

No. of ^{ROAD} Case 131

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

Petition for change in
Bridges Road at Boies

F. I. vs. Plaintiff

H. P. McNaughton

By E. H. Schuma ~~Attorney~~ Dep

Action for Report of committee adopted
and change in road order as
petitioned for. By order of Board
Sept. 24th 1898 J. A. Patterson
Chairman

Parties to be benefited by this change
having failed to comply with their
obligation in opening change in road
for travel - The above action taken by
board on Sept 24-1898 is hereby
rescinded and road stands
as before petition was presented

by order board Attorney for Plaintiff
J. A. Patterson
Chairman

Attorney for Defendant

PETITION FOR ROAD.

To the County Surveyor of Gallatin County, Montana:

The Undersigned, your petitioners, citizens of the United States, respectfully show and represent that they are residents of Road District No. 5, in the County of Gallatin, State of Montana, 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} the public good requires it.

Your petitioners do respectfully ask and petition that a County road, ~~sixty feet in width, to be a public highway~~ ^{as below 60 feet in width}, be laid out, located and established, and shoid:— (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~~ ^{do not} consent; (f) the probable cost of the ~~right-of-way where~~ ^{right-of-way where} such consent is not had; (g) the necessity for and the advantages of the proposed road, as follows, to-wit:

To proceed from ~~where the road now~~ ^{Angle Point No. 101 of the bridge road} ~~crosses the Centre East and West line~~ ^{Survey see plat Book of Roads Vol. A Page 45} of Sec. 17, Twp. 1 N., R. 7 E. (see the NW 1/4 of said section) direct, to the North line of said ~~N. W. 1/4~~ ^{Section 17, T. 1 N., R. 7 E.}, thence East upon said North line to the N.E. corner of said section: said road thence to follow its present course ~~in~~ ⁱⁿ the change asked hereby, coming wholly within the land ~~held under~~ ^{held under} H. P. R. W. Contract of the Breuden signing this Petition — no right of way cost asked.

This change asked to secure a better road and to avoid ~~the~~ ^{the} injury to said land — the existing road ~~now to be replaced~~ ^{to be replaced} to be replaced when ~~now~~ ^{the proposed road} shall be opened for travel.

George W. Kellogg C. P. ...
Shennan White
William ...

- NAMES:
1. George W. Kellogg
 2. _____
 3. Shennan White
 4. _____
 5. _____

- NAMES:
6. _____
 7. John Day
 8. Myron Stratton
 9. _____
 10. Shennan White

Of fice of County Surveyor, Gallatin County Montana.

Hon^d J. L. Patterson,

Chairman, Board of County Commissioners, Gallatin County Montana.

Dear Sir:

You are hereby given notice, that a petition for a change in a County road has been received in my office, signed by George Kellogg and seventeen other residents of road District No. 5 through which District said proposed road is to run. Said road isto commence at Angle Point No. 10 of the Bridger road. and to terminate at the northeast Cor. of Sec. 17 T. 1 S. R. 7 E.

You are hereby requested to appoint a viewer on the above propos-
-ed road.

Yours Respectfully,

C. M. Thorpe
County Surveyor

Dated at Bozeman, Montana. this 25th day of July 1898.

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

Yours Respectfully,

J. L. Patterson

Chairman, Board of Commissioners, Gallatin County, Montana.

Dated at Bozeman, Montana. this 26 day of July 1898.

Bozeman, Montana, Sept. 7th. '98.

To the Honorable Board of County Commissioners.

Gentlemen; -

I have the honor to submit herewith the following papers in the matter of the petition of P.O. Brenden^{et al} for a change in the Bridge road in the North half of Sec. 17, T1S. R7E. as follows;

First, The petition.

Second; Notice to the Chairman of the Board to appoint viewers and the appointment of the same.

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

Fourth; Sworn proof of posting notices with copy attached.

Fifth; Oath of road viewers.

Sixth; Report of road viewers, map and consent of land owners.

I hereby certify that a like copy of the viewers notice was posted at the County Clerks office on the 28th. day of August 1898.

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

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

Yours Respectfully

C. M. Thorpe
Co. Surveyor.

BOZEMAN, MONTANA,

1898

To the County of Gallatin State of Montana
 I have by agreement given a strip of land 60 feet in width
 the center line of which is described as follows to wit.
 From angle point no. 101 of the Bridger Road survey
 (See Plat Book of Road Vol. A page 45) thence northward
 along the foot of the bluff to a point 30 ft. S. of the north
 line of Sec. 17 T. 1 S. R. 4 E. thence east ~~parallel~~ with
 said north line of said section to the east line thereof
 all of said strip of land being in the North 1/2 of said Sec. 17
 T. 1 S. R. 4 E. and to be used for a right of way for a County
 Road. ^{as shown & surveyed by C. M. Thorpe Esq. J. P. Apple & S. J. Schmitt of Aug 18th 1898}
 I further agree to do all the grading necessary
 to make the above described road equally as good as
 the old road, also to build a good & substantial bridge
 over Bridger creek on the above line, and culverts where
 needed to the satisfaction of the County surveyor.
 Said old road between the beginning & termination ^{of the proposed road} as
 above described is not to be closed until the proposed
 road shall be accepted by said Co. Surveyor.

P. O. Breiden

Dated at Bozeman Aug 31st 1898

BOZEMAN, MONTANA, Oct 19 1899

P.O. Brundan gave verbal notice last July
that he did not wish to make the change.

C.M. Thorpe

WARRANT FOR ROAD VIEWERS.

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

MR. C. J. [unclear]

You are hereby notified that you were duly appointed Road Viewer by C. J. [unclear] of Gallatin County, Montana, on the 1st day of August, 1892, to view and lay out a proposed road, as prayed for in the petition of L. G. [unclear] and others, described as follows, to-wit:

Beginning at the intersection of
road running easterly along the N. 1/4 of
the 3rd, 2nd and 3rd lines of Sec. 11
T. 18. N. 7 E. Range east of the
12th line of the north of C. [unclear]
Sec. 11 and road (Range) [unclear]
to the [unclear] [unclear] [unclear]
to the [unclear] [unclear] [unclear]
to the [unclear] [unclear] [unclear]
to the [unclear] [unclear] [unclear]

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with C. [unclear], who was duly appointed as a Viewer on said road by the Commissioners and by the County Surveyor, who is Chairman of said Board of Viewers, on the 1st day of August, 1892, commencing at the place designated in said petition as the starting point of the road sought to be C. [unclear] and proceed to view and lay out the same by setting stakes, bluzing 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 26th day of August, 1892.

C. M. Thorpe
County Surveyor.

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

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

MR. D. Christie

You are hereby notified that you were duly appointed Road Viewer by C. M. Thorpe
County Surveyor of Gallatin County, Montana, on the
26th day of July, 1898, to view and lay out a proposed road, as prayed
 for in the petition of P. C. Brundage and others, described as follows, to-wit:

Beginning at upper Point 1st of N. 7th Sec. 17
Road, Running northerly along the foot of
the Bluff, to the north line of Sec. 17
T. 18. R. 2 E. Thence east upon said
north line to the northeast Cor. of said
Sec. said road thence to follow its present
course. The existing road between the
starting point and terminus as described
above, to be vacated whenever the
above described road shall be established.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
 company with E. C. Coffer, who was duly appointed as a
 Viewer on said road by the Chairman Board of Commissioners and by the
 County Surveyor, who is Chairman of said Board of Viewers, on the 18th day of
August, 1898, 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 26th
 day of July, 1898.

C. M. Thorpe
 County Surveyor.

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

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

MR. E. Coffle

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson
Chairman Board of Commissioners of Gallatin County, Montana, on the
26th day of July, 1892, to view and lay out a proposed ^{change} road as prayed
for in the petition of P. C. Brenden and others, described as follows, to-wit:

Beginning at angle point No. 101 of the Bridger
Road, Running northwesterly along the foot of
the Bluff to the north line of sec. 17 T. 1 S. R. 7 E.
Thence east upon said north line to the
northeast cor. of said sec. said road thence
to follow its present course. The existing
road between the starting point and termi-
us as described above, to be vacated whenever
the above described road shall be established.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with D. Christie, who was duly appointed as a
Viewer on said road by the C. M. Thorpe County Surveyor and by the
County Surveyor, who is Chairman of said Board of Viewers, on the 18th day of
August, 1892, 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 26th
day of July, 1892.
C. M. Thorpe
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 26th day of July 1898, to view and mark out a proposed County road as prayed for in the petition of P. C. Brandon et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 18th day of Aug., 1898, the time fixed by said Surveyor, and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Beginning at Angle Point No. 101 of the Bridger Road. Running northwesterly along the foot of the Bluff to the north line of Sec. 17 T. 1 S. R. 1 E.

Thence east upon ~~the~~ said north line to the northeast corner of said sec. said road thence to follow its present course. The existing Road between the starting point and terminus as described above, to be vacated whenever the above described road shall be established.

Dated this 26th day of July, 1898.

C. M. Thorpe,

D. Christie,

E. Coppel,

} VIEWERS.

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

D. B. Christie being first duly sworn deposes and says, that as the viewer appointed for that purpose he received from the County ~~Surveyor~~ Surveyor of said County, on the 29th day of July A. D., 1898, ~~two~~ two copies of the annexed notice, and that on the 1st day of Aug. 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 point of beginning and one at the terminus as described in the annexed notice

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

C. M. Hooper being first duly sworn deposes and says, that as the
County Surveyor he received from
the County Clerk of said County, on the _____ day of _____ A. D.,
~~189~~ ^{the annexed} ~~three copies of the annexed notice, and that on the 28th day of July 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 door of the County Clerk's office.

and further deponeth sayeth not.

Subscribed and sworn to before me this 8 day of Sept. A. D., 1898.

C. M. Hooper.
H. P. McNaughton Clerk
By E. H. Schumacher Depy

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.

Chairman of the
^

Elsa Capple
18th

Subscribed and sworn to before me this day

of *Aug* 1898

C. M. Thorpe

C. Surveys

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 Surveys
^

J. B. Christie

Subscribed and sworn to before me this 18th day

of *Aug* 1898

C. M. Thorpe

C. Surveys

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 Board of County Commissioners, ^{Chairman of the} and the Co. Surveyors ^{and the Co. Surveyors} at the ^{change of} ~~Term of said Board~~ together with the ~~Co. Surveyors~~ Board to view a proposed road running from ^{Angle Point No} 101 of the Bridgman Road Survey ^{Northwardly} to the Sec. line, ^{then} ~~East along the S. side of said~~ ^{then} ~~to the N.E. corner~~ ^{then} ~~thence East to said Bridgman~~ ^{say,}

That on the 18th day of Aug., 1898, we started from the above ~~described starting point~~ ^{the place designated in the petition as the starting point of such proposed road and} proceeded to view and lay out the same, and submit the following report:

1. The course, termini, length and probable cost of constructing the proposed road, as follows:
The course of the proposed road is as follows from Angle Point No. 101 of the Bridgman Road Survey (see Plat Book of Roads Vol. A Page 45) thence Northwardly along the foot of the bluff to a point 50 1/2 S of the north side of Sec. of Report

2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows: The proposed change is nearly all on the N. 1/2 of Sec. 17 T. 15 R. 7 E owned by P.O. Brundage who consents to give the right of way and to build all necessary culverts & bridges and to do the

3. The names of land owners who consent to give the right of way, and we hereto attach their written consent, as follows: necessary grading required to make the proposed change as good as the old road.

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

5. The following facts bearing upon the subject, which may be of importance to the Board:
We would recommend that the old road between the beginning and terminus of the proposed change be continued until the proposed change shall be worked & made equal in good as the old road We believe said road to be practicable and of public utility, and necessity and do recommend the establishment of the same.

Dated Aug 18th, A. D., 1898.

C. M. Thorpe
E. G. Cappel
D. B. Christie } Road Viewers.

No. 1 Continued

line of sec 17 $\frac{1}{2}$ S. R. 7 E. thence east parallel
with said north line to the east line of said
sec. 17 thence east on same line produced
to the center line of the bridge road
as surveyed in 1894. the above described
line is the center line of the 60 foot right
of way and is marked by posts at the
angle points, and is more fully shown
on the annexed map.
The length of the proposed road is 3743.8 feet.
The probable cost of opening the road for travel,
and making same as good as the old road,
is approximately \$200.

No. 5 Continued

in a manner acceptable to your honorable body
when said change is accepted the above described
portion of the old road to be vacated.
Herewith find maps of proposed change

O. J. Olson

To the County of Gallatin, State of Montana:

I hereby Agree, and consent to give 60 feet for a Right of Way, for a County

Road, ~~through or along the~~ North line of NW 1/4 of Sec. 16, T 15 R 7 E.,
from NW corner East to Bridge Road.

as viewed and surveyed by D. B. Christie, E. J. Apple & C. M. Thole

on the 18th day of Aug, 1898. And hereby agree to place

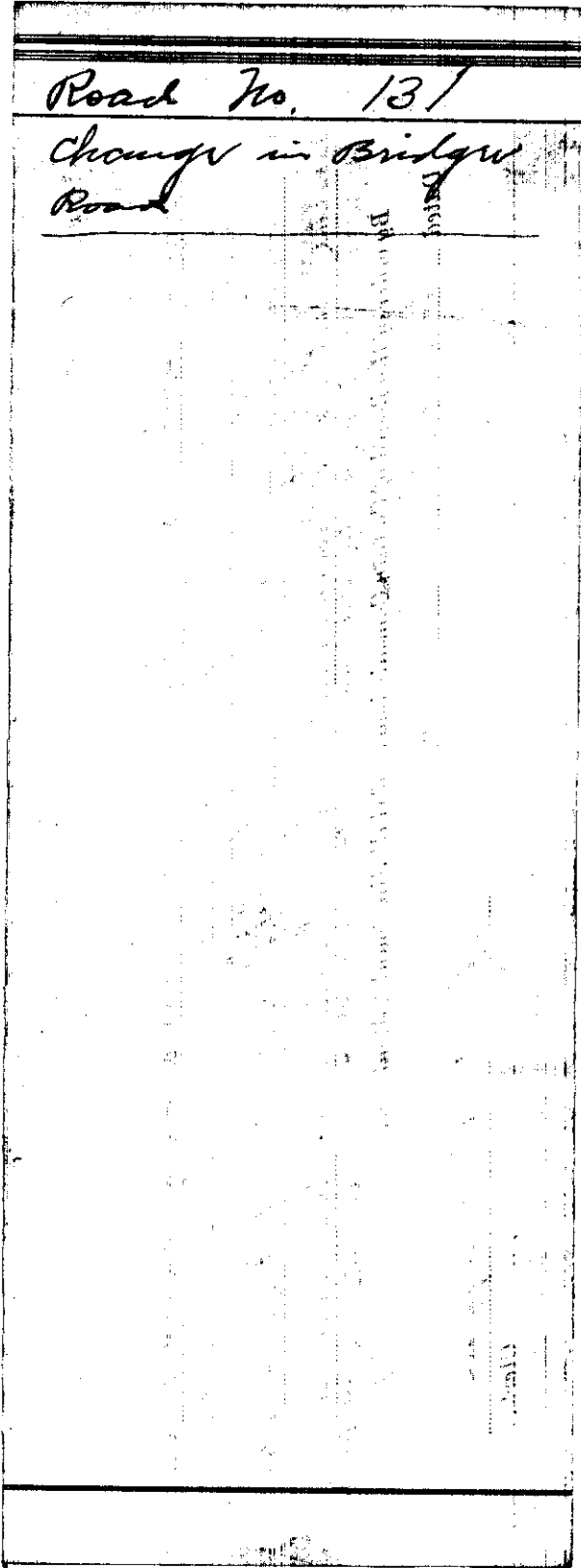
my fences on said lines without charge to the County.

Signed: O. J. Olson

Dated at _____ this _____ day of _____ 1898.

Road No. 131

Change in Bridge
Road



Form 1548.
REGISTRY RETURN RECEIPT sent July 29, 1898

Reg. No. 101 from Post Office at Bozeman, Mont.

*Reg. Letter }
 Reg. Parcel } Addressed to E. Kopple
Bozeman 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. } E. Kopple

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.

Form 1548.
REGISTRY RETURN RECEIPT sent July 28, 1898

Reg. No. 93 from Post Office at Bozeman, Mont.

*Reg. Letter }
 Reg. Parcel } Addressed to D. Christie
Bozeman 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. } D. B. Christie

When delivery is made to other than addressee, the name of both addressee and recipient must appear. } D. B. Christie Jr.

* 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 *BOZEMAN*

Stamp here name of Post Office
JUL
and date of delivery.
1898
MONT.

RETURN TO:

Name of Sender, *Co Sur*

Street and Number, }
or Post Office Box. }

Post Office at *Bozeman, Mont.*

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 *BOZEMAN*

Stamp here name of Post Office
BOZEMAN
JUL
and date of delivery.
29
1898
MONT.

RETURN TO:

Name of Sender, *Co Sur*

Street and Number, }
or Post Office Box. }

Post Office at *Bozeman, Mont.*

County of _____ State of *Mont.*

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter { No. 93 Rec'd. July 28 1898
Parcel {
of As Sur

addressed to D Christie
Bozeman Mont
W. B. BURKET.

P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter { No. 101 Rec'd. July 29 1898
Parcel {
of As Sur

addressed to W Coffin
Bozeman Mt.
W. B. BURKET.

P. M.

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 Angle Point No. 101 of the Bridgway Road survey (see plat book of Roads Vol. A page 45) thence northerly along the foot of the bluff to a point 30 feet south of the north line of sec 17 T. 1 S. R. 7 E. thence east parallel with said north line to the east line of said sec. 17 thence east on same line produced to the center line of the said Bridgway Road. as surveyed in 1891. the above described line to be the center of the 60 feet right of way. the portion of the old road between the beginning and terminus of the road described above to be vacated and discontinued whenever the above described road shall be made as good as the old road by P.O. Brenden and accepted by the Board of County Commissioners of Gallatin County, Montana.

Dated Dec. 20th 189. 8

H. P. McNaughton
Clerk.

By _____ Deputy.

Date of Posting January 7th 189 9

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

P. O. Brenden, being first duly sworn deposes and says, that as the person appointed to post copies of the annexed notice he received from the County ~~clerk~~^{surveyor} of said County, on the 2nd day of January A. D., 189 9, three copies of the annexed notice, and that on the 7th day of January 189 9 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 starting point, one about midway, and one at the terminus as described above

and further deponeth sayeth not.

Subscribed and sworn to before me this 9th day of Jan A. D., 1899
P. O. Brenden,
C. M. Hooper

MAP SHOWING

PROPOSED CHANGE

IST COUNTY ROAD IN
N¹/₂ of Sec. 17 T1S, R7E.
BRIDGER CANYON

SURVEYED
Aug. 18th 1898. by
C.M. Thorpe
Co. Surveyor

