

Petition of Thos. M. Donah et al.
For change in Bridges Road

1896

Fish Hatchery
Road.

Exhibit B.

NOTICE OF PRESENTATION OF PETITION.

NOTICE

#

NOTICE IS HEREBY GIVEN, to all whom it may concern:

That at the next regular session of the Board of the Commissioners of the County of Gallatin, State of Montana, and on the 5th day of June, A. D. 1895, one of the regular days of the June term of said Board, a Petition will be presented by the undersigned and other duly qualified petitioners to said Board, asking and petitioning said Board to alter the County Road leading from the City of Bozeman in said County of Gallatin through Bridger Canyon in said County, and to lay out and establish as altered a County road ^{sixty feet} in width to be a Public highway, which alteration is described as follows, to wit:

Commencing at a point in the road leading from the City of Bozeman through Bridger Canyon in the County of Gallatin, State of Montana, about 275 feet North of the North East corner of the North West Quarter of the South West Quarter of Section 34, Township 1, South of Range 6 East, which said point is station 27 of the survey of said Bridger Road; thence in a general Northwesterly direction 225 feet more or less; thence Southwesterly 50 feet more or less crossing from the North to the South side of Bridger Creek; thence in a slightly Northwesterly direction, nearly West, 140 feet more or less; thence Southwesterly 125 feet more or less; thence in a more Southerly direction across a small spring creek and across Bridger Creek 255 feet more or less to a point nearly West of where this small Spring Creek empties into Bridger Creek; thence nearly South 385 feet more or less to Station 21, survey of said County Road.

March 12th 1895

Thomas McNeal
One of said petitioners

One of said petitioners.

The within petition is hereby approved by the following named Freeholders & residents of Gallatin Co. to wit: Peter Koch, Walter Cooper & O. P. Chisholm are hereby appointed a Board of Viewers & instructed to meet & proceed to view the within described proposed road on the 20 day of June A.D. 1895. meeting at a place named in the petition as the starting point of the proposed road on said date viewing & filing a report of their proceedings in the manner prescribed by Law & said Peter Koch is hereby designated as the Viewer to post the Notices required by Law.

By order of the Board of Commissioners this 14th day of June 1895.
Wm. H. Ellis
Chairman

Co. Clerk

Board of Commissioners

of Gallatin County.

In re

Petition for alteration

of County Road

Among Swiss Canyon

Petition accepted

& viewed & setting

order of presentation

thereof filed

May 25, 1895.

FILED

MAY 25 1895

Walter Cooper
County Clerk.

Exhibit A.

PETITION FOR ROAD.

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS, GALLATIN
COUNTY, MONTANA:

The undersigned, your petitioners, citizens of the United States, respectfully show and represent that they are Householders of the County of Gallatin, in the State of Montana, and that they reside in the vicinity where the Road hereafter petitioned for is to be located, laid out and established if this petition be granted. That the proposed road will be a public convenience, and we think, the public good requires it.

Your petitioners do respectfully ask and petition your Honorable Body to alter the County Road leading from the City of Bozeman, in the County of Gallatin, through Bridger Canyon in said County and lay out and establish as altered a County Road sixty feet in width, to be a public highway, as follows, viz:

Commencing at a point in the road leading from the City of Bozeman through Bridger Canyon in the County of Gallatin, State of Montana, about 275 feet North of the North East corner of the North West Quarter of the South West Quarter of Section 34, Township 1, South of Range 6, East, which said point is station 27 of the survey of said Bridger Road; thence in a general Northwesterly direction 225 feet more or less; thence Southwesterly 60 feet more or less crossing from the North to the South side of Bridger Creek; thence in a slightly Northwesterly direction, nearly West, 140 feet more or less; thence Southwesterly 125 feet more or less; thence in a more Southerly direction across

a small spring creek and across Bridger Creek 255 feet more
or less to a point nearly West of where this small spring
creek empties into Bridger Creek; thence nearly South
565 feet more or less to Station 21, Survey of said County
Road.

Thomas McQuinn

L. A. Luce, pres

J. Day

John L. Brown

Chas. Brown

Cyrus D. Rose

D. B. Christie

C. A. Lord

Wm. J. ...

Charles ...

John Eberhart.

Gustav Schendel

Carl ...

Abram ...

James J. Marble
Alvin M. Marble
John M. Marble

Chas. B. Perwin
Thomas Stapleton

C. S. T. T. T.
J. G. Esq.
J. G. Esq.

Lucas Olson

H. Cummins

M. G. Cummins

Alex. Pearson

M. P. Sandidge

Robert Scott

Joseph Murray

J. W. Lovell

W. M. Spear

L. R. Pace

Frank Brown

J. J. Kuinders

H. S. Toru

C. P. Mawry

B. J. Mawry

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REPORT THE HONORABLE JURY BOARD OF COMMISSIONERS
OF THE COUNTY OF GALLATIN, STATE OF MONTANA.

In the Matter of the Alteration of :
the County Road leading from the :
~~City~~ City of Bozeman, in said County :
of Gallatin, through Bridger Canyon. :
in said County. :

State of Montana, :
County of Gallatin, : SS.

Thomas Johnson, being first duly sworn, deposes and says:
That he is a bona fide citizen and resident taxpayer in the
county of Gallatin, State of Montana, of the age of Fifty eight
years; that he is one of the petitioners who signed the peti-
tion in said matter for the alteration of said road, which said
petition is hereto attached marked exhibit "A" and made a
part of this affidavit; that on the 13th day of March A.D. 1905,
he posted a notice of the presentation of said petition on
the front door of the court house, in the city of
Bozeman, County of Gallatin, and on the same day he posted
another notice of the presentation of said petition, at the
southwestern point of the diversion of the proposed alteration
of the road as now laid out, on the line of said alteration, near
the mine of William ... section 21, of the
survey of said ... road, on the ... opposite the site
of the United States ... and just above the ...
and another ... *notice of the presentation of said petition* ... the ...
on the ... of the line of said proposed alteration, about
half way between ... and the northeast
point of the ... of said alteration, with said

LUCE & LUCE,
ATTORNEYS-AT-LAW.

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1 notice of the said public sale of section 27 of the survey
2 of said Beilzer road; and the said notice thereof be posted
3 on the same day at the said section 27, on the east side of said
4 Beilzer road and close to the road. All three of said places
5 of posting said notice shall be in the vicinity of
6 said section 27, in the county of Gallatin, and in said county of Gallatin,
7 heretofore called and now called "Montana Territory" and the notice
8 is an exact duplicate of each and every one of said notices so
9 posted as aforesaid.

Thomas McJannet

10
11 subscribed and sworn to before me on the 20th day of May 1885.

Edwell M. Luce

LUCE & LUCE,
ATTORNEYS-AT-LAW.

F I L E D

JUN 17 1895

Walter M. Jones
COUNTY CLERK.

ROAD VIEWERS' NOTICE.

NOTICE IS HEREBY GIVEN, to all whom it may concern: That we, the undersigned Road Viewers, appointed by the Honorable Board of County Commissioners of the County of Gallatin, Montana, at their June 1895, Term, to view and mark out a proposed change in County road as prayed for in the petition of Mrs. M. Dorrah et. al., will meet for such view on the 25th day of June, 1895, the time fixed by said Board, and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Commencing at a point in the road leading from the City of Bozeman through Bridger Canyon, in the County of Gallatin, State of Montana, about 275 feet North of the N.E. corner of the N.W. Quarter of the S.W. Quarter of Section 34 Township 1.S.R.6.E. which said point is station 27 of the survey of said Bridger Road. Thence in a general Northwesterly direction 225 feet more or less. Thence Southwesterly 50 feet more or less crossing from the North to the South side of Bridger Creek. Thence in a slightly Northwesterly direction, nearly west, 140 feet more or less. Thence Southwesterly 125 feet more or less. Thence in a more Southerly direction across a small Spring Creek and across Bridger Creek 255 feet more or less to a point nearly West of where this small Spring Creek

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

Peter Koch being first duly sworn deposes and says, that as the Viewers designated for that purpose he received from the County Clerk of said County, on the 14th day of June A. D., 1895, three copies of the annexed notice, and that on the 14th day of June 1895 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 Station 27 on a Cottonwood tree and at Station 21 on a building and one on a log about half way between said stations opposite the foot-bridge across Bridger Creek.

and further deponeth sayeth not

Subscribed and sworn to before me this 15th day of June A. D., 1895

Done at the County Clerk's office, Gallatin, Montana.

Peter Koch
Peter Koch
W. J. Hartman
Notary Public

ROAD VIEWERS' NOTICE.

NOTICE IS HEREBY GIVEN, to all whom it may concern. That we, the undersigned Road Viewers, appointed by the Honorable Board of County Commissioners of the County of Gallatin, Montana, at their June 1895, Term, to view and mark out a proposed change in County road as prayed for in the petition of Mrs. M. Doran et. al., will meet for such view on the 25th day of June, 1895, the time fixed by said Board, and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Commencing at a point in the road leading from the City of Bozeman through Bridger Canyon, in the County of Gallatin, State of Montana, about 275 feet North of the N.E. corner of the N.W. Quarter of the S.W. Quarter of Section 34 Township 1.S.R.6.E. which said point is station 27 of the survey of said Bridger Road. Thence in a general Northwesterly direction 225 feet more or less. Thence Southwesterly 50 feet more or less crossing from the North to the South side of Bridger Creek. Thence in a slightly Northwesterly direction, nearly west, 140 feet more or less. Thence Southwesterly 125 feet more or less. Thence in a more Southerly direction across a small Spring Creek and across Bridger Creek 255 feet more or less to a point nearly West of where this small Spring Creek empties into Bridger Creek. Thence nearly South 385 feet more or less to Station 21. Survey of said County Road.

Dated this 13th day of June 1895

Peter Koch
O.P. Whisholm
Walter Cooper } VIEWERS

To be posted in three of the most public place along the proposed road.

F I L E D

JUL 2 1895

W. K. ...
County Clerk.

COUNTY CLERK'S OFFICE,
GALLATIN COUNTY.

Mr. Peter Koch

SIR: You are hereby notified that W. H. Lisholm, Walter Cooper and yourself were duly appointed Road Viewers by the Honorable Board of County Commissioners of Gallatin County, Montana, at their June

Commencing at a point in the road leading from the City of Bozeman through Bridger canyon, in the County of Gallatin State of Montana, about 275 feet North of the N.E. corner of the N.W. 1/4 quarter of the S.W. 1/4 qur. of Sec. 34 Twp. 1.S.R.6.E. which said point is station 27 of the survey of said Bridger Road. Thence in a general Northwesterly direction 225 feet more or less. Thence Southwesterly 50 feet more or less, crossing from the North to the South side of Bridger Creek. Thence in a slightly Northwesterly direction, nearly West, 140 feet more or less. Thence Southwesterly 125 feet more or less; Thence in a more Southerly direction across a small spring creek and across Bridger Creek 255 feet more or less to a point ~~west of where this small spring creek empties into Bridger Creek~~ west of where this small spring creek ^p ~~empties~~ ^{into} Bridger Creek. Thence nearly South 385 feet more or less, to station 21, survey of said County Road.

most practicable and convenient route that you, in your judgment can find. You shall assess the benefits and award damages in excess of the benefits accruing to the owner or owners of any of the lands over which the same may pass, by reason of the Changing thereof, and the probable cost of opening such road for travel. Roads shall in all cases, when practicable, be laid out on subdivisional or section lines.

You, or a majority, shall make and sign a full report in writing of your proceedings, giving a description of the land over which said road extends, an estimate of the cost of Opening it for travel and assessment of the damages and benefits accorded to any person or persons by reason of the Changing of such road, and the sum awarded any person or persons for damages in excess to the benefits assessed to him or them, and whether such road be practicable and the granting of it be recommended by you; and if in your opinion, or a majority of you, the said road should be Surveyed you shall cause a survey and plat of the same to be made by the County Surveyor, giving the courses and distances and specifying the land over which the road passes. Such report to be filed with the County Clerk ten days previous to the next regular session of said Board.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my official seal this 13th day of June A. D. 1895

Walter H. Sales County Clerk.
By _____ Deputy Clerk.

Seal

COUNTY CLERK'S OFFICE,
GALLATIN COUNTY.

Mr. *Peter Cook*

A. P. Lisholm, Matter

SIR: You are hereby notified that *Cooper* and yourself were duly appointed Road Viewers by the Honorable Board of County Commissioners of Gallatin County, Montana, at their *June* term, A. D. 1895, to view and mark out a *Change in the County* road, as prayed for in the petition of *Thos Mc Donald* and *many* others, described as follows, to-wit:

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And it is hereby made ~~your~~ ^{the} duty of *the said Peter Cook* ~~to~~ ^{hereafter mailed him} post in three of the most public places the ~~enclosed~~ notices, along the proposed new road at least five days, previous to the day fixed for the view thereof. *And make sworn return of time and place of posting same to this office*

You are ordered to meet, be sworn according to law and assume the duties of your office on the *25th* day of *June*, 1895, commencing at the place designated in said petition as your starting point of the road sought to be *Changed*; and proceed to view and mark 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 and convenient route that you, in your judgment can find. You shall assess the benefits and award damages in excess of the benefits accruing to the owner or owners of any of the lands over which the same may pass, by reason of the *Changing* thereof, and the probable cost of opening such road for travel. Roads shall in all cases, when practicable, be laid out on subdivisional or section lines.

You, or a majority, shall make and sign a full report in writing of your proceedings, giving a description of the land over which said road extends, an estimate of the cost of *Opening* it for travel and assessment of the damages and benefits accorded to any person or persons by reason of the *Changing* of such road, and the sum awarded any person or persons for damages in excess to the benefits assessed to him or them, and whether such road be practicable and the *granting* of it be recommended by you; and if in your opinion, or a majority of you, the said road should be *Surveyed* you shall cause a survey and plat of the same to be made by the County Surveyor, giving the courses and distances and specifying the land over which the road passes. Such report to be filed with the County Clerk ten days previous to the next regular session of said Board.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my official seal this *13th* day of *June* A. D. 1895

Seal

Walter Sales County Clerk.
By _____ Deputy Clerk.

Filed our return from
Sheriff.

June 29th. 1895

Walker & Seales

County Clerk

— Sheriffs Return —

I hereby certify that I received the within Road notice
on the 13th day of June 1895, and served the same by
leaving a copy of the same in the hands of the parties mentioned
in said notice to-wit June 14th 1895 on Peter Stock, one of the
of P. Chisholm, and Walter Cooper on June 15th 1895, in the
County of Gallatin State of Montana

Dated June 29th 1895

White Caldwell
Sheriff

By W. R. Brooks
under Sheriff

COUNTY CLERK'S OFFICE,
GALLATIN COUNTY.

Mr. Peter Koch

SIR: You are hereby notified that O. P. Whisholm, Walter Cooper

and yourself were duly appointed Road Viewers by the Honorable Board of County Commissioners of Gallatin County, Montana, at their

term, A. D. 1895, to view and mark out a change in the County road, as prayed for in the petition of

Thos. McDonagh and many others, described as follows, to-wit: Commencing at a point in the road leading from the City of Bozeman through Bridges Canyon, in the County of Gallatin State of Montana, about 275 feet north of the N.E. corner of the NW. 1/4 quarter of the SW. 1/4 qtr. of Sec. 34 Twp. 1 S. R. 6. E. which said point is station 27 of the survey of said Bridges Road.

Thence in a general northwesterly direction 225 feet more or less. Thence southwesterly 50 feet more or less, crossing from the north to the south side of Bridges Creek. Thence in a slightly northwesterly direction, nearly west, 140 feet more or less. Thence southwesterly 125 feet more or less; Thence in a more southerly direction across a small spring creek, and across Bridges Creek 255 feet more or less to a point nearly west of where this small spring creek empties into Bridges Creek. Thence nearly south 385 feet more or less, to station 21, survey

And it is hereby made ~~the~~ ^{the} duty to post in three of the most public places the ~~enjoined~~ ^{notices mailed him} notices along the proposed new road at least five days previous to the day fixed for the view thereof. and make sworn return of time and place of posting same to this office

You are ordered to meet, be sworn according to law and assume the duties of your office on the 25th day of June, 1895, commencing at the place designated in said petition as your starting point of the road sought to be changed; and proceed to view and mark 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 and convenient route that you, in your judgment can find. You shall assess the benefits and award damages in excess of the benefits accruing to the owner or owners of any of the lands over which the same may pass, by reason of the changing thereof, and the probable cost of opening such road for travel. Roads shall in all cases, when practicable, be laid out on subdivisional or section lines.

You, or a majority, shall make and sign a full report in writing of your proceedings, giving a description of the land over which said road extends, an estimate of the cost of opening it for travel and assessment of the damages and benefits accorded to any person or persons by reason of the changing of such road, and the sum awarded any person or persons for damages in excess to the benefits assessed to him or them, and whether such road be practicable and the granting of it be recommended by you; and if in your opinion, or a majority of you, the said road should be surveyed you shall cause a survey and plat of the same to be made by the County Surveyor, giving the courses and distances and specifying the land over which the road passes. Such report to be filed with the County Clerk ten days previous to the next regular session of said Board.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my official seal this 13th day of June A. D. 1895 Walter B. Sales County Clerk.
By _____ Deputy Clerk.

Gallatin County Road

The within Review Report is hereby accepted
it is hereby ordered that the said Road
be opened & established 60 feet wide
along said line in the same ^{as} in the
manner prescribed by law
By order of the Board of County Commissioners
Geo W Ellis
Chairman

Wm J. D. Dimes
County Clerk

FILED

JUL 9 1895

Wm J. D. Dimes
County Clerk.

Bozeman, Mont. July 3. 1895.

To the Hon. Board of County Commissioners:

The undersigned, having been appointed viewers to view and mark out a change in the County road through Bridger Canyon, as prayed for in the petition of Thomas Mc Lenah and others, would respectfully report as follows, viz:

According to instructions we met on June 25th, 1895, were sworn according to law (which oaths are hereto attached), and proceeded on the same day to Station 27 on the said Bridger road, being the initial point for the proposed change.

Being unanimously of the opinion that said road should be surveyed, we have caused a survey and plat of the same to be prepared by the County Surveyor, which is hereto attached and made a part of our report.

We went first carefully over the route, laid down in the petition, and found that it runs through a swampy, springy bottom, where it would be very difficult and expensive to construct a permanent, dry and well drained road-bed. We found that it would involve the construction of two bridges across Bridger Creek, and that it would run so close to the buildings and other improvements on the Fish Hatchery as to be objectional to the government officers in charge.

After carefully going over the ground we would therefore recommend, that instead of recrossing Bridger Creek opposite Station 22 the road be continued on the East side of said Bridger Creek, joining the present road at Station 19. This route will follow closely the line of an old irrigating ditch, running near the base of the hill on the East and South of Bridger Creek. It will be high and dry and practically level. The hillside is mostly decomposed rock, easily worked with pick and shovel, requiring blasting in only one or two places. It will save two bridges, and while it may be slightly more expensive to construct in the first place than the proposed road, it will be much cheaper to keep in repair.

It is entirely satisfactory to the government official now in charge at the Hatchery, and no other land-owner but the government will be affected by the change.

We estimate the cost of construction to be:

Pile
One 30 foot. "A" truss bridge on rock abutments: }
Grading road-bed 20 feet wide with ditches } \$850#

Very Respectfully

O.P. Chris holm.
Walter Cooper
Peter Koch

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.

Peter Koch

Subscribed and sworn to before me this 25th day

of June 1895

Joseph D. Radford
Notary Public

This must be returned to the County Clerk after execution.

OATH OF ROAD VIEWERS.

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

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Walter Cooper

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of June 1895

Joseph D. Radford
Notary Public

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

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O. J. Christopherson

Subscribed and sworn to before me this 25th day

of June 1895

Joseph D. Radford
Notary Public

This must be returned to the County Clerk after execution.