

No. of ~~Case~~ Road, 123

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

Middle fork of 16 Mile  
Road.

The within Road Viewers <sup>Plaintiff</sup> Report  
is hereby adopted and approved  
and the Road ordered opened  
and declared a public  
highway.

By Order of the Board <sup>Defendant</sup>.

this the 6th day of November, 1897.

Action for  
Attest: Geo. W. Ellis  
Chairman of the  
Board of Co. Commissioners

Attorney for Plaintiff

Noticesent-Surveyor Nov 16 1897

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

~~This Report was adopted and the Road ordered opened.~~ 11/6/97.

# 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~~ <sup>residents</sup> of Road District No. 7 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~~ <sup>that a County Road be</sup> layout, locate and establish <sup>a</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 the starting point to wit: A point where the present rutted road leaves the Middle fork of Sixteen Mile Creek, thence to follow the said Middle fork of Sixteen Mile Creek, to <sup>at point on the north</sup> the ~~east~~ <sup>east</sup> ~~traveled road leading from East Flat road to Castle~~ <sup>of Gallatin County. There are rapid, deep runs, meadows creek near Hunters Bay</sup> ~~the land over which road is to run is all unimproved~~ land. Hence there would be nothing for Right of Way. The advantages of such road are that it will serve all settlers on the creek (about 20 settlers being located here) a distance of 14 miles in coming to Bryman, besides it will be a winter road to Castle, being the only road through there that would be open all winter. Hence a convenience to all the traveling public in reaching Castle during the winter.*

NAMES:

NAMES:

1 *T. L. Leland*

2 *A. E. Giesse*

3 *W. G. Alexander*

4 *William Fleming*

5 *H. R. Fleming*

6 *Paul W. Powell*

7 *George Bennett*

8 *John W. Miller*

9 *Donald Campbell*

10 *David W. Winter*

*W. H. Manning*

*L. B. Sillery*

*Robt Jones*

*6*

BOZEMAN, MONTANA,

Nov. 6<sup>th</sup>

1897.

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

Gentlemen:-

I herewith submit  
to you the papers relating to the petition  
and viewing of a road on the Middle Fork  
of 16 mile Creek, the same being road No. 122.  
I hereby certify that a notice of the viewing  
of said road was posted at the door of the  
County Clerk's office on Sept 27<sup>th</sup> 1897.

Very respectfully

C. M. Thorpe

County Surveyor

Office of County Surveyor, Gallatin County Montana.

Hon. Geo. W. Ellis

Chairman, Board of County Commissioners Gallatin County Montana.

Dear Sir:

You are hereby given notice that a petition, praying for a County Road, has been received in this Office, signed by W. G. Alexander and twelve other residents of road District No. ~~###~~ 7 in said County. Said road is to commence at a point where the present County road leaves the Middle Fork of Sixteen Mile Creek, and terminates at a point on the line between the Counties of Meagher and Gallatin, where said line crosses Meadow Creek, near the ranch of Mr. Winters.

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

Dated at Bozeman, Montana this 15th day of September, 1897.

Very Respectfully,

C. M. Trope

County Surveyor.

Office of Board of County Commissioners, Gallatin County Montana.

Mr. C. M. Shrope

County Surveyor, Gallatin County Montana.

Dear Sir:

In pursuance of the above notice I hereby appoint Mr. Charles Baker to act as a viewer on the above petition for road, to act for and on behalf of the Board of County Commissioners.

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

Very Respectfully,

Geo. W. Ellis

Chairman, Board of County Commissioners, Gallatin County Montana.

# WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,  
Gallatin County, Montana.

*Copy*

MR. *Cnas. Baker*

You are hereby notified that you were duly appointed Road Viewer by *Geo. C. ...*  
*Chairman Board of County Commissioners* of Gallatin County, Montana, on the  
*17<sup>th</sup>* day of *September*, 189*7*, to view and lay out a proposed road, as prayed  
for in the petition of *H. J. Alexander* and others, described as follows, to-wit.

Commencing at a point where the present traveled road leaves the  
Middle Fork of Sixteen Mile Creek, thence to follow the said  
Middle Fork of Sixteen Mile Creek, to a point on the north line  
of Gallatin County, where said line crosses Meadow Creek, near  
Winters's ranch.

All the lands along the line of said road are unsurveyed.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with *H. J. Tilly*, who was duly appointed as a  
Viewer on said road by the *County Surveyor* and by the  
County Surveyor, who is Chairman of said Board of Viewers, on the *2<sup>nd</sup>* day of  
*Nov.*, 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 *18<sup>th</sup>*  
day of *September* 189*7*.

*C. M. Johnson*  
County Surveyor.

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

# WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,  
Gallatin County, Montana.

*Copy*

MR. E. J. Tillery

You are hereby notified that you were duly appointed Road Viewer by C. M. Hooper  
County Surveyor of Gallatin County, Montana, on the  
17<sup>th</sup> day of September, 1897, to view and lay out a proposed road, as prayed  
for in the petition of J. W. Alexander and others, described as follows, to-wit:

Commencing at a point where the present traveled road leaves the  
Middle fork of Sixteen Mile Creek, thence to follow the said  
Middle fork of Sixteen Mile Creek, to a point on the north line  
of Gallatin County. Where said line crosses Meadow Creek, near  
Winters's ranch.

All the lands along the line of said road are unsurveyed.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with C. W. Baker, who was duly appointed as a  
Viewer on said road by the Chairman and of County Commissioners and by the  
County Surveyor, who is Chairman of said Board of Viewers, on the 2<sup>nd</sup> day of  
Nov., 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 18<sup>th</sup>  
day of September 1897.

C. M. Hooper  
County Surveyor.

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

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 250 Rec'd Sept 27 1897

of Co Sur.

addressed to L. J. Tillery  
Highlands Mont.

J. H. Brooks P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 251 Rec'd Sept 27 1897

of Co Sur.

addressed to Chas Baker  
Highlands Mont.

J. H. Brooks P. M.

When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.  
A penalty of \$300 is fixed by law for using this card for other than official business.

Post Office Department.

OFFICIAL BUSINESS.

Post Office at

Stamp here name of Post Office



RETURN TO:

Name of Sender Co Sur.

Street and Number, }  
or Post Office Box. }

Post Office at Bozeman, Mont.

County of \_\_\_\_\_ State of \_\_\_\_\_

When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.  
A penalty of \$300 is fixed by law for using this card for other than official business.

Post Office Department.

OFFICIAL BUSINESS.

Post Office at

Stamp here name of Post Office

and date of delivery.

RETURN TO:

Name of Sender Co Sur.

Street and Number, }  
or Post Office Box. }

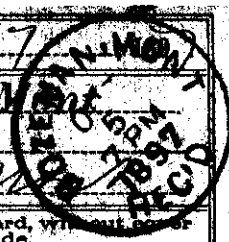
Post Office at Bozeman, Mont.

County of \_\_\_\_\_ State of \_\_\_\_\_

REGISTRY RETURN RECEIPT sent Sept 27

Reg. No. 257 from Post Office at Bozeman, Mont.

Reg. Letter } Addressed to Chas Baker  
Reg. Parcel } Highlands 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

Chas Baker

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

Emmet Baker

\* Erase letter or parcel according to which is sent.

REGISTRY RETURN RECEIPT sent Sept 27, 1897

Reg. No. 200 from Post Office at Bozeman, Mont.

Reg. Letter } Addressed to L J Tillery  
Reg. Parcel } Highlands 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

Mr L J Tillery

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

Wesley Tillery

\* 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.

*Chairman of this*  
Chas. F. Baker

Subscribed and sworn to before me this 2<sup>nd</sup> day

of Nov

189

J. M. George  
W. George

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 Board of County Commissioners.

*County Surveyor*  
G. J. Gillerly

Subscribed and sworn to before me this 2<sup>nd</sup> day

of Nov

189

J. M. George  
W. George

This must be returned to the County Clerk after execution.

# 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 17<sup>th</sup> day of September, 1897, to view and mark out a proposed County road as prayed for in the petition of A. S. Alexander et. al.,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 2<sup>nd</sup> day of Nov., 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 present traveled road leaves the Middle Fork of Sixteen Mile Creek there to follow the said Middle Fork of Sixteen Mile Creek, to a point on the north line of Gallatin County, where said line crosses Meadow Creek near Antlers Haven. All lands along the line of said road are unenclosed.

Dated this 27<sup>th</sup> day of Sept, 1897.

C. M. Stone  
C. J. Henry  
Chas. Bonds. } VIEWERS.

# 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 and the Co. Survey Board of County Commissioners, at the together with the Co. Surveyor Term of said Board to view a proposed road running from A point where the present view-haul road crosses the Middle fork of 10 miles creek. to a point on the north line of Gallatin County where said is a very narrow creek near the place of the work That on the 2nd day of November, 1897, we started from the work 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: the course of the proposed road from the starting point where we set a post in rock is <sup>contact</sup> with the said Middle Fork of 10 mile creek keeping along or near the said creek as marked by posts or blazed lines. a distance of about 4 miles to the intersection
2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows: As the land over which it is proposed to lay out the road is wholly unimproved there is no damages
3. The names of land owners who consent to give the right of way, and we hereto attach their written consent, as follows: as the land is unimproved there are no land owners to consent.
4. The names of land owners who do not consent and the amount of damages claimed by each, as follows: there are no land owners.
5. The following facts bearing upon the subject, which may be of importance to the Board: the road as viewed by us passes through a rocky canyon for a distance of 2 1/2 miles the road can be constructed with up any

We believe said road \_\_\_\_\_ to be practicable and \_\_\_\_\_ of public utility and necessity and do \_\_\_\_\_ recommend the establishment of the same.

Dated Nov. 3rd, A. D., 1897

C. M. Thorpe  
G. J. Sellers  
Chas. J. Keller } Road Viewers.

No. 1 Continued

of a wagon road leading from the ranches of H. R. Fleming, Amos Williams, and others, to the Castle Road where we set a post for the terminus of said proposed road. Our reason for making the above described point the terminus of the proposed road, instead of the point described in the petition, is that the road with which we intersect at the terminus as above described gives an outlet for people living about ~~about~~ on the line as petitioners for to reach the portion viewed by us. and that the petitioners prefer to have the road terminate at the above point instead of the point as described in the petition. also for the reason that continuing to the terminus as petitioned for would require the county to pay for right of way also the expense of building the road.

The length of the portion of road is about 4 miles the probable cost of opening the road for travel we estimate at \$800.00

No. 5 Continued

grades and when once built will be a good permanent road, there will be only four ~~crossings~~ <sup>bridges required</sup> of the Creek and we find plenty of suitable timber for bridge & culvert building along the road.

We find the necessity for the proposed as follows it will save the settlers (about 20 in number) a distance of about 14 miles in reaching Boyeman, also it will open up a very much better road to Castle.

If this report be accepted and the road established as above described we would recommend that the same be surveyed and platted.

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 present traveled road leaves the middle fork of Sixteen Mile creek, Thence easterly up the middle fork of Sixteen Mile creek, a distance of about four miles, to the intersection of a wagon road leading from the ranches of H. R. Fleming Amos Williams and others to the Castle road, as the same is marked by posts and blazed trees, said road to be 60 ft. in width.

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

Dated Nov. 6th. 1897

H. P. McNaughton,

Clerk.

DATE OF POSTING November 23rd 1897

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

*B. Fleming* being first duly sworn deposes and says, that as the person appointed to post copies of the annexed notice he received from the County Clerk of said County, on the 23rd day of November A. D., 1897, three copies of the annexed notice, and that on the 23rd day of November 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, one about middle way and one at terminous

and further deponeth sayeth not.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A. D., 1897

Subscribed and sworn to before me this 27 day of Nov A. D., 1897

*B. Fleming*  
*C. M. Hooper Co. Surveyor*