gibson  
James Williams  
S. S. Katter  
Geo. Conforth  
J. J. Lagg  
S. H. Nicholas  
T. L. Colburn  
J. E. Mortimer  
G. W. Carter  
A. H. Chestnut  
John Murphy  
Bennet Monforton  
Perry Simpson  
W. H. Johnston  
Allen H. Sales  
John H. Hatterson

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Phan Roobol  
Baron Phuanh  
Charles Sears  
Harry Blankenship  
Joe Watkins  
Henry Monforton  
Hugh Leonard  
Eugene Monforton  
P. Blankenship  
W. Hill

28  
29  
30  
31  
32  
J. J. Gay  
Georg Rosenbery  
J. W. Williams  
W. H. Rogers  
Harry F. Sears



Eugene Deshay  
Alex. C. Lux  
Alex. Brothers  
O. P. Davis  
W. P. Todd  
J. H. George  
W. S. Brumwell

# 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 <sup>chairman of the</sup> Board of County Commissioners.

E. Brook Martin

Subscribed and sworn to before me this 26<sup>th</sup> day

of July

1897

C. M. Hooper  
C. Surveysor

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 will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the <sup>County Surveysor</sup> Board of County Commissioners.

A. A. Williams

Subscribed and sworn to before me this 26<sup>th</sup> day

of July

1897

C. M. Hooper  
C. Surveysor

This must be returned to the County Clerk after execution.

# WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,  
Gallatin County, Montana.

MR. W. D. Williams

You are hereby notified that you were duly appointed Road Viewer by E. M. Phelps  
County Surveyor of Gallatin County, Montana, on the  
19th day of June, 1897, to view and lay out a proposed road, as prayed  
for in the petition of J. C. Schultzy and others, described as follows, to-wit:

Commencing at a point in the present County Road at the North-west corner of the South-west quarter of Section 29 in T. 2. S. R. 08 S. E. in Gallatin County Montana, thence running south one half mile, thence south-east to the centre of the North-east quarter of Section 32, same Township, and thence due south one fourth of a mile to the South-west corner of the South-east quarter of the North-east quarter of said section 32, to the present County road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with Edwards Martin, who was duly appointed as a viewer on said road by the Chairman of the Board of Commissioners and by the County Surveyor, who is Chairman of said Board of Viewers, on the 20th day of July, 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, at my office this 19th day of July, 1897

By E. M. Phelps  
County Surveyor.

Deputy

# WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,  
Gallatin County, Montana.

MR. Brooks Martin

You are hereby notified that you were duly appointed Road Viewer by Geo. W. Ellis's  
Chairman Board of Commissioners of Gallatin County, Montana, on the  
19<sup>th</sup> day of July, 1897, to view and lay out a proposed road, as prayed  
for in the petition of J. C. Schultz and others, described as follows, to-wit:

Commencing at a point in the present County Road at the North-west corner of the South-west quarter of Section 22 in T. 2. S. R. 5. E. in Gallatin County Montana, thence running south one half mile, thence south-east to the centre of the North-east quarter of Section 22, same Township, and Range, thence due south one fourth of a mile to the South-west corner of the South-west quarter of the North-east quarter of said section 22, to the present County road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with A. W. Williams, who was duly appointed as a Viewer on said road by the C. M. Thorne County Surveyor and by the County Surveyor, who is Chairman of said Board of Viewers, on the 26<sup>th</sup> day of July, 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, at my office this 1<sup>st</sup> day of July, 1897  
C. M. Thorne  
County 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 Chairman of the Board of County Commissioners of the County of Gallatin, and by the County Surveyor of said County, Montana, on the 19<sup>th</sup> day of June, 1897, to view and mark out a proposed County road as prayed for in the petition of Fred C. Schultz et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 26<sup>th</sup> day of July, 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 present County road at the North-west corner of the South-east quarter of Section 2, in T.2.S.R.6.E in Gallatin County, Montana, thence running ~~SSSS~~ South one half mile, thence South-east to the centre of the North-east quarter of Section 32, same Township and Range, thence due south one fourth of a mile to the South-west corner of the South-east quarter of the North-east quarter of said Section 32, to the present County road.

Dated this 1<sup>st</sup> day of July, 1897.  
J. M. Thorpe,  
A. A. Williams, } VIEWERS.  
E. Brooks Martin.

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

A. A. Williams being first duly sworn deposes and says, that as the Viewers designated for that purpose he received from the County ~~Surveyor~~ Surveyor of said County, on the 12<sup>th</sup> day of July, A. D., 1897, ~~two~~ two copies of the annexed notice, and that on the 14<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 starting point of the proposed road and one at the terminus thereof.

and further deponeth sayeth not.  
 Subscribed and sworn to before me this 26<sup>th</sup> day of July, A. D., 1897.  
A. R. Williams  
J. C. M. Thorpe  
 Co. Surveyor

REPORT OF ROAD VIEWERS.

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

We, the undersigned Road Viewers, appointed by The Chairman of the Board of Commissioners of said County, and by the County Surveyor of said County, on the 19th day of June, 1897, to view, and lay out a proposed County road as prayed for in the petition of F.C. Schultz, et al. met for such view, on the 26th day of July, 1897, the date set for the said view, by the County Surveyor, who as such Surveyor, was Chairman of said board of Viewers. Sworn proof of posting the Notices of such view, having been made, we proceeded to view the same, starting from the point named in the petition, as the starting point of said proposed road, to-wit:- The North-west corner of the South-east quarter of Section 29, T.2.S.R.5.E., running thence west, 30 feet, as the petition asked that the full 30 feet be taken from the east side of the South-west quarter of said Section 29. Thence south, parallel with, and 30 feet west of the east line of the said South-west quarter, to a point 30 feet west of the south-east corner of said South-west quarter. Thence south-easterly to the centre of the North-east quarter of Section 32 said Township, and Range. Thence south 80 rods, to the South-east corner of the South-west quarter of the North-east quarter of said Section 32, which point is to be the terminus of the said proposed road.

The right of way for the proposed road to be 60 feet in width the same being 30 feet on each side of the ~~center~~ above described center line.

The length of the proposed road is 1 and 1/8 miles.

The probable cost of constructing the same, is \$75.00.

Second: The estimated damages to the owner of any land over which it is proposed to run the above road is as follows: We have decided that in all cases, the benefits arising from the opening of the said road, are fully equal to the damages.

Third: We hereto attach ~~the~~ copies of the written consent of Samuel Hobbs, owner of part of the S.W 1/4 of said Section 29 D.O.Holland, owner of the remainder of the S.W. 1/4 of said Sec. 29, and F.C.Schultz, owner of the N.E. 1/4 of Section 32, except the S.W. 1/4 of same. (For the original of the above written consent see viewers report on same road of date Nov. 4th 1896, on file in the office of the County Clerk.) As the fence across the S.W. 1/4 of the N.E. 1/4 of said section 32, owned by H.O.Gant, has already been set back on the line as above described, we did not get his written consent.

*Mr. H. O. Gant claims damages for inconvenience to him on account of his fence being some distance from the proposed change of \$100, or*

Fifth:- The following facts, bearing upon the subject, which may, be of importance to the Board, are as follows:- As the old road runs near the west fork of Middle Creek, much trouble is experienced, especially in the winter time from flooding, and freezing ice in the road, and besides the road is badly washed, all of which will be avoided, by the proposed change, as it places the road on high ground, giving a good road bed, and good ground for a road, and besides, it shortens the distance to Bozeman.

We believe the said road to be practicable, and of public utility and are unanimous in recommending the establishment of the same.

We would also recommend that the old road through the S.W. 1/4 of Sec. 29, and the N.W. 1/4, and the N.E. 1/4 of Sec. 32, to the terminus of the proposed road, be vacated, and discontinued.

We would also recommend that, if the road be established by your Honorable body, that the same be surveyed, and platted.

Respectfully Submitted, this 26th, day of July,

1897.

C. M. Thayer  
A. R. Williams  
E. B. & Martin } Viewers

REGISTRY RECEIPT.

Post Office at

Registered Letter Parcel No. 20 Rec'd July 7 1897

of E M Thorne

addressed to E Brooks Martin City

D H Brooks P. M.

REGISTRY RECEIPT.

Post Office at

Registered Letter Parcel No. 21 Rec'd July 7 1897

of E M Thorne

addressed to A R Williams City

D H Brooks P. M.

REGISTRY RECEIPT.

Post Office at

Registered Letter Parcel No. 212 Rec'd July 10 1897

of Cochran

addressed to H O Grant Bogerman Street

D H Brooks P. M.

REGISTRY RETURN RECEIPT sent JUL 7 1897

Reg. No. 20 from Post Office at

\*Reg. Letter } Addressed to E Brooks Martin  
\*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.

E Brooks Martin

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 JUL 7 1897

Reg. No. 21 from Post Office at

\*Reg. Letter } Addressed to A R Williams  
\*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.

A R Williams

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.



Copy

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through or along the <sup>Part of</sup> East side of ~~the~~ <sup>own</sup> ~~ly~~ <sup>me</sup> Sec. 20, T. 2. S. R. 5 E., as viewed ~~and surveyed~~ by C. M. Thorpe, & John J. Sugraw on the 30<sup>th</sup> day of Sept., 1896. And hereby agree to place my fences on said lines without charge to the County.

Signed: D. O. Holland

Dated at Bozeman this 30<sup>th</sup> day of Sept. 1896

Copy

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through or along the <sup>Part of</sup> East side of ~~the~~ <sup>own</sup> ~~ly~~ <sup>me</sup> Sec. 24, T. 2. S. R. 5 E., as viewed ~~and surveyed~~ by C. M. Thorpe, & John J. Sugraw on the 30<sup>th</sup> day of Sept., 1896. And hereby agree to place my fences on said lines without charge to the County.

Signed: Samuel Hobbs

Dated at Bozeman this 30<sup>th</sup> day of Sept. 1896

Copy

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through or along the <sup>from a point 30 ft. west of the N. 1/4 sec. corner sec. 32 T. 2 S. R. 5 E. south westerly to the center of N. E. 1/4 sec. also a strip 30 feet in width for same purpose</sup> ~~the~~ <sup>and also part of N. 1/4 of said</sup> Sec. 32, T. 2. S. R. 5 E., as viewed ~~and surveyed~~ by C. M. Thorpe & John J. Sugraw on the 30<sup>th</sup> day of Sept., 1896. And hereby agree to place my fences on said lines without charge to the County.

Signed: J. C. Schultz

Dated at Bozeman this 30<sup>th</sup> day of Sept. 1896