

No. of case Road 123

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

"Nichols" Road

J. J. O. G. E.

FILED ^{Plaintiff}

SEP 1897

A. M. Naughton
County Clerk

Defendant

Action for The within Petition was examined
Road Viewers Report was adopted and
the Road ordered opened
By order of the Board
This 14th day of Sept. 97. *Geo. W. Ellis*
Chairman
Attest: *Ed. Johnson* Dep.

Attorney for Plaintiff :

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

123. Nichols Road, ordered opened.

PETITION FOR ROAD.

C. M. Howe

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 ~~residents~~ ^{residents} of Road District No. *5* 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 mentioned for,~~ that the proposed road will be a public convenience, and we think the public good requires it.

Your petitioners respectfully ask ~~you~~ ^{that a County road be} ~~the Honorable Board~~ ^{to lay out, locate and establish 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:

- (a) *ditto*
- (b) *Through the West half of Sections Twenty One and Twenty Eight in Township Two South of Range 21 West*
- (c) *State of Montana school lands*
- (d) *no occupants*
- (e) *" "*
- (f) *" "*

(g) *The only outlet to Bozeman for settlers South of the Public road running to Rocky Canons. This has been the main travelled road for the last 20 years but has never been regularly established as a County Road.*

Beginning at a point on the Rocky Canons Road which is on the North line of Sec 21 in Twp 2 S R 21 W and distant 1000 feet East from the N.W. corner of Sec 21, thence running South Two miles to a point in the North line of Sec 33 in said Twp 2 S Range 21 W which is 900 feet East from the N.W. Cor. of said Sec 21.

- | NAMES: | | NAMES: | |
|--------|----------------------|--------|------------------|
| 1 | <i>J. D. ...</i> | 2 | <i>...</i> |
| 3 | <i>...</i> | 4 | <i>A. E. ...</i> |
| 5 | <i>George C. ...</i> | 6 | <i>...</i> |
| 7 | <i>Taylor ...</i> | 8 | <i>F. Spieth</i> |
| 9 | <i>C. P. Hoff</i> | 10 | <i>...</i> |
| | <i>W. H. ...</i> | | <i>...</i> |

Received June 2 1847

C. M. THORPE,
County Surveyor and Supt. of Roads.

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 Geo. R. Nichols etal for a county road through Sections 21 and 28 in T. 2.S.R. 6E as follows:

First, The petition with communications in reference to same.

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

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

Fourth: Sworn proof of posting notices with copy attached.

Fifth: Oath of road viewers.

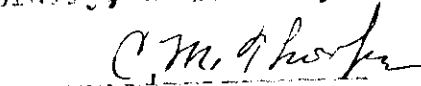
Sixth: Report of road viewers and consent of land owners to change, where given.

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.

All matters relating to the above road will be found in the papers hereto attached.

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

Respectfully, Submitted,



County Surveyor.

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 this office, signed by Mr. Geo. W. Nichols and 11 other residents of road district No. 5 through which district said proposed road is to run. Said road to ~~commence at~~

run through the West half of Sections 21 and 28) Twp. 7. S. R. 6. E.
~~SECTION 21 and 28~~ and terminate at _____

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

Yours Respectfully,

C. M. Throp

County Surveyor.

Pr. C.

Dated at Bozeman, Montana, this 14 day of July 1897.

Office of Board of Commissioners, Gallatin County, Montana.

Mr. C. M. Throp

County Surveyor, Gallatin County, Montana.

Dear Sir:-

In pursuance of the above notice, I hereby appoint Mr. G. L. Lansing to act, on behalf of the Board of Commissioners, as a viewer on the above petitioned for road.

Yours Respectfully,

Geo. W. Ellis

Chairman, Board Of Commissioners, Gallatin County, Montana.

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

REGISTRY RECEIPT.

Post Office at Brooklyn, Iowa

Registered Letter Parcel No. 92 Rec'd July 7 1897
of C. M. Sheple

addressed to Geo R Nichols
City
D. H. Brooks P. M.

REGISTRY RECEIPT.

Post Office at _____

Registered Letter Parcel No. 93 Rec'd July 7 1897
of C. M. Sheple

addressed to W. L. Lawrence
City
D. H. Brooks P. M.



State of Montana.



Office of

Register of State Lands.

H. D. MOORE,
REGISTER.
HARRY CANNON, CLERK.

ROOM 46, COURT HOUSE.

Helena, Montana, May 28, 1897.

I HEREBY CERTIFY, That at a meeting of the State Board of Land Commissioners this day held at the City of Helena, the following resolution was adopted; and the register of the State Land Office was instructed to communicate the same to the Board of County Commissioners of Gallatin County State of Montana, to-wit;


In the Matter of the Petition of
J. D. Pattee, et al for a Public
Road through the West half of Secs.
21 and 28, Tp. 2 S. Rg. 6 E.

WHEREAS, the State Land Agent recommends that the said petition be granted, and it appears to the Board that said road would be a public convenience,

IT IS HEREBY ORDERED, that the right of way for said road across sections 21 and 28, Tp. 2 S. Rg. 6 E. be, and the same is, hereby granted to the County of Gallatin;

PROVIDED, that the Board of County Commissioners of said county establish a county road across said sections according to the prayer of said petitioners.

IN CERTIFICATION WHEREOF, I have hereunto set my hand and affixed my official seal this 28th day of May, 1897.



Register State Land Office.



State of Montana.



Office of

Register of State Lands.

ROOM 46, COURT HOUSE.

H. D. MOORE,
REGISTER.
HARRY CANNON, CLERK.

Belena, Montana, May 28, 1897.


Mr. Geo. R. Nichols,
Bozeman, Mont.

Dear Sir;-

The petition which you sent this office under date of May 12, instant, for right of way across sections 21 and 28, Tp. 2 S. Rg. 6E. was laid over by the board to await the approval of the State Land Agent.

After receiving his approval, and after due consideration by the Board, the prayer of the petitioners was this day granted and I enclose herewith a certified copy of the resolution passed by the Board; which is a right of way, in case the Board of County Commissioners see fit to establish the road.

Yours very respectfully,


Register State Land Office.



State of Montana.



Office of

Register of State Lands.

H. D. MOORE,
REGISTER.
HARRY CANNON, CLERK.

ROOM 46, COURT HOUSE.

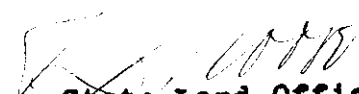
Helena, Montana, June 1, 1897.

Mr. Geo/ R. Nichols,
Bozeman, Mont.

Dear Sir;-

Your favor of the 29th ultimo to hand containing request that we return petition. We supposed that we had returned it to you, but a search of our files discloses the fact that we inadvertantly attach-ed it to the copy of the letter sent you on the 28th Ult. We therefore enclose it herewith; trusting that you have not suffered any inconvenience by the delay.

Yours very respectfully,


Register State Land Office.

Dictated to C.

REPORT OF ROAD VIEWERS.

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

WE, the undersigned Road Viewers, appointed by the Board of County Commissioners, at the
 together with the Co. Surveyor
 Term of said Board to view a proposed road running from a point on
 Rocky Canyon Road which is on the north line of Sec. 21 T. 25 R. 6 E.
 and distant 1000 feet east from the N.W. corner of said Sec. 21.
 to a point on the north line of Sec. 33 in said T. 25 R. 6 E.
 which is 915 ft. east from the N.W. corner of said Sec. 33.
 That on the 24th day of July, 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 we run east along
 the north line of Sec. 21 to the north 1/4 sec corner,
 thence south along the 1/4 sec. line of Section 21 + 28
 T. 25 R. 6 E. except at such points as it may be necessary
 to deviate from said line to obtain a grade not exceeding 12%.

2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows:
 We consider that all land owners are benefited
 equally equal to the damage.

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

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

5. The following facts bearing upon the subject, which may be of importance to the Board:
 We considered it advisable to change from the line
 to the subdivision line of Secs 21 + 28
 to avoid cutting across the section line.

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

Dated July 24th, A. D., 1897

W. L. Lawrence
John H. ...
 Road Viewers.

No. 1 Continued

hr. 100. to the south $\frac{1}{4}$ sec. corner of sec. 28. Then west along the south line of sec. 28 to the S.W. corner of said sec. except where it may be necessary to leave the line to obtain a perfect grade, to connect with a road leading to Saw Log. The length of the proposed road is $2\frac{3}{4}$ miles. The probable cost of constructing the road is \$5000.

No. 5 Continued

our land over which the road passes is good for road building. The grades will not exceed 9 ft. per 100.

We would recommend that if this report be accepted, and the road be established, that the same be surveyed.

WARRANT FOR ROAD VIEWERS.

Copy

County Surveyor's Office,
Gallatin County, Montana.

MR. *M. S. Wauson*

You are hereby notified that you were duly appointed Road Viewer by *Geo. J. Ellis*
Chairman Board of Commissioners of Gallatin County, Montana, on the
3rd day of *July*, 1897, to view and lay out a proposed road, as prayed
for in the petition of *Geo. R. Nichols* and others, described as follows, to-wit:

*Beginning at a point on the Rocky Canyon Road, which is on the north
line of Sec. 21 T. 2 S. R. 6 E. and Stuart Pass east from the N. W. Corner
land. Thence south 2 miles to a point in the north line of Sec. 23
T. 2 S. R. 6 E., 910 feet east from the N. W. corner thereof,*

You are hereby ordered to meet to be sworn according to law and assume the duties of your office, in
company with *Geo. R. Nichols*, who was duly appointed as a
Viewer on said road by the *C. A. Thorne* County Surveyor and by the
County Surveyor, who is Chairman of said Board of Viewers, on the *3rd* 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 *7th*
day of *July*, 1897.

C. A. Thorne
County Surveyor.

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

C. M. Inoué

MR. *Geo. V. Nichols*

You are hereby notified, that you were duly appointed Road Viewer by *C. M. Inoué*
County Surveyor of Gallatin County, Montana, on the
3rd day of *July* 189*7*, to view and lay out a proposed road, as prayed
for in the petition of *Geo. V. Nichols* and others, described as follows, to-wit:

beginning at a point on the rocky Canyon road, on the N.W. 1/4 of Sec. 21, T. 2, R. 6, E. 10, 100 feet east from the N.W. corner thereof. Thence south 2 miles to a point on the north line of sec. 33 same T. & R. 410 feet east on the N.W. corner thereof.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *H. J. Veisinger*, who was duly appointed as a Viewer on said road by the *Chairman* of the Board of Deputy Commissioners and by the County Surveyor, who is Chairman of said Board of Viewers, on the *24th* day of *July*, 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 *24th*
day of *July* 189*7*

C. M. Inoué
County Surveyor.

By _____ 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.

W. L. Kausseing

Subscribed and sworn to before me this 24th day

of July

1897

C. M. Thorpe
Co. 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 ~~Board of County Commissioners~~ ^{County Surveyor}.

Geo. A. Nichols

Subscribed and sworn to before me this 24th day

of July

1897

C. M. Thorpe
Co. Surveyor

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 3rd day of July, 1897, to view and mark out a proposed Cowboy road as prayed for in the petition of Geo. W. Nichols et. al.,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 7th 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:

A point in the north line of sec. 21 T. 2. S. R. 10. E. 1000 feet west of the N.W. corner thereof. Thence north 2 miles to a point on the north line of sec. 23. said T. 2. S. 910 feet east from the N.W. corner thereof.

Dated this 7th day of July, 1897

W. W. Thayer
Geo. W. Nichols
H. S. Downing

} VIEWERS.

STATE OF MONTANA,)

ss.

County of Gallatin.

G. P. Nichols

being first duly sworn deposes and says, that as the

County Clerk of said County, on the *8th* day of *July* A. D., 1897, *three* copies of the annexed notice, and that on the *13th* 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 a point in the north line of Sec 21 *to 25 or 6 E. 1000 ft.* east of the N.W. Corner thereof and the other at terminus at a point in north line of sec 33 said *to 4 R 9 10 ft.* east from the N.W. Corner thereof and further deponeth sayeth not.

Subscribed and sworn to before me this *24th* day of *July* A. D., 1897

G. P. Nichols
C. M. Hooper
Co. Surveyor

20 97 1000

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 on Rocky Runion road which is on the North line of Sec. 21, T. 2 S. R. 1 E. and distant 1000 ft. east from N.W. cor. of said Sec 21. Thence East along the North line of Sec 21 to N. 1/4 Sec cor. Thence south along the 1/4 sec line of Sec's 21 & 28 T 2 S R 1 E. to the South 1/4 sec cor of Sec 28. Thence west along the South line of Sec 28. to the S.W. cor of said Sec.

As petitioned for by J. D. Patton et al

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

Dated Sept- 15 - 1897

A. P. McNaughton
Clerk,

By _____
Deputy.

Date of Posting _____ 189__

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

Geo. R. Nichols being first duly sworn deposes and says, that as the Verwer designated to post notices he received from the County Clerk of said County, on the 18th day of Sept. A. D., 1897, three copies of the annexed notice, and that on the 18th day of Sept. 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 point of beginning named in said petition one along the point of said road, and one at the terminus of said road being the S.W. corner of Sec 28. T. 2 S. R. 1 E. and further deponeth sayeth not.

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

Geo. R. Nichols
R. D. State Notary Public
Gallatin County, Montana