

No. of ~~Case~~ Road. 1211

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

"Staulon" Co. vs.
S. J. v. S. J.

F I L E D

Plaintiff

vs.

Alm. Naughton

Defendant

Action for the within Petition is examined and

Ordered that the Road viewers
Report is hereby accepted and adopted

By order of the Board.

This 14th day of Sept. 1897

Attest:

Ed. Johnson
Clerk

Geo. H. Ellis
Chairman

Attorney for Plaintiff

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

"Staulon" Road. Board Viewers Report adopted

#124 [unclear] 1897

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 Mrs. Jennetta Stanton et al. for a change in the County road along the south side of the N.W. quarter of the S. W. Quarter of sec. 13, T. 2. S. R. 5 E.

First: The petition with the endorsements thereon.

Second: Notice to the Chairman of the Board to appoint Viewers on said road and the appointment of the same.

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

Fourth: Sworn proof of posting notice, and copy of same attached.

Fifth: Oath of Road viewers.


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

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

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 ~~residents~~ ^{Residents} 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 country of one 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 a County Road, or 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:

The center line of said road shall begin at the S.W. corner of the N.W. quarter of the S.W. quarter of Sec. 13 T. 2 S. R. 5 E. thence East along the South line of said N.W. 1/4 of S.W. 1/4 to the West edge of the swamp near the S.E. corner thereof, thence North-easterly along the edge of said swamp, keeping on good ground for a road to the E. line of said N.W. 1/4 of S.W. 1/4, thence North along said East line to a point 30 ft. North of the N.E. corner thereof.

This petition does not ask that a new route be established, but merely that the old line fence on the South side of the N.W. 1/4 of said S.W. 1/4 of Sec 13 be moved S. 30 ft. (more or less) to a line 30 ft. North of the hereinbefore described center line.

The owners of the adjacent lands are, Mrs A. K. Stanton, J. L. Benape, Robt Baxter, and Jno. Krieger.

No right-of-way to be purchased.
The necessity and advantages are that Mrs Stanton be permitted to hold all the land which rightfully belongs to her, and the road lines established where they should be.

NAMES:

NAMES:

- 1 Mrs A. K. Stanton
- 2
- 3 John Krieger
- 4
- 5
- 6
- 7
- 8
- 9
- 10

- 1 A. L. Benape
- 2
- 3 Robt Baxter
- 4
- 5 Mrs K. Ellis
- 6
- 7
- 8
- 9 Perry Loring
- 10

OFFICE OF COUNTY SURVEYOR GALLATIN COUNTY MONTANA.

Hon. Geo. N. 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 Mrs A. K. Stanton

and 9 other residents of Road District No. 4 through which

District said road is to run. Said is to commence at the
W. corner of the N.W. quarter of the S.W. quarter of Sec. 13
T. 2. N. R. 5. E.

which point is to be the starting point, and terminate at a
point 30 ft. North of the N.E. cor. of the SW. 1/4 of said Sec. 13.

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

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

Yours Respectfully,

Per

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

C. M. Thorpe

County Surveyor.

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. B. L.

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

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

Yours respectfully,

Geo. N. Ellis

Chairman, Board of Commissioners, Gallatin County, Montana.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR.

W. H. Hise
Geo. M. Ellis
You are hereby notified that you were duly appointed Road Viewer by *Geo. M. Ellis*
Chairman Board of County 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 *Mrs. W. K. Hutson* and others, described as follows, to-wit.

The centre line of said road shall begin at the South-west corner of the North-west Quarter of the South-west Quarter of Section Thirteen (13) Township Two (2) South, Range Five (5) East. Thence east along the south line of the said North-west Quarter of the South-west to the west edge of the swamp near the south-east thereof, Thence northeasterly along the edge of the swamp keeping on good ground for a road to the east line of the said North-west Quarter of the said South-west Quarter. Thence north along said east line to a point Thirty (30) feet north of the North-east corner thereof.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *J. N. Patterson*, who was duly appointed as a Viewer on said road by the *C. M. Thayer* County Surveyor and by the County Surveyor, who is Chairman of said Board of Viewers, on the *31st* 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. *J. N. Patterson*

In witness whereof I hereunto set my hand, at my office this

day of *July*, 1897.

J. N. Patterson

C. M. Thayer
County Surveyor.

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

Casper

MR. *L. J. Peterson*

You are hereby notified that you were duly appointed Road Viewer by *C. M. Grope*
J. 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 *Mrs W. B. Stator* and others, described as follows, to-wit.

The centre line of said road shall begin at the South-west
corner of the North-west Quarter of the South-west Quarter of $\frac{3}{4}$
Section Thirteen (13) Township Two (2) South Range Five (5)
East, Thence east along the south line of said North-west Quarter
of the South-west Quarter to the west edge of the swamp, near
the South-east corner thereof, Thence North-easterly along the
edge of of said swamp, keeping on good ground for a road to the
east line of said North-west Quarter of South-west Quarter.
Thence north along said east line to a point Thirty (30) feet
north of the North-east corner thereof.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with *Mr. G. J. Wise*, who was duly appointed as a
Viewer on said road by the *Geo. Kell's* Chairman Board of County Commissioners and by the
County Surveyor, who is Chairman of said Board of Viewers, on the *31st* 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 *1st*

day of *July*, 189*7*

B. G.

C. M. Grope
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 3rd day of July, 1897, to view and mark out a proposed Change in County road as prayed for in the petition of Mrs W. C. Stanton et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 31st 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:

The centre line of said road shall begin at the South-west corner of the North-west Quarter of the South-west Quarter of Section Thirteen (13) Township Two, (2) South, Range Five, (5) East. Thence east along the south line of the said North-west Quarter of the South-west Quarter to the west edge of the swamp near the South-east corner thereof, Thence North-easterly along the edge of said swamp, keeping on good ground for a road to the east line of the said North-west Quarter of the said South-west Quarter. Thence north along said east line to a point Thirty (30) feet north of the North-east corner thereof.

Dated this 7th day of July, 1897.

C. M. ...
C. S. ...
A. S. ...

} VIEWERS.

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

Dated this 7th day of July, 1897.

C. M. ...
J. S. ...
M. F. ... } VIEWERS.

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

J. S. Patterson being first duly sworn deposes and says, that as the
J. S. Patterson designated, for what purpose he received from
the County Clerk of said County, on the 9th day of July A. D.,
1897, ~~three~~ ^{two} copies of the annexed notice, and that on the 9th 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 S.W. Corner of the N.W. 1/4 of the S.W. 1/4 of Sec
13 1/2 25 R 5 E at the terminus as described
above

and further deponeth sayeth not.

Subscribed and sworn to before me this 31st day of July A. D., 1897
J. L. Patterson
C. M. Thorne
Co. Surveyor

REGISTRY RECEIPT.

Post Office at

Registered Letter Parcel No. 19 Rec'd July 7 1897

of M. Throck

addressed to B. F. Bice

D. H. Brooks P. M.

REGISTRY RECEIPT.

Post Office at

Registered Letter Parcel No. 18 Rec'd July 7 1897

of M. Throck

addressed to J. L. Patterson

D. H. Brooks P. M.

REGISTRY RETURN RECEIPT sent July 7 1897

Reg. No. 19 from Post Office at Bozeman, Mont. Addressed to B. F. Bice 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. B. F. Bice

REGISTRY RETURN RECEIPT sent July 7 1897

Reg. No. 18 from Post Office at Bozeman, Mont. Addressed to J. L. Patterson City

After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.

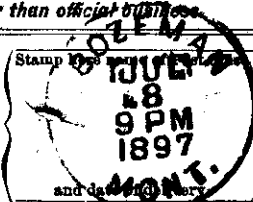
RECEIVED THE ABOVE DESCRIBED REGISTERED *LETTER. PARCEL. (SENDER'S NAME ON OTHER SIDE.) Sign on dotted lines to the right. J. L. Patterson

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



RETURN TO:

Name of Sender Carl J. Hurd

Street and Number, } Bozeman
or Post Office Box. }

Post Office at _____

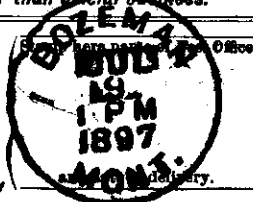
County of _____ State of _____

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



RETURN TO:

Name of Sender Carl J. Hurd

Street and Number, } Bozeman
or Post Office Box. }

Post Office at _____

County of _____ State of _____

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.

B. F. Bixel

Subscribed and sworn to before me this 31st 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}

J. L. Patterson

Subscribed and sworn to before me this 31st day

of July 1897

C. M. Thorpe

Co 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:

WE, the undersigned Road Viewers, appointed by the ^{Chairman of the} Board of County Commissioners, at the ^{and the Co. Surveyor} ~~Term of said Board~~ together with the Co. Surveyor ^{Chairman of the} to view a proposed road running from ^{the S.W. corner of the} N.W. 1/4 of the S.W. 1/4 of Sec. 13 T. 20. R. 5.

to a point 30 ft. north of the N.E. corner thereof say,
That on the 31st day of July, 1897, we started from the above described 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 said road from above starting point is out on the south line of said N.W. 1/4 of said S.W. 1/4 for a point 160 ft. west of the S.E. corner thereof thence N.E. along the west side of the same to a point 377 feet north of said S.E. corner on East line of said N.W. 1/4 of said S.W. 1/4 thence north on said East line to a point 30 ft. N. of the N.E. corner thereof the length being 1/2 mile. The probable cost of constructing said proposed road is \$60.00

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

No. Damages to any owner.

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

Mrs. A. K. Stanton. F. L. Bunker Robt. Baxter and Jas. Kiefer all consent and have set their names to giving the right of way and have also signed the petition

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:

The course described above is the center line of a 60 ft. ft. right of way. The land over which said proposed road passes is equally as good land as the road road. (See back of report for further facts)

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

Dated July 31st, A. D., 1897

J. L. Patterson
B. E. Bissell
C. M. Thayer } Road Viewers.

We consider that as Mrs. A. K. Stanton
is the only person benefited by the proposed
change that she should put the proposed road
in "as good a condition as the old road."
with the exception of the bridge near the west
end of the proposed road which we consider should
be built by the County as a new bridge would
soon need to be built.

We would also recommend that if your honorable
body accept our report and establish the road
as petitioned for that the portion of the old road
outside of the limits of the proposed road as
herein described be vacated and discontinued.

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 S.W. cor of the N.W. 1/4 of the S.W. 1/4 Sec. 13, T. 2 N. R. 5 E. Thence East on the South line of said N.W. 1/4 of said South West 1/4 to a point 377 ft. North of the West side of the swamp to a point 377 ft. North of said S.E. cor. in east line of said N.W. 1/4 of said S.W. 1/4. Thence North on said East line to a point 30 ft. North of the N.E. cor. of said S.W. 1/4.

Provided Mrs A. K. Stanton will cause said part of road to be made as good as the old road now is, to the satisfaction of the County Commissioners.

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

Dated Sept. 15th 1897 *A.P. McNaughton* County Clerk.

By _____ Deputy.

Date of Posting Sept 23 1897

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

C.M. Fiova being first duly sworn deposes and says, that as the County Inspector *Roberts* he received from the County Clerk of said County, on the *20th* day of *Sept.* A. D., 1897, three copies of the annexed notice, and that on the *23* 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 *Beginning, one in middle, and one at terminus of road described above*

and further deponeth sayeth not.

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

A.P. McNaughton Co. Clerk
By *E.H. Schumacher* Dep.