

No. of ~~Case~~ Road: 125

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

"Pierce" Road.  
From Bridges to Ft. Ellis.

Filed  
Dec. 9th 97  
N.P. McNaughton <sup>Plaintiff</sup>  
By E.H. Johnson <sup>vs</sup> ~~vs~~ <sup>vs</sup>

Defendant

Action for

The within Petition was examined  
Road viewers Report was accepted  
and adopted. Road not granted

By order of the Board  
This the 9th day of Dec. 97. J.K. Peterson  
Chairman of the Road  
Attent  
E.H. Johnson  
vs

Attorney for Plaintiff

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

"Pierce Road" from Bridges to Ft. Ellis  
Petition not granted. Road viewers  
Report adopted. Road not granted.

# PETITION FOR ROAD.

*C. M. Hooper 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. 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 petitioned for; that the proposed road will be a public convenience, and we think the public good requires it.

Your petitioners respectfully ask <sup>that a road be</sup> your ~~Honorable Body~~ to lay out, locate and establish <sup>a</sup> ~~a~~ County road <sup>30</sup> ~~any~~ 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 from the Bridge road at H. Sparr's place in Bridge Cañon, thence through his and Nancy Sparr's place adjoining to the Jones' place adjoining, thence through John Smith's place and adjoining piece of land to past Robert F. King's place to the Fork Ellis road*

*Consent of all said parties can doubtless be secured, as this extension will benefit all parties, it tending to shorten travel to and from Bozeman.*

NAMES:

- 1 *[Signature]*
- 3 *[Signature]*
- 5 *John Hill*
- 7 *Joseph Murray*
- 9 *John L. Small*
- James W. Moody*

NAMES:

- 2 *S. J. Crow*
- 4 *Charles Pease*
- 6 *W. Pierson*
- 8 *Myron Swanson*
- 10 *Alvin Swanson*
- Alvin Swanson*

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, I herewith submit to your Honorable Body the following papers in the matter of petition of Charles Pierce et al praying for the establishment of a County Road running from the Bridger road at W. Sparr's to the Fort Ellis Road near Robert F. King's Place, *for your action.*

First: The petition with ~~the~~ the endorsements thereon,

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 where given.

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 herewith submitted,

Respectfully Submitted,

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 the establishment of a County road has been received in this office, signed by Charles Pierce and 11 other residents of road District No 5 in said County.

Said road is to commence at a point in the Bridger Road near Wm. Sparus place and terminate at a point in the County road near Ft. Ellis.

You are requested to appoint a viewer on the same, to represent the County Commissioners on the said view.

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

Very Respectfully,

A. M. Thorpe  
County Surveyor.

Office of Board of County Commissioners, Gallatin County Montana

Mr. A. M. Thorpe

County Surveyor, Gallatin County Montana.

Dear Sir:

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

B. J. Bissel to act for and on behalf of the Board of County Commissioners, as a viewer on the above petition for County road.

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*

M.B.

*R. F. Rice*  
Your are hereby notified that you were duly appointed Road Viewer by *G. W. Ellis*  
*Raman Board of Commissioners* of Gallatin County, Montana, on the  
*17<sup>th</sup>* day of *Sept*, 189*7*, to view and lay out a proposed road, as prayed  
for in the petition of *Chas. Pierce* and others, described as follows, to-wit.

Commencing from the Bridger Road at W. Sparrs place in the Bridger Canyon; thence through his and Nancy Sparrs lands adjoining to the Long place adjoining; Thence through John Smiths place and adjoining fenced lands to, and past Robert Kings place to the Fort Ellis Road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *Myron Stratton*, 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 *9<sup>th</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 *17<sup>th</sup>* day of *Sept*, 189*7*.

*C. M. Thorpe*  
County Surveyor.

By *C* Deputy.

# WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,  
Gallatin County, Montana.

*Copy*

MR. *Myron Stratton*

You are hereby notified that you were duly appointed Road Viewer by *C. M. Shope*  
*County Surveyor* of Gallatin County, Montana, on the  
*17th* day of *Sept*, 189*7*, to view and lay out a proposed road, as prayed  
for in the petition of *Chas. Pierce* and others, described as follows, to-wit.

Commencing from the Bridger Road at W. Sparrs place in the  
Bridger Canyon, Thence through his, and Nancy Sparrs, place ad-  
joining; ~~thence through John Sparrs place~~ to the Jones place  
adjoining; Thence through John Smiths place and adjoining fenced  
land past Robert Kings place to the Fort Ellis Road.

You are hereby ordered ~~to meet~~ to be sworn according to law and assume the duties of your office, in  
company with *D. F. Pierce*, who was duly appointed as a  
Viewer on said road by the *Chairman of Board of County Commissioners* and by the  
County Surveyor, who is Chairman of said Board of Viewers, on the *9th* 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 *17th*  
day of *Sept*, 189*7*.

*C. M. Shope*  
County Surveyor.

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

REGISTRY RECEIPT.

Post Office at \_\_\_\_\_

Registered Letter Parcel } No. 67 Rec'd OCT 23 1897 189

of C. M. Shoofe  
Bozeman Mont.

addressed to B. J. Bissell

Bozeman Mont  
W.B. Bisset P. M.

REGISTRY RECEIPT.

Post Office at \_\_\_\_\_

Registered Letter Parcel } No. 65 Rec'd OCT 23 1897 189

of C. M. Shoofe  
Bozeman Mont.

addressed to Myron Stettin  
Bozeman Mont.

W.B. Bisset 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

and date of delivery.

RETURN TO.

Name of Sender C. M. Shoofe

Street and Number, }  
or Post Office Box. }

Post Office at \_\_\_\_\_

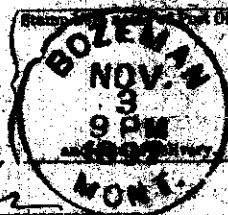
County of \_\_\_\_\_ State of Mont.

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 C. M. Shoofe

Street and Number, }  
or Post Office Box. }

Post Office at \_\_\_\_\_

County of \_\_\_\_\_ State of Mont.

OCT 23 1897

REGISTRY RETURN RECEIPT sent \_\_\_\_\_, 189 .

Reg. No. 67 from Post Office at Bazemian Mont

\*Reg. Letter } Addressed to B. F. Bisee  
 Reg. Parcel } Bazemian 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. B. F. Bisee

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.

OCT 23 1897

REGISTRY RETURN RECEIPT sent \_\_\_\_\_, 189 .

Reg. No. 65 from Post Office at Bazemian Mont

\*Reg. Letter } Addressed to Myron Stratton  
 Reg. Parcel } Bazemian 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. Myron Stratton

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.



# 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 Sept. 1897, to view and mark out a proposed County road as prayed for in the petition of Charles Pierce et. al.,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 9<sup>th</sup> day of Oct. 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 from the Bridger Road at W. Sparrs, place in the Bridger Canyon; Thence through his lands and through Hans Sparrs land adjoining; to the land of Jones; thence through his lands to . and through John Smiths place, and adjoining lands fenced to, and past the lands of Robert King, to the Fort Ellis Road.

Dated this 21<sup>st</sup> day of Oct, 1897.

G. M. Thope  
Myron Stratton  
J. G. Pisel } VIEWERS.

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

Myron Stratton 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 6<sup>th</sup> day of Nov, 1897, a copy of said notice at each of the following points, on the line of road described in said notice, to-wit: One at Rob & King and over Rob & King.

and further deponeth sayeth not.

Myron Stratton

Subscribed and sworn to before me this 22 day of Nov, A. D., 1897

Dated this 21<sup>st</sup> day of Oct, 1897

C. M. Thorpe  
Myron Stratton  
A. G. Pisel

VIEWERS.

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

Myron Stratton

being first duly sworn deposes and says, that as the  
Vicary designated for that purpose he received from  
the County Clerk of said County, on the 6<sup>th</sup> day of November, A. D.,  
1897 ~~Two~~ copies of the annexed notice, and that on the 8<sup>th</sup> day of ~~Nov~~ 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 Gatepost ~~at~~ starting point ~~and~~  
and one at Robert King gate post.

and further deponeth sayeth not.

Myron Stratton

Subscribed and sworn to before me this 22 day of Nov, A. D., 1897

C. M. Thorpe  
C. S. Lurveyer

Dated this 21<sup>st</sup> day of Oct, 1897.

C. M. Thorpe

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

C. M. Thorpe being first duly sworn deposes and says, that as the County Surveyor of Gallatin Co. Mont. he <sup>posted</sup> received from the County Clerk of said County, on the 21<sup>st</sup> day of Oct. A. D., 1897, ~~three copies of the annexed notice, and that on the \_\_\_\_\_ day of \_\_\_\_\_ 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 door of the County Clerk's office of said County

and further deponeth sayeth not.

Subscribed and sworn to before me this 3<sup>d</sup> day of December A. D., 1897

C. M. Thorpe  
W. J. Smith  
Notary Public

# REPORT OF ROAD VIEWERS.

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

*Myron Stratton and C. M. Thorpe* heirs of the  
 W.E. the undersigned Road Viewers, appointed by the Board of County Commissioners, at the

~~Term of said Board to view a proposed road running from a point in~~  
 Bridger road where the same is crossed by the line between  
 sections 35 & 36 T. 1 S. R. 6 E  
 to the Fort Allis Road & Robert F. Sperr's place say,

That on the 22<sup>nd</sup> day of Nov., 1897, we started from the above

described starting point  
 as B. F. Biesel the viewer appointed by the chairman of the Board did not appear.  
 proceeded to view and lay out the same, and submit the following report.  
 we appointed D. B. Christie to act in his place and have endeavored 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 road is as follows to wit:—beginning at a point where  
 the sec. line between sec 35 & 36 T. 1 S. R. 6 E. crosses the Bridger Road  
 the same being at W. Sperr's place, thence south on said line  
 a point 50 ft north of  
 to the S.E. cor. of said sec. 35 thence south & west  
 (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:

all land owners north of the divide are benefited fully equal  
 to the damages. the land owners south of the divide are  
 damaged in excess of the benefits to an amount equal to the cost  
 of fencing

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

*Chas. Jones*  
 owns N.E. 1/4 of S.E. 1/4 of Sec 27 T. 2 S. R. 6 E.

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

*Geo. Sperr \$2.00, Will Sperr \$2.00, a Nancy Sperr \$12.00, J. Smith \$4.00, R. King 300.00*  
*W. Leon Stimp + Chas. W. Hoffman* the other land owners  
 we could not see.

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

We find that an easy road could be built along the  
 divide as petitioned for with grades not exceeding  
 1 ft per 100 a large portion would require no work  
 (see back of report)

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

Dated Dec 1<sup>st</sup>, A. D., 1897

*C. M. Thorpe*  
*Myron Stratton*  
*D. B. Christie* } Road Viewers.

No. 1 Continued

along the track East of Mrs. Nancy Sparr's house  
to the summit. Thence along the road is former by  
traveled passing near Robt. F. King's house to  
the road as now open and traveled running  
north and south to Fort Ellis, on the line  
between sections 9 and 10 T. 2 S. R. 6 E.  
said road to be 69 ft. in width.  
The length of the proposed road is about 3 miles.  
The probable cost of constructing the proposed  
road is \$300.00

No. 5 Continued

We believe said road would be a public benefit.  
But owing to the opposition to said road by  
all the property owners excepting us, four,  
and the excessive damages claimed, we do  
not consider it advisable to grant the petition.

# 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~~ <sup>County Surveyor</sup>.

*D. B. Christie*

Subscribed and sworn to before me this 22<sup>nd</sup> day

of November 1897

*C. M. Troup*

*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 ~~Board of County Commissioners~~ <sup>County Surveyor</sup>.

*Myron Strallon*

Subscribed and sworn to before me this 22<sup>nd</sup> day

of November 1897

*C. M. Troup*

*C. Surveyor*

This must be returned to the County Clerk after execution.

**To the County of Gallatin, State of Montana:**

I **Herby** Agree, and consent to give 60 feet for a Right of Way, for a County Road, through ~~or along~~ the NE 1/4 55th Sec. 11, T 2 S R 5 E, as viewed and surveyed by Myron Blatter, D. B. ... on the 22 day of Nov., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: \_\_\_\_\_

Dated at \_\_\_\_\_ this 20<sup>th</sup> day of Nov., 1897.

Bozeman, Montana, Nov. 23<sup>d</sup> 1897

To the County Surveyor, C. M. Thorp  
Messrs, Christie & Stratton.

Viewers on the proposed County Road over the divide  
from Bridges to Old Ft. Ellis.

Gentlemen,

In the event of establishing a County Road  
through my Ranch. It will do me an amount of damage,  
exceedingly hard to estimate, for the reason, first it will  
cut my Ranch in two parts almost equal, and by any route  
the Road can run, would cut me off wholly from any  
water for my stock for at least ~~three~~ months in the  
year on the Northwest half of the Ranch. Would also  
necessitate the building of two lines of fence  
angling across the ranch, making considerably over  
one mile of fence to erect, also would cut me out of  
about <sup>4 1/2</sup> ~~4~~ acres of my very best land. No possible advantage  
or benefit would accrue to me. A permanent damage  
could only be the result. In view of all the conditions  
and surroundings, I estimate the damages to me  
would be at least \$400<sup>00</sup>

Respectfully  
J. B. Smith



U. S. DEPUTY MINERAL SURVEYOR.

COUNTY SURVEYOR.

FOURTEEN YEARS EXPERIENCE.

SATISFACTION GUARANTEED.



C. M. THORPE,

Civil Engineer and Surveyor,

BOZEMAN,

OFFICE: CITY HALL.

MONTANA.

Bridges Creek house

17

Damages on ...

Blair \$200.00

Nancy span

Road ...

\$1200.00

...

...