

No. of Case *1000*

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

*"Pice" Road
Madison Valley,*

Plaintiff

F I L E D vs. F I L E D

H. P. McNaughton
County Clerk Defendant

Action for

*The within Petition is examined
and the Road Viewers report is hereby
adopted and approved. Now consenters
By order of the Board. ^{to be heard Sept 25/97}
This is the 14th day of Sept. 97. *Geo. W. Ellis*
Attor. *Est. Schumacher* Chairman.*

*And ~~viewers~~ ^{of block}
Report approved and adopted and Road
ordered opened and damages \$50.00
allowed to *Wm. H. H. Sherman*
This 25th day of Sept. 97.
Est. Schumacher Attorney for Plaintiff
*Dep. Clerk**

*Notice sent by mail to *Wm. H. H. Sherman* 9/16/97*

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

70-117. "Pice Road" Road Viewers Report adopted.

PETITION FOR ROAD.

C. M. Thorpe 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~~ ^{residents} of Road District No. 1 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~~ ^{that the County road be changed, laid out, located and established} ~~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:

*to be for road
run N. E. 1/4 of Sec. 32
and out to the
road on
struts be improved as follows:*

*1st The new road to commence from the present travelled road on the South line of N. E. 1/4 of Sec. 32 Twp. 1 N., R. 2 E., and run North East, through the ranch of Mrs. A. A. Shorman intersecting the present road at N. West. Corner of N. E. 1/4 of N. E. 1/4 of Sec. 32. & following same until it reaches:-
(2nd change) N. West. Corner of N. E. 1/4 of S. E. 1/4 Sec. 29. when it should run about 50 rods on a line common to M. B. Thompson and Alfred Buschoff on the S. 1/2 of N. E. 1/4 of Sec. 29. thence North East through the N. E. 1/4 of Sec. 29 the property of Alf. Buschoff & intersecting the present road at the N. E. East. Corner of Sec. 29 and following same until it reaches:-
(3rd change) the north line of S. N. 1/4 of Sec. 21 about 20 rods East of School house (Dist. 38) thence it is proposed that it run North East*

present road at the N.E. corner of Sec. 29.
and following same until it reaches :-
(3rd Change.) the north line of S. 1/4 of Sec. 21.
about 20 rods East of School house (Dist. 38)
~~then it is proposed that it run North East~~
through the W 1/2 & N.E 1/4 of S. 1/4 of Sec 21
(The property of the N. P. Ry Co.) It will then
meet & follow the present travelled road
at the N.E corner of the above mentioned
N.W. Quarter, Section 21

The owners of N.W 1/4 Sec. 21. are the
N. P. Ry Co. and the damage can not
amount to anything.

M. B. Thompson & Alf. Buckhoff are
the owners of N.E 1/4 of Sec. 29. who have
consented to the proposed change and
ask no damages.

Mrs. Shorman - a non resident owns
the N.E 1/4 of Sec. 32. The damage would
be having to move a fence, which would
cost about twenty five (\$25⁰⁰) dollars

Thos. D. Tice

Alfred Bishop

W. Bishop

H. W. Thompson

A. B. Thompson

E. Thompson

B. A. Dartinton

Wm. Hoellin

W. Hoellin

J. B. Hoellin

J. Niggerman

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. Jos. D. Rice and // other residents of Road District No. 1 through which

District said road is to run. Said is to commence at a point in the present Travelled County Road on the south line of the N.E. 1/4 of sec. 32 T. 1. N. 2. E.

which point is to be the starting point, and terminate at the N.E. corner of the N. W. 1/4 of sec. 21 T. 1. N. 2. E.

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

Dated at Bozeman Montana, this 17 day of June 1897.

Yours Respectfully,

))))))))))))))))))

C. M. Thorp

County Surveyor.

OFFICE OF BOARD OF COMMISSIONERS? GALLATIN COUNTY MONTANA.

Mr. C. M. Thorp

County Surveyor, Gallatin County Montana.

Dear Sir:-

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

D. C. Howard to act on behalf of the Board of Commissioners, as a viewer on the above petitioned for road.

Dated at Bozeman Montana, this 19th day of June 1897.

Yours respectfully,

Geo. H. Ellis

Chairman, Board of Commissioners, Gallatin County, Montana.

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 19th day of June, 1897,

to view and mark out a proposed Change in County road as prayed for in the petition of Phos. D. Rice et. al.,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 2nd day of August, 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 with the present traveled road, on the south line of the N.E. 1/4 of Section 32 T.1.R.2.E. Thence north-east to intersect with the present traveled road at the north-west corner of the N.E. 1/4 of the N.E. 1/4 of said Section 32. Thence to follow along the present traveled road to the North-west corner of the N.E. 1/4 of the S.E. 1/4 of Section 29 said T. and R. Thence due north about 50 rods, Thence north-east through the N.E. 1/4 of said Section 29., to intersect with the present traveled road at the N.E. corner of the north-east quarter of said Section 29. Thence north along the present traveled road to a point in the north line of the S.W. 1/4 of Section 21 in said T. and R., about 20 rods east of the School House (district No. 28) Thence north-east through the N.W. 1/4 of Section 21 said T. and R. to the north-east corner thereof. There to intersect with the present traveled County road, leading to Logan. Said point being the terminus of said proposed change.

Dated this 9th day of July, 1897.

C. M. Thorpe
D. C. Howard
C. A. Darlington

} VIEWERS.

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

C. A. Darlington being first duly sworn deposes and says, that as the Surveyor designated for that purpose he received from the County Clerk of said County, on the 24th day of July, 1897, three copies of the annexed notice, and that on the 24th 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 on the south line of the N.E. 1/4 of Sec 32 T. 1 N. R. 2 E., and one at the N.E. corner of the N.W. 1/4 of Section 21 said T. & R. and further deponeth sayeth not.

Subscribed and sworn to before me this 2nd day of Aug, 1897.

C. A. Darlington
C. M. Thorpe

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

Copy

MR. *D. C. Howard*

G. W. Ellis

You are hereby notified that you were duly appointed Road Viewer by *G. W. Ellis*
Chairman Board of Commissioners of Gallatin County, Montana, on the
19th day of *July*, 189*7*, to view and lay out a *Change in County* road, as prayed
for in the petition of *Thos. D. Rice* and others, described as follows, to-wit:

Commencing with the present traveled road, on the south line of
the N.E. 1/4 of Section 32 T.1.R.2.E. Thence north-east to inter-
sect with the present traveled road at the north-~~west~~ west
corner of the N.E. 1/4 of the N.E. 1/4 of said Section 32.
Thence to follow along the present traveled road to the North-~~west~~
west corner of the N.E. 1/4 of the S.E. 1/4 of Section 29 said
T. and R. Thence due north about 50 rods, Thence north-east through
the N.E. 1/4 of said Section 29., to intersect with the present
traveled road at the N.E. corner of the north-east quarter of
said Section 29. Thence north along the present traveled road to
a point in the north line of the S.W. 1/4 of Section 21 in said
T. and R., about 20 rods east of the School House (district No.
26) Thence north-east through the N.W. 1/4 of Section 21 said T.
and R. to the north-east corner thereof. Thence to intersect with
the present traveled County road, leading to Logan. Said point
being the terminus of said proposed change.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with *C. A. Darliutoy*, who was duly appointed as a
Viewer on said road by the *C. M. Thorpe* County Surveyor and by the
County Surveyor, who is Chairman of said Board of Viewers, on the *2nd* day of
August, 189*7*, 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, at my office this *9th*
day of *July*, 189*7*.

C. M. Thorpe
County Surveyor.

By *Co.* Deputy

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

C. M. Hoopes

MR. *W. A. Darlington*

Your are hereby notified that you were duly appointed Road Viewer by *C. M. Hoopes*
County Surveyor of Gallatin County, Montana, on the

19th day of *July*, 189*7*, to view and lay out a ~~proposed~~ *change in County* road, as prayed
for in the petition of *Thos. D. Rice* and others, described as follows, to-wit.

Commencing with the present traveled road, on the south line of
the N.E. 1/4 of Section 32 T.1.N.R.2.E.. Thence ~~to the north-east~~
to intersect with the present traveled road at the north-west
corner of the N.E. 1/4 of the N.E. 1/4 of Section 32 Said T. and R.
Thence to follow along the present traveled road to the N.W.
corner of the N.E. 1/4 of the S.E. 1/4 of Section 29 Said T. and R.
Thence north about 50 rods, Thence north-east through the N.E.
1/4 of said Section 29, to intersect with the present traveled
road at the north-east corner of the north-east Quarter of said
Section 29, Thence north along the present traveled road to a ~~point~~
point in the north line of the S.W. 1/4 of Section 21 in said
T. and R. about 20 rods east of the School House (District No. 25)
Thence north-east through the N.W. 1/4 of Section 21 said T. and R.
to the North-east corner of the N.W. 1/4 of said Section 21. ~~point~~
where it will intersect with the present traveled road. Said
point being the terminus of said proposed change.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with *D. C. Howard*, who was duly appointed as a
Viewer on said road by the *Geo. Wells* Chairman Board of County Commissioners and by the
County Surveyor, who is Chairman of said Board of Viewers, on the *2nd* day of
August, 189*7*, 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, bluzing 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 *9th*
day of *July*, 189*7*.

C. M. Hoopes
County Surveyor.

By *C.* Deputy

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 ^{Chairman of the} Board of County Commissioners.

J. C. Howard

Subscribed and sworn to before me this 2nd day

of Aug. 1897

C. M. Thorpe

C. Surveyor

This must be returned to the County Clerk after execution.

REGISTRY RECEIPT.

Post Office at

Registered Letter Parcel No. 64 Rec'd July 21 1897

of C. M. Lhoppe

addressed to C. A. Darlington
Logan Mount
D. H. Brooks P. M.

REGISTRY RECEIPT.

Post Office at

Registered Letter Parcel No. 65 Rec'd July 21 1897

of C. M. Lhoppe

addressed to D. C. Howard
Logan Mount
D. H. Brooks P. M.

REGISTRY RETURN RECEIPT sent July 21 1897

Reg. No. 65 from Post Office at Logan Mount

*Reg. Letter } Addressed to D. C. Howard
*Reg. Parcel } Logan Mount

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.

D. C. Howard
C. A. Darlington

* Erase letter or parcel according to which is sent.

REGISTRY RETURN RECEIPT sent July 21 1897

Reg. No. 64 from Post Office at Bozeman

*Reg. Letter } Addressed to C. A. Darlington
*Reg. Parcel } Logan Mount

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.

C. A. Darlington

* Erase letter or parcel according to which is sent.

... Empire Mills,

MRS. H. H. SHARMAN & SONS.

Spring Hill, Mont., ~~Mar~~ 21st - 1897

County Surveyor Thorpe
Bozeman Montana
Dear Sir

I understand that some of the Madison Valley people are getting up a petition to change the road in several places, and one of these places is across the N. Co. 4 of Sec. 32 Township 1 North of Range 2 East. -

We own this particular piece of land and do not want the road changed, as it suits us much better where it is than it would be changed, and I fail to see how it could benefit others.

It would necessitate our building a fence and we do not feel willing to do it. Hoping that you will give this matter your attention

I am very truly
Mrs. H. H. Sharman

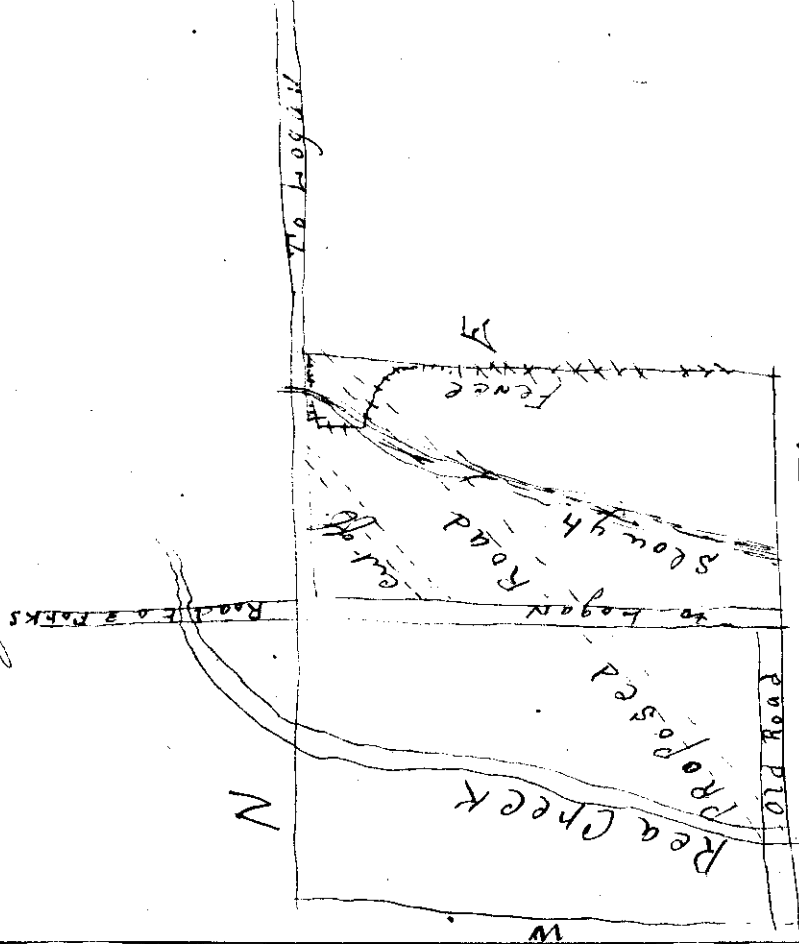
Logan Hunt

Secret
1897

Geo. Ellis Esq. - County Com.
Boyanan Hunt

Dear Sir I understand that there has been a petition circulated to change the road down the meander Valley "generally known as the River Road" while some changes "proposers" would be to an advantage. there are other changes suggested which I would in my opinion be wrong. The piece of road referred to is in the N.W. 1/4 Sect. 21 T. 1. R. N. 2. E. At present the road cuts it into two equal parts or nearly so running N. & S. The proposed road cuts it

From the N.E. corner to S.W. corner I can explain it better by a plat given below.



S The old road is to all practical purposes as good if not better than the proposed and

Bro Tice says that his tires
of turning Square corners
and that was the reason he got
the petition up

Names of tax payers living along the ~~road~~ ^{road}

Bischoff	✓
Tompson H. M.	✓
Tompson Hiram	✓
Tompson Ed.	✓
Morrison S.	
" P.	
Darlington C. A.	✓
White Steve	
Headline Wm	✓
Tinsley F.	
Tice Tom	✓
Niggerson S.	✓

Any other names on the petition
than these are not directly interested
and some of these do not appear
as they were opposed to the change

Yours truly
D. Howard

Logan Apr 9th 1897

Mr Throp

~~Co Surveyor~~

Boylman

Mont

Dear Sir

The people of this Road Dis. all residing on what is known as the River Road in Madison Valley are desirous (I think unanimously) of straightening and changing the road in several places.

In 1870 there was a Co Road laid out from old Gallatin City south on the west side of the Madison Valley to Black's on Elk Creek.

This was before there was much or any land taken up in the valley in the vicinity of the road. When the valley was taken up people moved the road at their pleasure and in some instances to the

Answered

detriment - and inconvenience of the public. No one in this Dis. knows where the road was originally located, and I have been told it was impossible to tell from the Co records. But I think this is immaterial as the road as now accepted is in most instances in the most desirable place. We do not know exactly how to proceed in the matter or how to draw up the petition in a legal manner. Any information you can give us will be thankfully received, and if you will kindly send us blanks for a petition you will confer a favor.

I will enclose a diagram of this part of the dis. and will further state that the proposed change can be made with very little expense to the Co.

Respectfully Yours

Thos. D. Fice

Loyan

Mont

REPORT OF ROAD VIEWERS.

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

Chairman of the and *the Co. Surveyor*
 WE, the undersigned Road Viewers, appointed by the Board of County Commissioners, at the
 together with said Co. Surveyor
 Term of said Board to view a proposed road running from a point in the
 South line of the N.E. 1/4 of Sec. 32 T. 1 N. R. 2 E. where the traveled road crosses said line
 said point being 2255 ft. west of the E. 1/4 Sec. corner of said sec. 32
 to the N. 1/4 Sec. corner of S.E. 21 said T. & R. say,

That on the *2nd* day of *Aug.*, 1897, we started from *the*
above described starting 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:
for the course, termini & length of the proposed road see accompanying map. the probable cost of constructing the proposed change is \$50.00

2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows: *We estimate the damages to Mrs. H. H. Sherman for expense of moving 330 rods of fence at \$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: *M. B. Thompson owner of S.W. 1/4 of N.E. 1/4 of sec 29 T. 1 N. R. 2 E. and Alfred Bischoff owner of the E. 1/2 of N.E. 1/4 of Sec. 29 T. 1 N. R. 2 E.*

4. The names of land owners who do not consent and the amount of damages claimed by each, as follows: *Mrs. H. H. Sherman*

5. The following facts bearing upon the subject, which may be of importance to the Board: *the line surveyed and marked by posts at the angle points is the center line of the 60th right of way. The first proposed change in N.E. 1/4 of Sec. 32 puts the road on better ground and makes the road 613 feet shorter than the old road (see back of report for particulars)*
 We believe *the proposed change* said road as *proposed* to be practicable and *the proposed change* of public utility and necessity and do *the proposed change* recommend the establishment of the same. *the third change as petitioned for we would recommend to not grant it,*

Dated *3rd* day of *Aug.*, A. D., 1897

C. M. Hooper
D. P. Howard
E. A. Swinton } Road Viewers.

the 2nd change as petitioned for in the N.E. 1/4
of Sec. 29 T. 1 N. R. 2 E. Shortens the road and
would put the road away from the river far enough
to be out of danger of being washed out, the old
is partly washed out by the river and would soon
have to be moved. The road is also on better ground
than the old road. We would recommend that the 3rd

change as petitioned for in ^{N.W. 1/4} Section 21 said T. & R.
be not granted, for the reason that the old road is said to be
known as the River Road leading to Gallatin City would
need to be continued which with the road as petitioned
for would cut up the ground in bad shape, and would
make an unnecessary amount of roads to be kept up.
We would recommend that from the end of the 2nd change,
the same being a point in the East line of Sec 20 said T. & R.
135.4 ft. North of the S.E. Corner of said section
that the road follow the old road to the terminus as
described in the petition. and at said proposed
changes as above recommended, if the same be granted,
that the old road outside of the limits of said proposed
changes be vacated and discontinued.

Thompson

To the County of Gallatin, State of Montana:

I hereby Agree, and consent to give 30 feet for a Right of Way, for a County Road, through or along the East side of SW 1/4 of NE 1/4 Sec. 29, T. 1 N. R. 2 E., as viewed and surveyed by C. M. Thorne, C. A. Darlington & D. C. Howard on the 3rd day of Aug., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: M. B. Thompson

Dated at this 3 day of Aug. 1897.

Bischoff

To the County of Gallatin, State of Montana:

I hereby Agree, and consent to give 90 feet for 1/2 OF THE Right of Way, for a County Road, through or along the West side of E 1/2 of NE 1/4 Sec. 29, T. 1 N. R. 2 E., also 60 ft in width where said road runs through said E 1/2 of NE 1/4 as viewed and surveyed by C. M. Thorne, C. A. Darlington & D. C. Howard on the 3rd day of Aug., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: Alfred Bischoff

Dated at this 3rd day of Aug. 1897.

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 the NE 1/4 of Sec. 32, T. 1 N. R. 2 E., as viewed and surveyed by C. M. Thorne, C. A. Darlington & D. C. Howard for the sum of \$50.00 the same to be in the expense of moving fence, (they will road in or needed) on the 3rd day of Aug., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed:

Dated at this day of 1897.

Wm. C. Hartman

Loagan Morrison

Bought of...

Empire Mills,

MRS. H. H. SHARMAN & SONS.

Please Sir,

I return your order unsigned for this reason. Mr. Morrison expects to buy wood in place and would not have the road changed if he could prevent it for several reasons.

His being the case I feel that it would be unwise to consult his wishes concerning it.

With regards to self and family,

I am very truly,

Wm. C. Hartman



Logan
↑

Gabriel's City

21

29

28

J. I. N. R. L. C.

32

— Road
- - - Proposed Road
+ School House

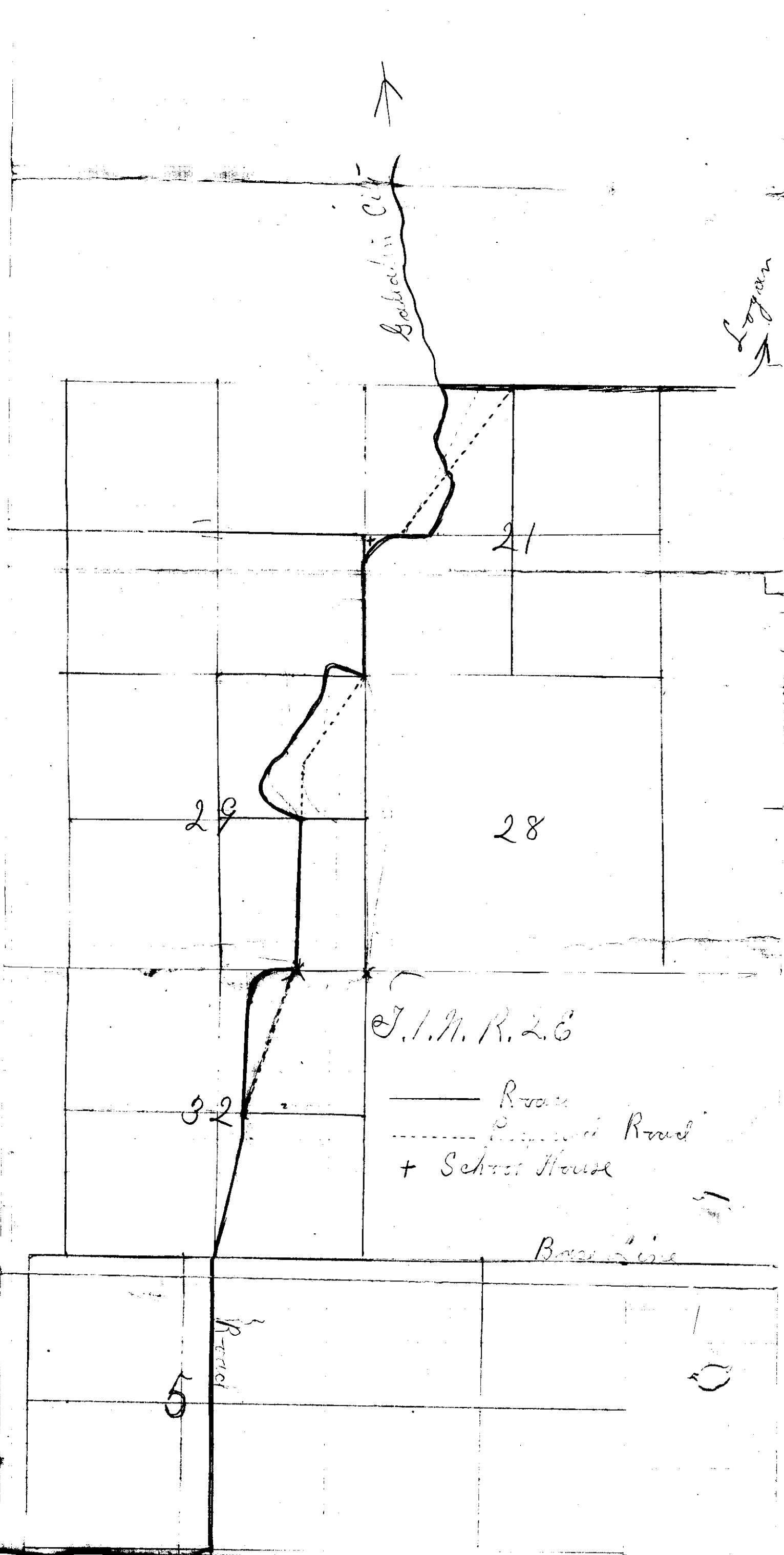
Base Line

Road

5

11

10



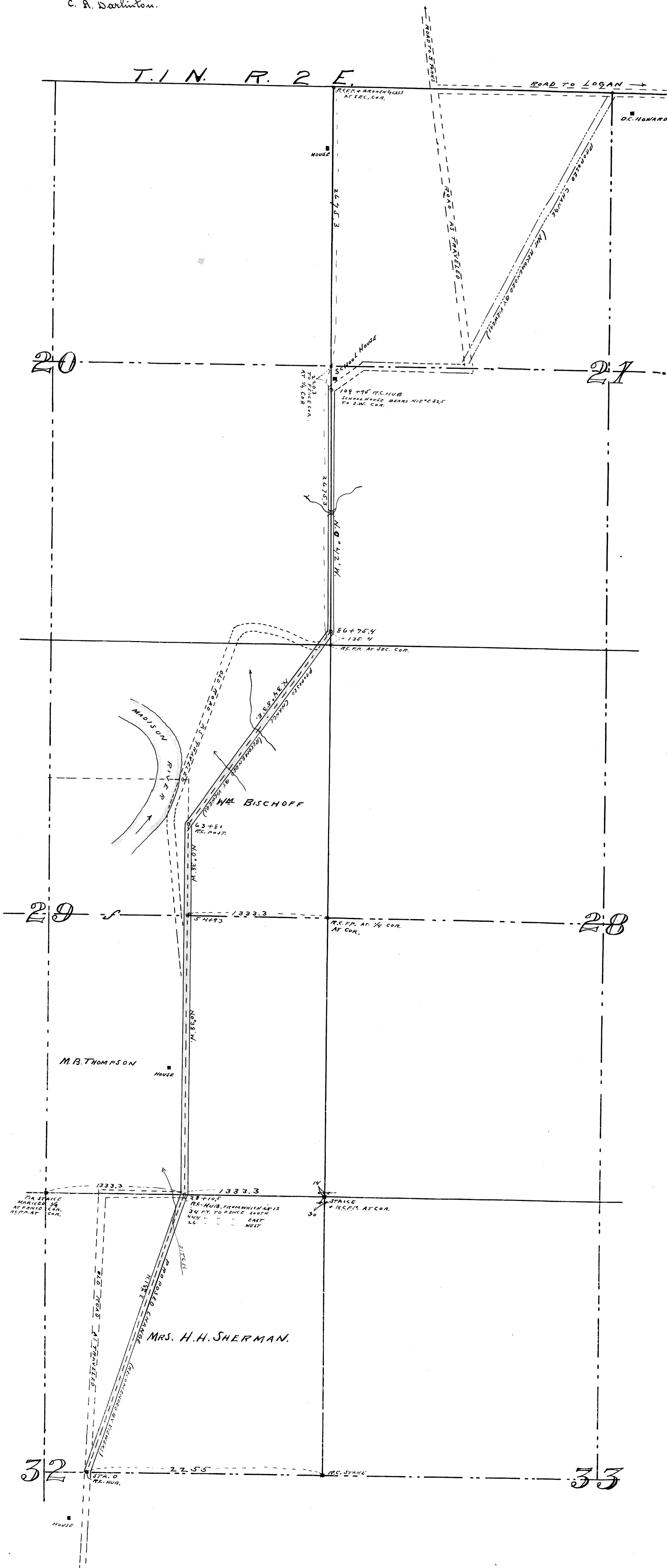
Map
showing
Proposed change in Madison River Road
Petitioned for by Sice et al.

Surveyed Aug 2+3 1897

By C.M. Thorpe Co. Surveyor.

Witness

- C. M. Thorpe.
- D. C. Howard.
- C. A. Darlington.



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

Gentlemen;

In the matter of the road petitioned
for by Thos. D. Tice et al (Road No. 117) which was acted upon
by your honorable body on Sept. 25th 1897 We wish to state that
it was our understanding as road viewers that if Mrs. Sherman was
not willing to accept the damages awarded her of \$50.00 that the
report would be changed not favoring the first change petitioned
for which passed through her land. After hearing that she would
not accept the \$ 50.00 in payment of damages, through an oversight
the report was not changed as we intended it should be, And the
road was ordered established by your honorable body cutting
through her land and awarding her \$50.00 damages which she has
not accepted. We therefore ask that the former action be
reconsidered, And that the road be not changed through her land

but only the second change petitioned for be granted, ~~a description~~
A description of which is as follows to-wit: Begining at the north
west Cor. of N.E. 1/4 of S.E. 1/4 Sec. 29, ^{T. N. R. E} Thence north 087 feet,
Thence N. 34 53' E. 2295.4 feet to a point in the east line of Sec. 20
said T.R. said point being 135.4 feet north of the S.E. corner ^{THERE OF} ~~the~~

And that the order allowing her \$50.00 damages be rescinded.

The notice of ^{opening} said road not having been posted as yet awaiting
your action.

Very Respectfully

J. C. Howard

C. A. Darlington

C. M. Cooper

BOZEMAN, MONTANA, Sept 25 1897

To the
Hon Bd of County Commrs
Bozeman, Mont
Gentlemen: In reference to the
Thos G. Tice et al Road petition
for making a change in the
present traveled road in the
N.E. 1/4 Sec. 32 T. 1. N.R. 2 E. owned
by Mrs H. H. Shorman beg to state
that the damages awarded by
the Viewers of 50. is not sat-
isfactory ^{and} respectfully pe-
tion your honorable body
to grant the sum of one
hundred ^{and} Dollars ⁱⁿ place of
moving fence otherwise it will
not be satisfactory to Mrs H.
H. Shorman Your Respectfully
Louis C. Davis
Agx

Copy 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 the N. W. Cor. of N. E.

1/4 of S. E. 1/4 of Sec. 29 T. 1 N. R. 2 E. Thence North 337 ft. Thence North 34° 53' East . 2295.4 feet to a Point in the East line of Sec. 20. said T. & R. said Point being 135.4 feet North of the S. E. Cor. Thereof, And the same is hereby declared a Public Highway, the same to be 60 feet in width This is the Road Petitioned for by Tice et al

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

Dated Dec. 17th 1897.

H. P. McNaughton
Clerk,

By _____
Deputy.

Date of Posting Jan 7th 1898

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

C. A. Darlington being first duly sworn deposes and says, that as the person appointed he received from the County Clerk of said County, on the 3rd day of January A. D., 1898, three copies of the annexed notice, and that on the 7th day of January 1898 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 each end and near the center of the proposed change on the public road

and further deponeth sayeth not.

Subscribed and sworn to before me this 11th day of January A. D., 1898

C. A. Darlington
C. M. Thorpe
County Surveior

Office of County Surveyor, Gallatin County, Montana.

To the Honorable Board of Commissioners, Gallatin County, Mont.

Gentlemen:

In pursuance of an Act of the Fifth Legislative Assembly of the State of Montana, ^{see note} (I have the honor to submit herewith the following papers in the matter of the petition of Thos. D. Tice, et al. praying for a change in the County road, which runs up the Madison Valley.)

First: The petition with the endorsements thereon, ~~and various communications in reference to the same.~~

Second: Notice to the Chairman of the Board to appoint a viewer and the appointment of the same.

Third: Copy of warrants to Viewers, with registered letter receipts to show that same had been duly received.

Fourth Sworn proof of posting viewers notice, with copy attached.

Fifth Oath of road viewers.

Sixth: Report of road viewers, and consent of land owners for the proposed change, where given. *Consent of land owners given.*

omit (I hereby certify that I posted a like copy of the viewers notice at the front door of the County Clerks Office, on the 21st day July 1897.

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

I have no suggestions to make, other than those embodied in the report ~~of the viewers.~~ *herewith submitted*

Respectfully Submitted,

C. M. Hooper

County Surveyor.

REGISTRY RECEIPT.

Post Office at Butte, Mont.

Registered ^{Letter} Parcel } No. 210 Rec'd. Sept 15 1897

of Cochise

addressed to Mrs. H. H. Sharmail

Spring Lake, Mont.

D. H. Brooks P. M.