

No. of ~~Case~~ Road. 128

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

E.M. Davidson Road.

Filed
Dec. 9th 97.
N.P. McNaughton Plaintiff
vs. Clerk
By Edgchurnacher Depo

Defendant

Action for
The within Petition for opening
a road was examined.
The Roadviewers Report was adopted
approved and adopted and the Road
declared a public highway, this the
9th day of December 1897.

Attest: J.L. Patterson
Clerk of the Board of Commissioners

Attorney for Plaintiff

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

128 E.M. Davidson Road.
Road 128 is a public highway.

PETITION FOR ROAD.

No 128

C. M. Stord, 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. 2 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~~ ^{that a County and or} lay out, locate and establish ^a ~~a~~ County road ⁷ ~~7~~ ^{to} ~~to~~ 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 N.W. corner of Sec. 8, T. 1. S., R. 4 E., running south to intersect the "Virginia Road" between sections 17 & 18, T. 2 S., R. 4 E. the S.E. corner of Sec. 30, T. 1 S., R. 4 E. Passing over lands owned by W. W. Wainwright, Wainwright, Martin, Seagraves, Holman, Frank & Brown, Kistall, Ernest & Hodder, Johnson, G. H. Johnson, Johnson and my own, all parties consenting thereto. There is no road running north & south between the west Gallatin River up coast & a road on the proposed route. will be an advantage to a large number of farmers living between the two roads.

NAMES:

NAMES:

- | | | | |
|---|--------------------------|----|------------------------|
| 1 | <i>Em. Davidson</i> | 2 | <i>Peter Nash</i> |
| 3 | <i>G. A. Robinson</i> | 4 | <i>William J. Nash</i> |
| 5 | <i>Theodore Antonsen</i> | 6 | <i>Fred P. Siskell</i> |
| 7 | <i>Ernest Antonsen</i> | 8 | <i>Brown Siskell</i> |
| 9 | <i>G. J. [unclear]</i> | 10 | <i>Lee [unclear]</i> |
| | <i>D. [unclear]</i> | | |

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

Received July 16 1899

Office of County Surveyor of Gallatin County Montana.

Hon. Geo. W. Ellis,

Chairman Board of County Commissioners, Gallatin County Montana.

Dear Sir:

You are hereby notified that a petition signed by Mr. E. M. Davidson and 10 other residents of road District No. 2 in said County has been received in this Office praying for the establishment of a County road running from the N. W. Corner of Section 8 T. 1. S. R. 4. E. south to intersect with the Camp Creek road at S. E. corner of Sec. 30 T. 1. S. R. 4. E.

You are hereby requested to appoint a viewer to represent the Board in the viewing of the said proposed road.

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

Very Respectfully,

C. M. Shope
County Surveyor.

Office of Board of County Commissioners, Gallatin County Montana.

Mr. C. M. Shope

County Surveyor Gallatin County Montana.

Dear Sir:

In pursuance of the above notice I hereby appoint Mr. Mat Herible as a viewer on the above petitioned for road, to represent the Board of County Commissioners.

Very Respectfully,

Geo. W. Ellis

Chairman Board of County Commissioners Gallatin County Montana.

Dated at Bozeman Montana This 19 day of Sept 1897.

Office of County Surveyor, Gallatin County, Montana.

To the Honorable Board of Commissioners, Gallatin County, Mont.

Gentleman:

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 E.M. Davidsore et al praying for the establishment of a County road running from the N. W. corner of Sec. 8 T. 1 S. R. 4 E. South to the S.E. corner of Sec. 30 T. 1 S. R. 4 E. *for your action.*

First: The petition with the endorsements thereon.

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

Third: Copy of warrants to Viewers, with registered letters ~~receipt~~ receipt 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* and maps showing said road.

All dates, names, and all matters relating to the same will be found in the papers herewith presented.

I have no suggestions to ~~makemake~~ make, other than those embodied in the report herewith submitted,

Respectfully Submitted,

C. M. Thorpe

County Surveyor.

Copy

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

M.R. *Matt Neibel*

You are hereby notified that you were duly appointed Road Viewer by *The Chairman*
of the Board of County Commissioners 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 *E. M. Davidson* and others, described as follows, to-wit.

Commencing at the North-west corner of Section eight,, (8) T. I.
S. R. 4. E., and running due south to the South-east corner of
Section 30 T. I. S. R. 4. E. Passing over the lands owned by
the Manhattan Irrigating Co., E. M. Davidson, Martin Leach, Lee
Wortman, Frank Heiskell, Brown Heiskell, Earnest Antonsen, Theo.
Antonsen, G. A. Robinson, D. Cameron, and Gust Johnson.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with *Lee Wortman*, 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 *19th* 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*

J. M. Thorpe
County Surveyor
By *[Signature]* Deputy.

WARRANT FOR ROAD VIEWERS.

Filed..... 189.....

County Clerk.

By.....
Deputy.

Dated.....

189.....

Under Sheriff.

By.....

Sheriff.

such warrant.

and....., by delivering to each of them a true copy of

day of....., 189....., upon.....

....., 189....., and personally served the same on the

day of..... I hereby certify that I received the within warrant on the

Office of the Sheriff of Gallatin County, Montana:

RETURN OF SHERIFF.

WARRANT FOR ROAD VIEWERS.

Copy

County Surveyor's Office,
Gallatin County, Montana.)

MR. *Lee Wortman*

You are hereby notified that you were duly appointed Road Viewer by *C. M. Shope* 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 *E. M. Davidson* and others, described as follows, to-wit.

Commencing at the North-west corner of Section Eight (8) T. 1. S. R. 4. E., and running due south to the South-east corner of Section 30 T. 1. S. R. 4. E. Passing over the lands owned by the Manhattan Irrigating Co., E. M. Davidson, Martin Leach, Lee Wortman, Frank Heiskell, Brown Heiskell, Ernest Antonsen, Theo. Antonsen, G. A. Robinson, D. Cameron, and Gust Johnson.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *Matt Heibel* who was duly appointed as a Viewer on said road by the *Chairman of the Board of County Commissioners* and by the County Surveyor, who is Chairman of said Board of Viewers, on the *19th* 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*

[Signature]

C. M. Shope
County Surveyor.

By *C.* Deputy.

REGISTRY RECEIPT.

Post Office at _____

Registered Letter Parcel } No. 72 Rec'd OCT 23 1897 189

of C. M. Hooper

addressed to Le Woodman

Belgrade, Mt.

W. S. Bunch

P. M.

REGISTRY RECEIPT.

Post Office at _____

Registered Letter Parcel } No. 64 Rec'd OCT 23 1897 189

of C. M. Hooper

Bozeman - Mont.

addressed to Matt Nebril

Bozeman Mont

W. S. Bunch

P. M.

REGISTRY RETURN RECEIPT sent....., 189 .

Reg. No. 64 from Post Office at

*Reg. Letter } Addressed to Matt Nebel

Reg. Parcel } Bozeman, 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.

Matt Nebel

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

R. F. Shaw

* Erase letter or parcel according to which is sent.

REGISTRY RETURN RECEIPT sent....., 189 .

Reg. No. 72 from Post Office at

*Reg. Letter } Addressed to Lee Wortman

Reg. Parcel } Belgrade Mt.

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.

Lee Wortman

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

Walter Davidson

* Erase letter or parcel according to which is sent.



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.

and date of delivery.

Name of Sender

C. M. Hooper

Street and Number,
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

Stamp here name of Post Office

RETURN TO:

and date of delivery.

Name of Sender

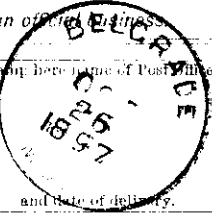
C. M. Hooper

Street and Number,
or Post Office Box.

Post Office at

County of

State of



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 17th day of Sept, 1897,
 to view and mark out a proposed County road as prayed for in the petition of
 E. M. Davidson et. al.,
 will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such
 view on the 19th 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 the North-west corner of Section eight, (8) T. 1.
 S. R. 4. E. and running due south to the south-east corner of
 Section 30 T. 1. S. R. 4. E. Passing over the lands of the
 Manhattan Irrigating Co., E. M. Davidson, Martin Leach, Lee
 Workman, Frank Haskell, Brown Haskell, Ernest Johnson, Antonson
 Theo. Antonsen, G. A. Robinson, D. Cameron, and Gust Johnson.

.....

Dated this 21st day of Oct., 1897,
 C. M. Thorpe
 Lee Kortstad } VIEWERS.

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 received from
 the County Clerk of said County, on the 12th day of Oct. A. D.,
 1897, a copy 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 in
 said County

and further deponeth sayeth not.
 Subscribed and sworn to before me this 3rd day of Dec., A. D., 1897
 C. M. Thorpe
 Sec.

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 ^{CLERK OF THE} Board of County Commissioners.

Math Fiebel

Subscribed and sworn to before me this 19th day

of November 1897

C. M. Thorpe

County 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}.

Lee Sporthman

Subscribed and sworn to before me this 19th day

of November 1897

C. M. Thorpe

County 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, ^{and the Co. Surveyor} together with the Co. Surveyor ~~at the~~ Term of said Board to view a proposed road running from the N.W. Corner of Section 8 T.15. R.4 E.

to the S.E. Corner of Sec. 30 said T. & R. say,

That on the 19th day of November, 1897, we started from the above described Sec. Cor. 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 N.W. Corner of said Sec. 8 the course of the road is described as follows to-wit:— due south along the section line between sections 7 and 8, 17 and 18, 19 and 20, 29 and 30 T.15. R.4 E. (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 are benefited fully equal to the damages.

3. The names of land owners who consent to give the right of way, and we hereto attach their written consent, as follows: Manhattan Maltine Co. J. Halgatz, Martin Leach, E. M. Duesel, Brown Haskill, W. L. Galt, Dr. C. G. Robinson, E. Antonsen, Mrs. Antonsen, Gus Johnson and S. Cameron.

4. The names of land owners who do not consent and the amount of damages claimed by each, as follows: All land owners consent, on the west side of said Sec. line to give 30 feet, on the east side to give 20 feet.

5. The following facts bearing upon the subject, which may be of importance to the Board: The line described above is fully marked by the Gov. corners as shown on the accompanying map. The grades will not exceed 8 ft. per 100. (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 November 19th, A. D., 1897

C. M. Thorne
 Matt Siebel
 Lee Mortensen } Road Viewers.

No. 1 Continued

to the S.E. Corner of said Section 30 as marked by the corners of the U.S. Government Survey and other parts. The right of way for said road to be 50 feet in width, 30 feet on the west side of the above described line, and 20 feet on the east side of same. The length of the proposed road is 4 miles. The probable ^{cost} of constructing the proposed road is for culverts, \$200.00 for grading \$125.00 total \$325.00

No 5 Continued.

We do not consider that the width of the road as petitioned for (of 40 ft.) is sufficient and would recommend that the road be established 50 ft. in width the same to be 30 feet west of said Section line and 20 feet on the east side of same. We find the proposed road will be an advantage to a large number of farmers living between the West Gallatin and Camp Creek Roads as stated in the petition.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 30 feet in width for a Right of Way, for a County Road, through or along the East Side of Sec. 7 + 19, T. 1 S. R. 4 E., as viewed and surveyed by Matt Nibel, Lee Wortman + C.M. Tinsley on the 19th day of November, 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: West-Gallatin Iron Co
E. Kinney Genl Manager

Dated at Manhattan this 20th day of November 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 20 feet in width for a Right of Way, for a County Road, through or along the West Side S.W. 1/4 of Sec. 8, T. 1 S. R. 4 E., as viewed and surveyed by Matt Nibel, Lee Wortman + C.M. Tinsley on the 19th day of November, 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: Jas Helgate

Dated at Manhattan this 19th day of Nov 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 30 feet in width for a Right of Way, for a County Road, through or along the East Side of Sec. 18, T. 1 S. R. 4 E., as viewed and surveyed by Matt Nibel, Lee Wortman + C.M. Tinsley on the 19th day of November, 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: E.M. Davidson

19th November 1897

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give ~~20~~ ^{the East 1/2 of} 20 feet for a Right of Way, for a County Road, ~~through~~ along the West Side of the NW 1/4 of Sec. 17, T 1 S. R. 4 E., as viewed and surveyed by Matt Wibel, Lee Workman + C. M. Phelps on the 17th day of Nov., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: Martin Leach

Dated at this 19th day of Nov., 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 20 in width 20 feet for a Right of Way, for a County Road, ~~through~~ or along the West Side of the SW 1/4 of Sec. 20, T 1 S. R. 4 E., as viewed and surveyed by Matt Wibel, Lee Workman and C. M. Phelps on the 19th day of November, 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: G. A. Robinson

Dated at this 19th day of Nov., 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 30 in width 30 feet for a Right of Way, for a County Road, ~~through~~ or along the East Side of NE 1/4 of Sec. 30, T 1 S. R. 4 E., as viewed and surveyed by Matt Wibel, Lee Workman + C. M. Phelps on the 19th day of November, 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: Ernest Cutler

this 19th day of November, 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a Strip of land 20 feet in width for a Right of Way, for a County Road, ~~through~~ along the west side of N.W. 1/4 of Sec. 29, T. 15 R. 4 E., as viewed and surveyed by Matt. Nibel, Lee Wootman + C.M. Hooper on the 19th day of November, 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: Gust Johnson

Dated at Balgrydd this 26 day of 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a Strip of land 20 feet in width for a Right of Way, for a County Road, ~~through~~ or along the west side of S.W. 1/4 of Sec. 17, T. 15 R. 4 E., and the west side of the N.W. 1/4 of Sec. 16, T. 15 R. 4 E., as viewed and surveyed by Matt. Nibel, Lee Wootman + C.M. Hooper on the 19th day of November, 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: Raymond Beckwith

Dated at Biggrade this 26 day of November, 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a Strip of land 30 feet in width for a Right of Way, for a County Road, ~~through~~ or along the East side of S.E. 1/4 Sec. 30, T. 15 R. 4 E., as viewed and surveyed by Matt Nibel, Lee Wootman + C.M. Hooper on the 19th day of November, 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: Theodore Antonson

Dated at this 19th day of November, 1897.

To the County of Gallatin, State of Montana:

I Herely Agree, and consent to give *a strip of land in width* 20 feet for a Right of Way, for a County Road, ~~through~~ along the *west side SW. 1/4* of Sec. 29, T. 1 S R 4 E., as viewed and surveyed by *Matt Neibel, Lee Workman + E. M. Thub* on the *19th* day of *November*, 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: *D Cameron*

Dated at *Belgrade* this *23* day of *Apr* 1897.

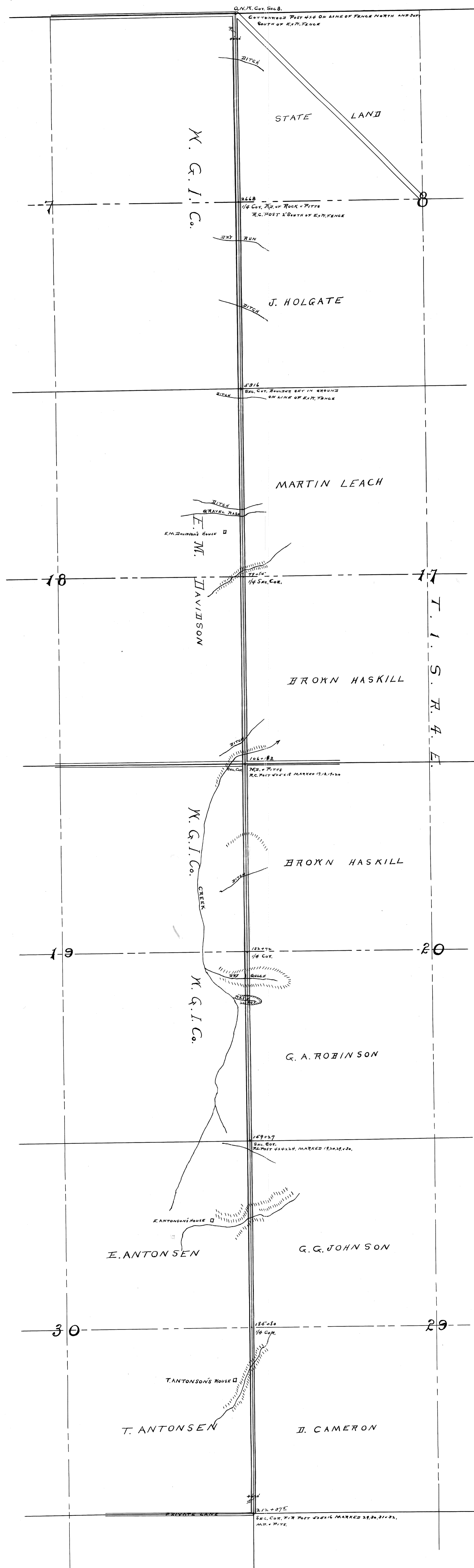
Map
Showing
The Davidson Road
No 128

Scale 600 ft to the inch

Surveyed Nov. 19th 1897

By C. M. Thorpe.

Co. Surveyor



720 128

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 N.W. Cor. of Sec. 8 T. 15. R. 4E. thence running south to the S.E. corner of Sec. 30 T. 15. R. 4E. Said highway to be 60 feet in width the same being 20 feet on the East side of the above described line, and 30 feet on the west side thereof.

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

Dated Dec 14th 1897

H.P. McNaughton.
Clerk,

By _____
Deputy.

Date of Posting Jan 4th 1898

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

C.V. Scullard being first duly sworn deposes and says, that as the person designated for that purpose he received from the County Surveyor of said County, on the 23 day of December A. D., 1897, three copies of the annexed notice, and that on the 4 day of January 1898 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 begins near station & one on Road West of Cameron Bridge & one at the stationer S.E. corner and further deponeth sayeth not.

Subscribed and sworn to before me this _____ day of _____ A. D., 189 _____

Subscribed and sworn to before C.V. Scullard on this 6th day of January 1898
C.M. Thomas
 Co. Surveyor