

No. of Case *Road 120*

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

*"J. N. Muffin" Road
By Cree & Gordon Road.*

FILED

Plaintiff

vs.

W. M. Muffin
County Clerk

Defendant

Action for

*The within Petition was examined,
Road Reviewers Report was accepted
and adopted. Road not granted
By order of the Board of
this 14th day of Sept. 93. Les N. Ellis
Chairman.
Attest
E. H. Johnson
sps.*

Attorney for Plaintiff

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

120. Road Reviewers report adopted

Office of County Surveyor, Bozeman, 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 J.T. Huffine et al. praying for a County road in T. 3. N. R. 4 E. as follows:

First the petition with the endorsements thereon.

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

Third: Copy of warrants to viewers with registered letter receipts showing that same had been delivered or received.

Fourth: Sworn proof of posting notices, with copy of same attached.


Fifth: Oath of road viewers.

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

I hereby certify, That a copy of the said notice of road viewers was posted at the County Clerks Office on the 21st day of July 1897.

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

Respectfully Submitted,



County Surveyor.

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. 6 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~~ ^{that a County Road be} to lay out, locate and establish ^{ed} a ^{ed a} County road sixty feet wide, in said road district, to be a public highway therein, and show:

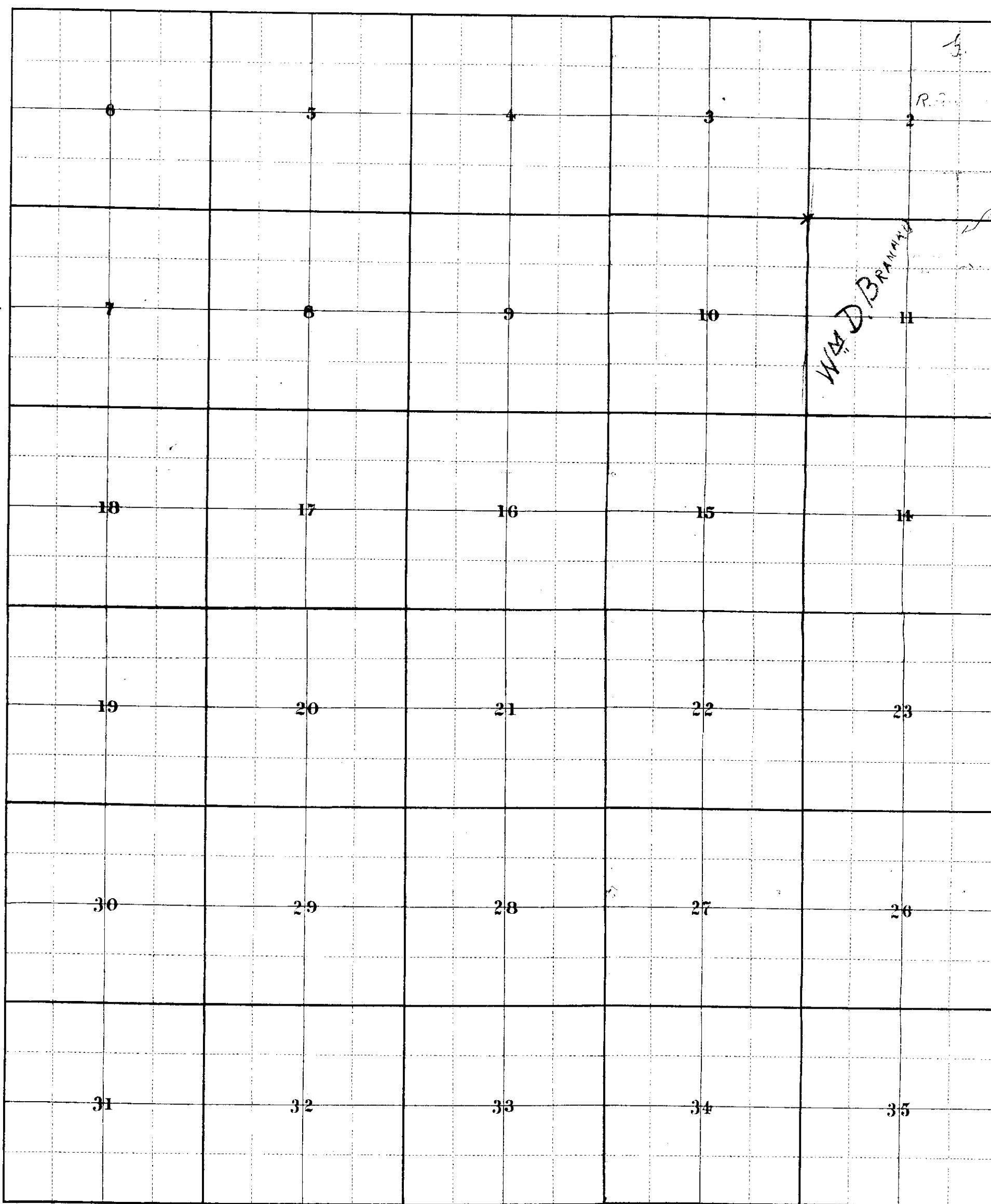
- (a). The general route of the proposed road. (b). Over what lands it is proposed to be established. (c). Who are the owners thereof. (d). Whether such of them as can be found consent thereto. (e). Who of them do not consent. (f). The probable cost of the right of way where such consent is not had. (g). The necessity for and the advantages of the proposed road, as follows, to-wit:

beginning at a point where the Dry Creek Road as surveyed in 1894 intersects the north & south center line of Sec 36 T. 3 N. R. 4 E. thence north along or near the north and south center line of sections 36, 25, 24, & 13, said Township and Range to a point at or near the center of said section 13. Thence in a north westerly direction to a point at or near the N.W. corner of said Sec. 13. Thence northerly along or near the west line of sections 12 and 1 said Township and Range to the N. line of said Township. Thence in a north easterly direction to intersect the road leading to the Montana R.R. at a point near the cabin known as the Acosta Bros. Cabin on Brown Creek. The lands over which it is proposed to run the road and the owners are as follows. Sec. 25 P.C. Elliot. S. 1/2 Sec. 24 Ches. Myer, N. 1/2 Sec. 24 Mr. Gaugh. S.E. 1/4 Sec. 13 W. Mr. Gaugh, S.W. Sec. 12 J.H. Reed. N.E. 1/4 Sec. 11 + S.E. 1/4 of S.E. 1/4 Sec. 2 Mrs. L. Brainard. S. 1/2 N. E. 1/4 Sec. 2 R. Emerson estate. The lands not described are owned either by the Government or U.S.R. Ry Co. all of the owners above consent to give the right of way. excepting Mr. Gaugh who claims damages of the necessity for the road is to give a - built to extend to extend County to make fence

NAMES: NAMES:

- | | | | |
|---|---------------|----|----------------|
| 1 | J. L. Huggins | 2 | W. D. Brainard |
| 3 | J. H. Reed | 4 | J. H. Reed |
| 5 | L. Emerson | 6 | |
| 7 | | 8 | |
| 9 | | 10 | Less Huggins |

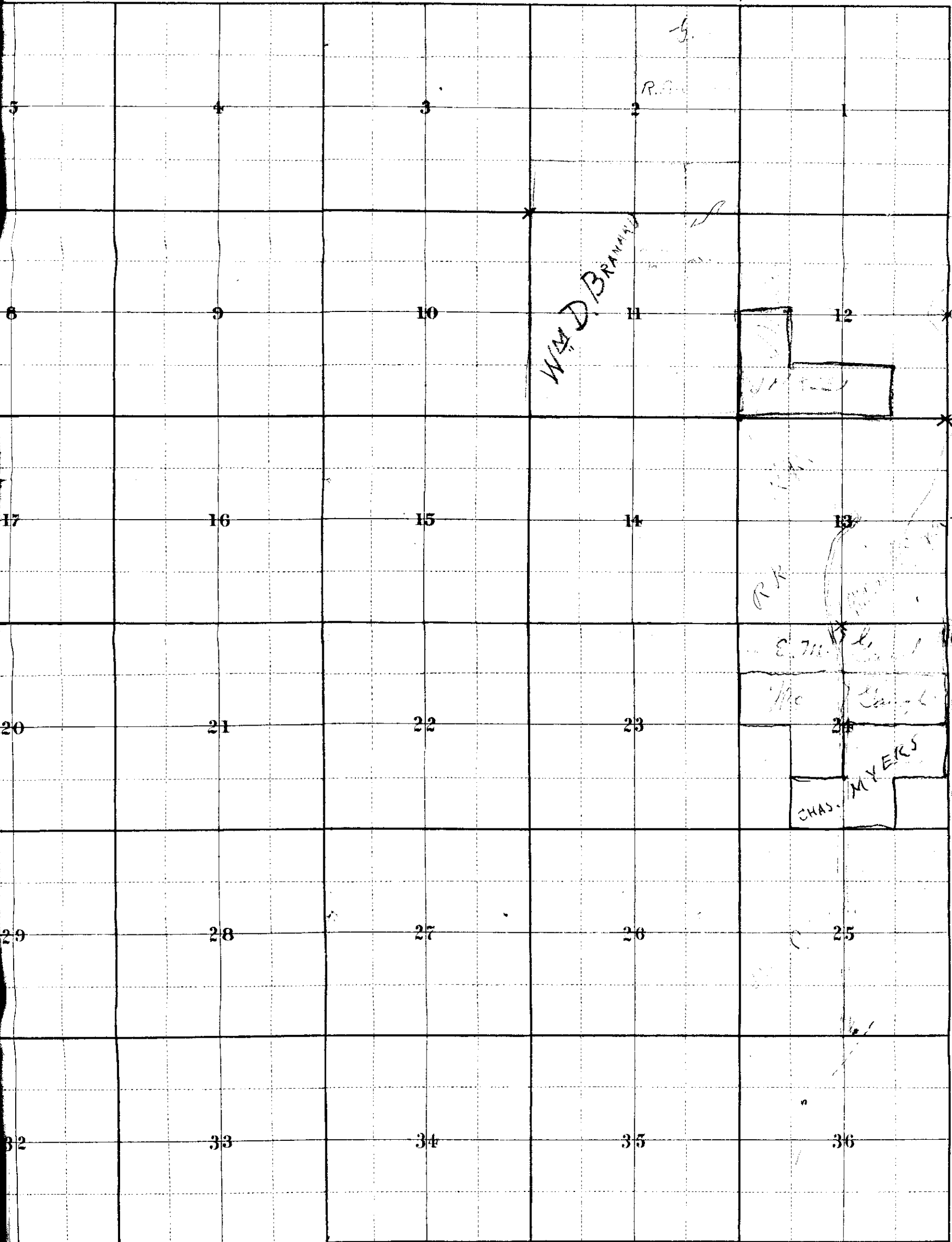
Township No. 37 N. Range No. 4 E M



N. Range N^o

4 E

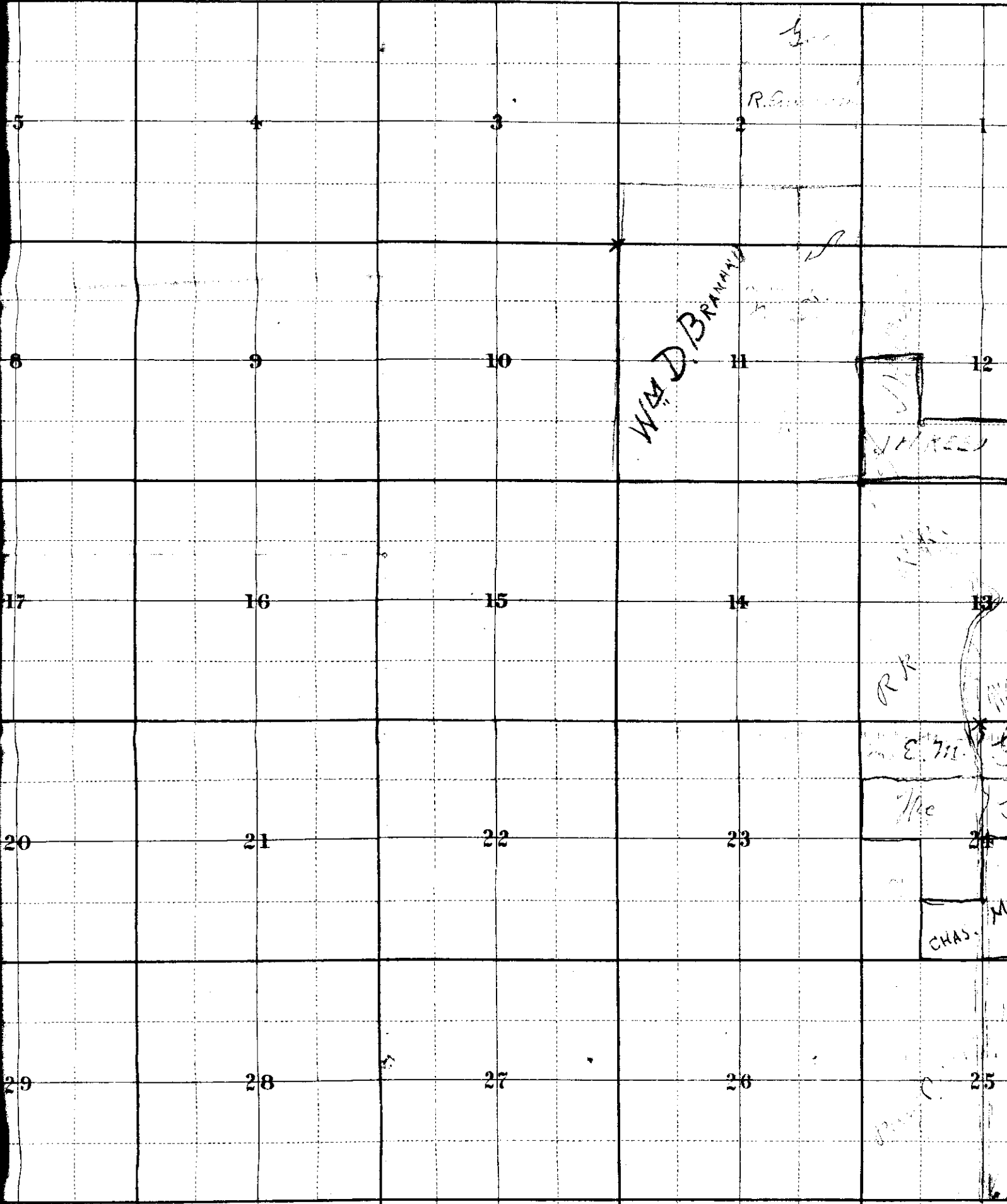
Mer.



N. Range N^o

4 E

Mer.



OFFICE OF COUNTY SURVEYOR, 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. _____

J. T. Huffines and 9 other residents of road District
No. 6 through which district said road is to run.

Said Road is to commence at a point where the Dry Creek Road
crosses the center line of Sec. 36, T. 3. N. R. 4. E.

and terminate at The Acacia Inn, Cabin on Brewer's Creek on
The Jordan Road

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

Dated at Bozeman Montana, this 1st day of July 1897.

Yours Respectfully,

C. M. Thorpe

County Surveyor.

Per, C.

OFFICE OF BOARD OF COMMISSIONERS, GALLATIN COUNTY, MONTANA.

Mr. C. M. Thorpe

County Surveyor, Gallatin County, Montana.

Dear Sir:-

In pursuance of the above notice, I hereby appoint Mr. James
Hullup to act on behalf of the Board of Commission-
ers, as viewer on the above petitioned for road.

Dated at Bozeman, Montana, this 3rd day of July 1897.

Yours respectfully,

Geo. W. Ellis

Chairman, Board of Commissioners, Gallatin County, Montana.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

Copy

MR. *Jas A. Gallop*

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 *June*, 189*7*, to view and lay out a proposed road, as prayed
for in the petition of *J. T. Huffine* and others, described as follows, to-wit.

Commencing at a point where the Dry Creek road as surveyed in 1894 intersects with the north and south ~~\$\$\$~~ centre line of Sec 36 T.13.N.R.4.E. Thence north along or near the north and south centre line of Sections 36, 25, 24, and 13, said T. and R. to a point at or near the centre of said section 13. Thence in a north-westerly direction to a point at or near the north-west cor. of said Sec. 13. Thence northerly along or near the the west line of Secs. 12 and 1, said T. and R. to the north line of said Town) ship. Thence in a north-easterly direction to intersect with the road leading to the Montana R.R. at the Accola Brothers Cabin on Bremer Creek.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *Franks Calletque*, 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 *14th* day of *August*, 189*7*, 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 *9th*
day of *July*, 189*7*.

C. M. Thorpe
County Surveyor.

By *C.* Deputy

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. *Frank Callentine*

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

19th day of *June*, 189*7*, to view and lay out a proposed road, as prayed
for in the petition of *J. T. Huffine* and others, described as follows, to-wit:

Commencing at a point where the Dry Creek road as surveyed in
1894, intersects the north and south ~~center~~ centre line of Sec.
36 T. 3. N. R. 4. E. Thence north along or near the north and south
centre line of Sections 35, 25, 24, and 13 said Township and Range.
to a point at or near the center of said Section 13. Thence
in a north-westerly direction to a point at or near the North-
west corner of said section 13 ~~center~~ Thence northerly along
or near the west line of sections 12 and 1 said Township and
Range to the north line of said Township. Thence in a north-east-
erly direction to intersect with the road leading to the Monta-
na R.R. at a point ~~center~~ near the cabin known as the Accola
Brothers cabin on Bremer Creek.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with *James W. Gallop*, who was duly appointed as a
Viewer on said road by the *Geo. W. Ellis, Chairman Board of County Commissioners* and by the
County Surveyor, who is Chairman of said Board of Viewers, on the *14th* day of

August, 189*7*, 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 *9th*

day of *July*, 189*7*

By *E. M. Thorpe*
County Surveyor.
Deputy.

REGISTRY RECEIPT.

Post Office at _____

Registered Letter Parcel } No. 63 Rec'd. July 21 1897

of C. M. Thorpe

addressed to Geo. H. Gallup

Gallup Mont

D. W. Brooks P. M.

REGISTRY RECEIPT.

Post Office at _____

Registered Letter Parcel } No. 59 Rec'd. July 21 1897

of C. M. Thorpe

addressed to Frank Callentine

Gallup Mont

D. W. Brooks P. M.

REGISTRY RECEIPT.

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 County road as prayed for in the petition of J. T. Huffine et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 14th 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 at a point where the Dry Creek road as surveyed in 1894, intersects with the north and south centre line of Section 36 T.13.N.R.4.E. Thence north along or near the north and south centre line of Sections 36, 25, 23, and 13 said Township and Range. to a point at or near the centre ~~\$\$\$~~ of said Section 13. Thence in a north-westerly direction to a point at or near the north-west corner of said Section 13 Thence northwrely along or near the west line of Section 12 and One said Township and Range to the north line of said Township. Thence in a north-easterly durection to intersect with the road leading to the Montana Rail-road at a point near the cabin, known as the Accola Brothers Cabin on Bremer Creek.

Dated this 9th day of July, 1897.

C. M. Thorpe
Frank Callentine
Jas. H. Gallops

} VIEWERS.

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

Frank Callentine being first duly sworn deposes and says, that as the viewer designated for that purpose he received from the County Clerk of said County, on the 28th day of July, A. D., 1897, three copies of the annexed notice, and that on the 2nd day of Aug, 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 Fence post near above starting point and one
in fence post near Accola Bros. Cabin

and further deponeth sayeth not.

Subscribed and sworn to before me this 14th day of Aug, A. D., 1897

Frank Callentine
C. M. Thorpe

OATH OF ROAD VIEWERS.

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

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the ^{County Surveyor} Board of County Commissioners.

Frank Gallantino

Subscribed and sworn to before me this 14th day

of Aug 1897

C. M. Hope

C. Surveyor

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 ^{Chairman of the} Board of County Commissioners.

J. H. Gallup

Subscribed and sworn to before me this 14th day

of Aug 1897

C. M. Thayer
C. 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:

Chairman of the

WE, the undersigned Road Viewers, appointed by the Board of County Commissioners, at the
and the Co. Surveyor *Walter with the Co. Surveyor* Term of said Board to view a proposed road running from a point where the
Dry Creek road as surveyed in 1894 intersects the N.-S. center line of Sec 36
T. 3 N. R. 4 E.
to a point in the road leading to the Mountain R.R. at a point near
the Access Bros. Cabin *near*
That on the *14th* 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:

From the above described starting point we run north along or near the N+S center
line of sections 36, 25, 24 & 13 T. 3 N. R. 4 E. to a point near the center of Sec 13
thence in a north westerly direction to a point near the N.W. corner of
said Sec. 13 thence northwesterly along or near the west line of sections
12 & 1 same T. & R. to the North line of said Township. (See back of report)

2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as

follows: *As we do not consider the road practicable
we make no estimate of damages*

3. The names of land owners who consent to give the right of way, and we hereto attach their written

consent, as follows: *Wm S. Brainerd owner of Sec 11 & 5/2 of 5/2 of Sec. 2 T. 3 N. R. 4 E*

4. The names of land owners who do not consent and the amount of damages claimed by each, as

follows. *Perry C. Elliot owner Sec. 25 T. 3 N. R. 4 E. claims damages for full cut of 1/2 mile
Chas. Myer owner of N 1/2 of SE 1/4 & SE 1/4 of SW 1/4 of Sec. 24 claims damages
for 4 miles 3/4 miles of fence Synthes Mc Laugh owner of 5/2 of N 1/2 &
NE 1/4 of SW 1/4 of Sec. 24 said T. & R. does not consent and will fight
the road to a finish (see back of report)*

5. The following facts bearing upon the subject, which may be of importance to the Board:

*From the center of Sec 13 T. 3 N. R. 4 E. the line as described in the petition
passes over very rough land and is not suitable for the location
of a road, they and I feel that there has been another road viewed and
favorably reported upon running parallel and but a short distance (see back of report)
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 *Aug 14th*, A. D., 1897

*C. M. Thorpe
Frank Callantine
J. H. Gallup* } Road Viewers.

No. 1 Continued

thence in a northeasterly direction to intersect the road leading to the Mountain R.R. at a point near the Accola Bros. Cabin. The length of the proposed road is about 8 miles. -
The probable cost of constructing the road is \$900,000

No. 4 Continued

Mrs. E. M. Mc Gough, Owners of N¹/₂ of N¹/₂ of Sec 27
T. 3 N. R. 4 E. claims damages to the full amount of the
value of her land.

No. 5. Continued

to the east of the road as petitioned for, and also the great probable
cost of constructing the road, together with the damages
claimed caused your viewers to be unanimously of the
opinion that the road is not practicable and would
recommend to your honorable body that the petition be not
granted.

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 E. side of Sec 11 and 5 1/2 x 5 1/2 Sec. 2, T. 3, R. 24 E., and 60 ft. in width when it is necessary to cross the adjacent lines as viewed and surveyed by Jas. Bellup, Frank Callahan & C. M. Thorpe

on the 14th day of Aug., 1897. And hereby agree to place

my fences on said lines without charge to the County.

Signed: W. D. Rainard

Dated at this 14th 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 S 1/2 of S 1/2 of Sec. 24, T. 3, R. 24 E., and 30 ft. for East 1/2 of right of way along N. 1/4 of N. W. 1/4 of S E. 1/4 of Sec. 24 as viewed and surveyed by Jas. Bellup, Frank Callahan & C. M. Thorpe

on the 14th day of Aug., 1897. And hereby agree to place

The County to furnish 3/4 mile of fence 4 years my fences on said lines without charge to the County.

Signed: Charlie Myers

Dated at this 14th day of Aug. 1897.

REGISTRY RETURN RECEIPT sent July 21, 1897

Reg. No. 67 from Post Office at Bozeman, Mont

*Reg. Letter } Addressed to Jas H Gallup
 Reg. Parcel } Gallup 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. } J. H. Gallup

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 July 21, 1897

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

*Reg. Letter } Addressed to Frank Callantine
 Reg. Parcel } Gallup 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. } Frank Callantine

When delivery is made to other than addressee, the name of both addressee and recipient must appear. } by Sarah Callantine

* Erase letter or parcel according to which is sent.