

No. of Case *Road No 132*

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

Shompson Road

*near
3 Forks*

Plaintiff

FILED

J.P. McNaughton
By *E. Schumacher* Defendant

Action for

*rejected
Sept 10/98*

Attorney for Plaintiff

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. 1, 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.

Your petitioners do respectfully ask and petition that a County road, sixty feet in width, to be a public highway, be laid out, located and established, 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:

- A. The General route of the Proposed Road Beginning at a point in the present county road from Three Forks to Willow Creek, and about 2 miles and a half from the first named town where said road intersects the boundary line of Sections 35 + 36 Township 2 N Range 1 E thence crossing the Railroad track which here runs parallel with and adjoining said road thence running south along said boundary line for about one and a half miles to the South East corner of Sect 2 Township one N. Range 1 E thence running west along the boundaries of Sects 2, 3 and Sect 10, 11 Twp one N Range one E for about one and three quarter miles ^{to the N.E. cor. of the NW. 1/4 of Sec. 10.}
- B. The lands that it is proposed to be established over is one half mile ^{North & South} along the boundaries of 35 + 36 Twp 2 N Range 1 E. one mile North + South along ^{the} boundaries of Sec one and 2, Twp one N. Range one East and one and three quarter miles East and West along boundaries of sections 2 + 3 and 10 + 11 Twp one N Range one East
- C. The Owners are Sec 36 School land Leased by M. Lane. Sec 35 Anaconda co. Sec one N.P.R.R. Sec two N E quarter Marysville co S.E. quarter C.W. Thompson South half of SW quarter George Gerdes Sec 3. Anaconda co. Sec 10 N.W. quarter

M. Lane. Sec 35 Anaconda co. Sec one N.P.R.R.
 Sec two N E quarter Marysville co S.E. quarter
 G.W. Thompson South half of SW quarter George
 Gerdes Sec 3. Anaconda co. Sec 10 NW quarter
 Thomas Moore N E quarter Patrick & John Hansberry
 Sec 11 George. Gerdes

The owners have already set fence and give
 road way ^{one} excepting ^{one} N.P.R.R. Co that land is
 not fenced and 35 & 36 mile Lane has run
 fence east and west to intersect R.R. fence
 Mr John Francey the Anacondan agent told me
 last fall that the anaconda co would give road way
 the cost of right of way in case the anaconda co objected
 could not be over ten dollars
 The succession for proposed road is as follows Mr
 Gerdes Thompson & Hansberry are compelled to

go from ^{the} three of a mile to a mile out
 of the way to get to the Depot or to go to
 Three Forks Logan or any point east while
 there is two sloughs that is impossible to cross
 in the Spring on the road that we are compelled
 to travel and whereas said road is not a laid out
 road and if any one should buy or lease ^{sec one}
 from the N.P. R.R. co we would be closed up
 entirely and the entire valley would be shut
 off from an outlet to the Stock Range

<u>Names</u>	<u>Names</u>
Geo Thompson	J. W. Thompson
H. Woodward	
W. C. Thompson	
Geo L Gordon	
Mrs R. C. Gordon	Patrick Hansberry
J. Gerdes	
J. Hansberry	W. D. Ryan
George Gerdes	H. B. Thompson
Henry Gerdes	
Geo W. Smith	

OFFICE OF COUNTY SURVEYOR GALLATIN COUNTY, MONTANA.

Hon. J. L. Patterson:-

Chairman, Board of Commissioners, Gallatin County, Montana.

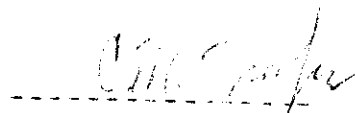
Dear Sir:-

You are hereby given notice, that a petition for a County road has been received in my office, signed by C.W. Thompson and 13 other residents of Road District No. 1 through which District said road is to run. Said ^{said} is to commence at a point in the present County road from Three Forks to Willow Creek where said road intersects the boundry line of Sections 35 & 36 township 2 N. Range 1 E. which point is to be the starting point, and terminate at the N. E. Cor. of the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of said Sec. 10 & 11 Township one N. Range 1 E.

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

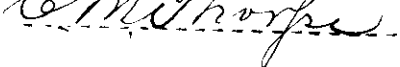
Date at Bozeman Montana, this 26 day of May 1898.

Yours Respectfully,



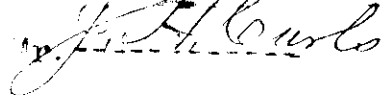
County Surveyor.

OFFICE OF BOARD OF COMMISSIONERS GALLATIN COUNTY MONTANA.

Mr. 

County Surveyor, Gallatin County, Montana.

Dear Sir:-

In pursuance of the above notice, I hereby appoint  to act on behalf of the Board of Commissioners, as a viewer on the above petitioned for road.

Dated at Bozeman Montana, this day of 1898.

Yours respectfully,



Chairman, Board of Commissioners, Gallatin County, Montana.

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 March, 1898, to view and mark out a proposed County road as prayed for in the petition of C. G. Thompson, et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 23rd day of May, 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 a point in the present County Road from Three Forks to Willow Creek and about two miles and a half from the first named Town where said Road intersects the boundry line of Sections 35 & 36 township 2 N. Range I E. Thence crossing the Railroad track which here runs parallel with and adjoining said road Thence running South along said boundry line for about one & a half miles to the South East Corner of Section 2 Township I N. Range I E. Thence running West along the boundaries of sections 2 & 3 and sections 10 & 11 Township I N. range I E. for about one and three quarters miles to the N. E. Cor. of the N. W. 1/4 of the N. W. 1/4 of said Sec. 10.

Dated this 18th day of April, 1898.

C. M. Thorpe,
J. H. Carls,
George Gudes. } VIEWERS.

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

George Gudes being first duly sworn deposes and says, that as the viewer appointed he received from the County Surveyor of said County, on the _____ day of _____ A. D., 1898, three copies of the annexed notice, and that on the _____ day of _____ 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

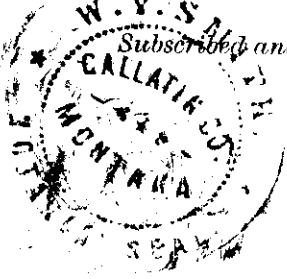
at
Notices were not posted

and further deponeth sayeth not.

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

C. M. Thorpe being first duly sworn deposes and says, that as the
County Surveyor of Gallatin County ~~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~~ *26th* day of *April* 1898 he posted
a copy of ~~said~~ ^{*the annexed*} notice at each of the following points, on the line of road described in said notice, to wit: *One*
at the County Clerks Office,

and further deponeth sayeth not.



Subscribed and sworn to before me this

7th

day of

June

A. D., 1898.

C. M. Thorpe

W. Y. Smith

Notary Public

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
Subscribed and sworn to before me this 23rd day

of May 1898

C. M. Thorpe
Co. Surveyor.

This must be returned to the County Clerk after execution.

OATH OF ROAD VIEWERS.

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

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

Chairman of the
Subscribed and sworn to before me this 23rd day

of May 1898

C. M. Thorpe
Co. Surveyor

This must be returned to the County Clerk after execution.

Form 1548.

REGISTRY RETURN RECEIPT sent 4-27, 1898

Reg. No. 87 from Post Office at

*Reg. Letter } Addressed to Geo Gerdie
Reg. Parcel } willowcreek 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.

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.

Geo Gerdie
Max Buttelman

REGISTRY RECEIPT

Post Office at Basin, Mont.

Registered Letter
Parcel

No.

87

Rec'd.

4-27-1898

of

C. M. Thorpe

addressed to

Geo Herdes

Willowcreek mouth

W. B. BURNET

P. M.

REPORT OF ROAD VIEWERS.

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

Chairman of the said Board and the County

Surveys WE, the undersigned Road Viewers, appointed by the Board of County Commissioners, ~~at the~~
Together with the said Co. Surveyor ~~of said Board~~ to view a proposed road running from *the present County*
road from 3 Forks to Willow Creek where said road intersects the line
between sections 35 & 36 T. 2 N. R. 1 E.
to the N.E. Cor. of the N.W. 1/4 of the N.W. 1/4 of said Sec. 10 T. 1 N. R. 1 E. say,

That on the *23rd* day of *May*, 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:~~
after having looked over the proposed road we
would respectfully recommend that the petition be
rejected on the ground that the outlay required
would be too great for the benefits to be derived.

~~2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows:~~
We find an open road running from
C.W. Thompson's place both north and west.
giving him an outlet in two ways

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

~~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 believe said road *not* to be practicable and *not* of public utility and
necessity and do *not* recommend the establishment of the same.

Dated *May 23rd*, A. D., 1898

George Gerdes
J. H. Gurd
C. W. Thayer } Road Viewers.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. J. H. Carls

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson
Chairman Board County Commissioners of Gallatin County, Montana, on the
26th day of March, 1898, to view and lay out a proposed road, as prayed
for in the petition of C. W. Thompson, and others, described as follows, to-wit:

Beginning at a point in the present County Road from Three Forks
to Willow Creek and about two miles and a half from the first
named Town where said Road intersects the boundary line of
sections 35 & 36 township 2 N. range 1 E. Thence crossing the
Railroad track which here runs parallel with and adjoining said ~~Road~~
Road, Thence running south along said boundary line for about 1 1/2
miles to the south east corner of Sec. 2 township 1 N. range 1 E.
Thence running west along the boundaries of sections 2 & 3 and E
sections 10 & 11 township 1 N. range 1 E. for about 1 3/4 miles
to the N. E. Cor. of the N. W. 1/4 of the N. W. 1/4 of said Sec. 10.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with George Girdes, who was duly appointed as a
Viewer on said road by ~~the~~ C. W. Thompson and by the
County Surveyor, who is Chairman of said Board of Viewers, on the 23rd day of
May, 1898, commencing at the place designated in said petition as the
starting point of the road sought to be laid out 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 18th
day of April, 1898.

C. W. Thompson
County Surveyor.

By _____
Deputy.

Copy

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. George Surdes

Your 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 March, 1898, to view and lay out a proposed road, as prayed
for in the petition of C. G. Thompson and others, described as follows, to-wit:

Beginning at a point in the present County Road from Three Forks
to Willow Creek and about 2 1/2 miles from the first named town
where said Road intersects the boundry line of sections 35 & 36
township 2 N. range I E. Thence crossing the Railroad track
which here runs parallel with and adjoining said road, Thence
running south along said boundry line for about 1 1/2 miles to
the south east corner of Sec. 2 township I N. range I E. Thence
running west along the boundry of sections 2 & 3 and sections 10 &
11 township I N. range I E. for about 1 1/4 miles to the N. E. Cor.
of the N. W. 1/4 of the N. W. 1/4 of said Sec. 10.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with J. F. Carlson, who was duly appointed as a
Viewer on said road by J. L. Patterson and by the
County Surveyor, who is Chairman of said Board of Viewers, on the 23rd day of
May, 1898, commencing at the place designated in said petition as the
starting point of the road sought to be laid out 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 18th
day of April, 1898.

C. M. Thorpe
County Surveyor.

By _____ Deputy.

Petition of Remonstrances

To the Honorable Board of Commissioners of Gallatin County State of Montana, we the undersigned Citizens and Taxpayers of this ^{precinct} locality in Gallatin County Montana, do hereby Remonstrate against and ~~ask~~ ^{oppose} your Honorable Body against this Petition of C. W. Thompson et al asking for the laying out of a Public road through the following described land:

Beginning on and between, the Southwest corner of Section 36 and the South East corner of Section 35, in Township Two North Range One East and then as proposed to Run due North between those two Sections of land for a distance of close to three quarters of one mile. Designated to a place so should be classed (no where), or up against the Northern Pacific and Montana Rail Road line fence and road bed, where there is no crossing or any gates, nor never has been, as the granting of said Described Road could be of no public benefit, and could not be utilized as a public road, and would serve no interest to the community and be of no benefit to any one, only C. W. Thompson, who has two outlets to the public road the present time. I Michael Lane have leased this school section of land from the state and is at this time paying large rent for the use of this land. It would do me great damage by having it operated by a road through this section as asked for and I have leased this piece of land on Section 35 adjoining from the Anasconda Company which lies East of Railroad tracks containing about one hundred acres, where I water my stock and I Michael Lane to the best of my knowledge and belief do state to you that the principal object of C. W. Thompson in getting up this petition asking the Honorable Board of Commissioners of Gallatin County to open and lay out this road, is fully malice and spite work, to harass and annoy Michael Lane at this time. I would state there is a good county and public road across on the North and west of Railroad, but a very short distance, from where those petitioners ask for this additional road which the enclosed diagram when noted will show your Honorable Board and we the undersigned citizens and Taxpayers do Respectfully ask of your Honorable Board full deliberation on the merits of this Remonstrance on the lines of Justice

Names

M Seane
John P. McKernan
J. D. Frederick
J. C. Brewer
G. H. McLean
Pat. Lane
W. E. Young
W. O. Casper
John Gallanran
Geo. Frumby

Names

J. A. Snow
Edward Walker
Tommy Kelly
G. J. Perry
G. J. Perry
W. J. Perry
T. J. Parker
L. Masfield
Thos. J. Gallagher
Geo. Lane
W. B. Foster

F. Wilkin
Wm. Thorne
Thos. Caperton
W. J. Horn
C. A. Lindell
L. B. Barker
J. Reardon
Henry Smith
J. L. Foster

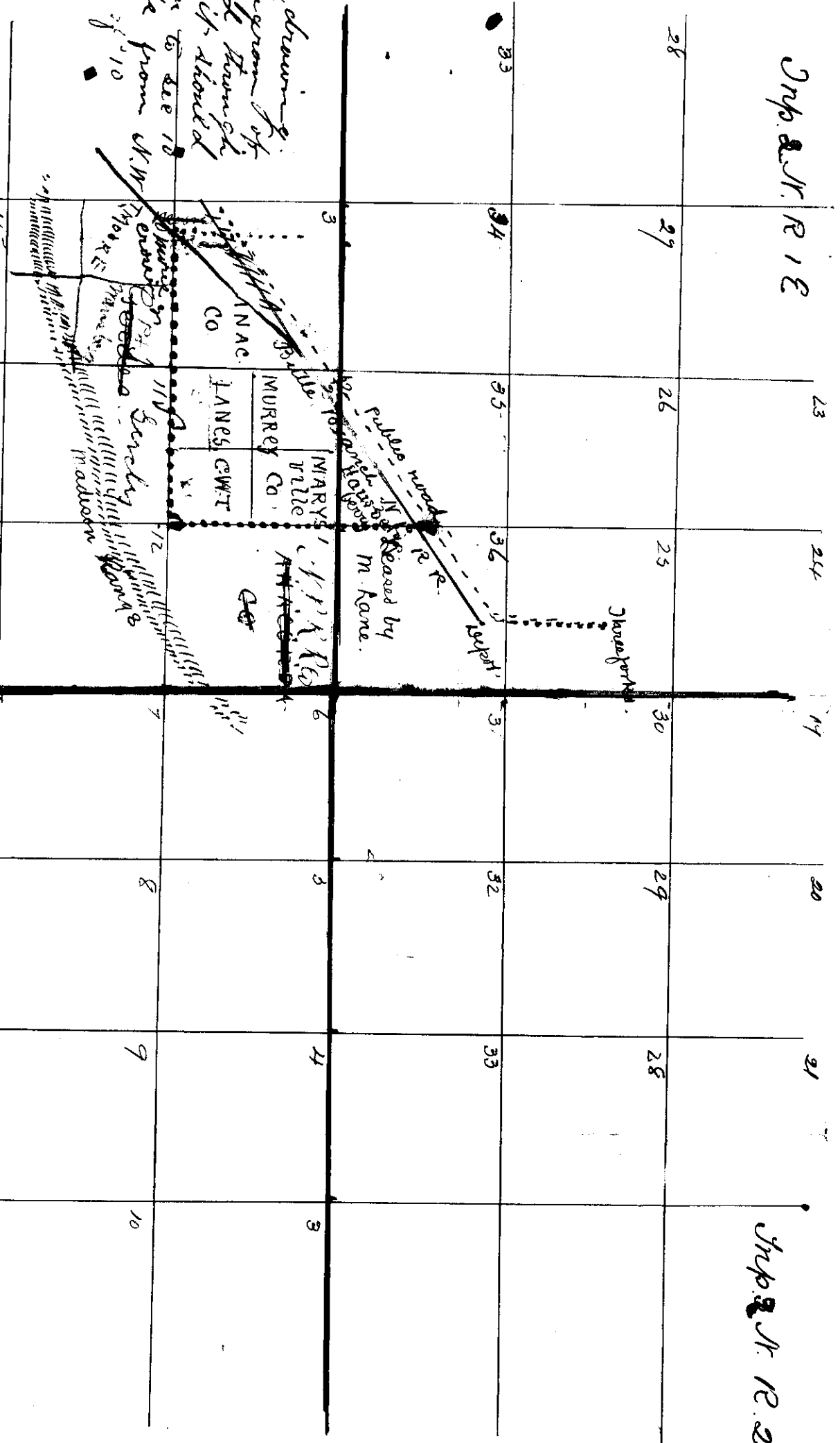
Patrick Lindsey

Thomas Moore
O. H. Moore
Thos. M. Hugh
Dan Handley
John Singleton
Thos. Lane

Trp. & R. R. 1 E

Trp. & R. R. 2 E

In drawing
the Diagram of
the road through
see 8 it should
come in to see 10
to road from W.M.
corner of 10



Trp. & R. R. 1 E

Trp. & R. R. 2 E

S. R. R. ———
 Public road
 Proposed road - - - - -
 Museum/Avon

Office of County Surveyor, Bozeman, Gallatin County Montana.
To the Honorable Board of Commissioners, Gallatin County Montana.

Gentlemen:

I herewith submit the following papers, in the matter of the
petition of C. W. Thompson, etal: praying for a ^{County} road in road ~~six~~
District No. 1, as follows:

First: The petition ~~to the Board~~

Second: Notice to Chairman, to appoint a viewer, and the appoint-
ment of the same.

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

Fourth: ~~The~~ Sworn proof of posting notices with copy attached:

Fifth: Oath of road viewers.

Report of road viewers and consent of owners to give right of way,
where same was given.

Respectfully, Submitted,

C. M. Thorpe

County Surveyor.

Three Forks, Mont. Apr. 10th 1899.
Mr. C. M. Thorpe Co. Surveyor.
Bozeman Mont.

Dear Sir:

Will you please defer the appointment of viewers for road petitioned for by C. W. Thompson, until the petition of remonstrance is sent in, I understand the viewers appointed upon are Mr. Carl and Richard Harwood. Now both of these gentlemen are very unfriendly towards Michael Lane the petitioner of remonstrance, and the Anaconda Company and I feel that we could not get justice from them. The remonstrance petition is against the road between sections 35 and 36, as you are aware Mr. Thompson is not given, though a road opened between the above sections would shorten his route ~~to~~ Three Fork one half mile where he does not trade or get his mail.

Also I wish you would favor me with a list of the signers on Mr. Thompson's petition. Please address your reply to Miss Creek, Mont. where I will be Sunday, and Oblige Yours truly,
John Francis, Asst. Anaconda Copper Mining Co.

Willow Creek Mont

March 17th 1898

Mr C. M. Thorpe

Bozeman Mont

Dear Sir yours of
the 14th rec yesterday with special
form of petition which I have
filled in in and signed you
was mistaken about in thinking
the petition was for a change in
the road from Three Forks to Willow
Creek it is a new road we want laid
out and established which you will
see by the dotted red line on diagram
or Plat accompanying the petition we have
been shut off from our road that we
have travelled for over four years by
Mike Lane leasing section 34
and refusing to give a gate
way through as the Irish Hog Predone
guarantee in Lane as it does in all

Catholic Irish for his own convenience and use, he made some kind of a trade with Char Ballaghan when he was agent for the anaconda co for a three corner strip off from the S E corner of sec 35 running one half mile east and west coming to a point at the west end where it intersects the R R fence, making all that has to go over the route go over one half mile out of the way while it is not a laidout road and there is two very bad sloughs that is too expensive for to be bridged by a few farmers out of there own money while if the road is laidout on the proposed section line we would have no sloughs to cross and is a practical route that will require but very little work when you come down in this part of the country a gain I would like to have you come and see me and stop with me while in the valley I think you will agree with me that my statement is correct. Respectfully yours

C. W. Thompson

Billow Creek, Mont.
April 16, 1898.

Mr. C. M. Thorp.

County Surveyor & Manager of Roads.
Dear Sir,

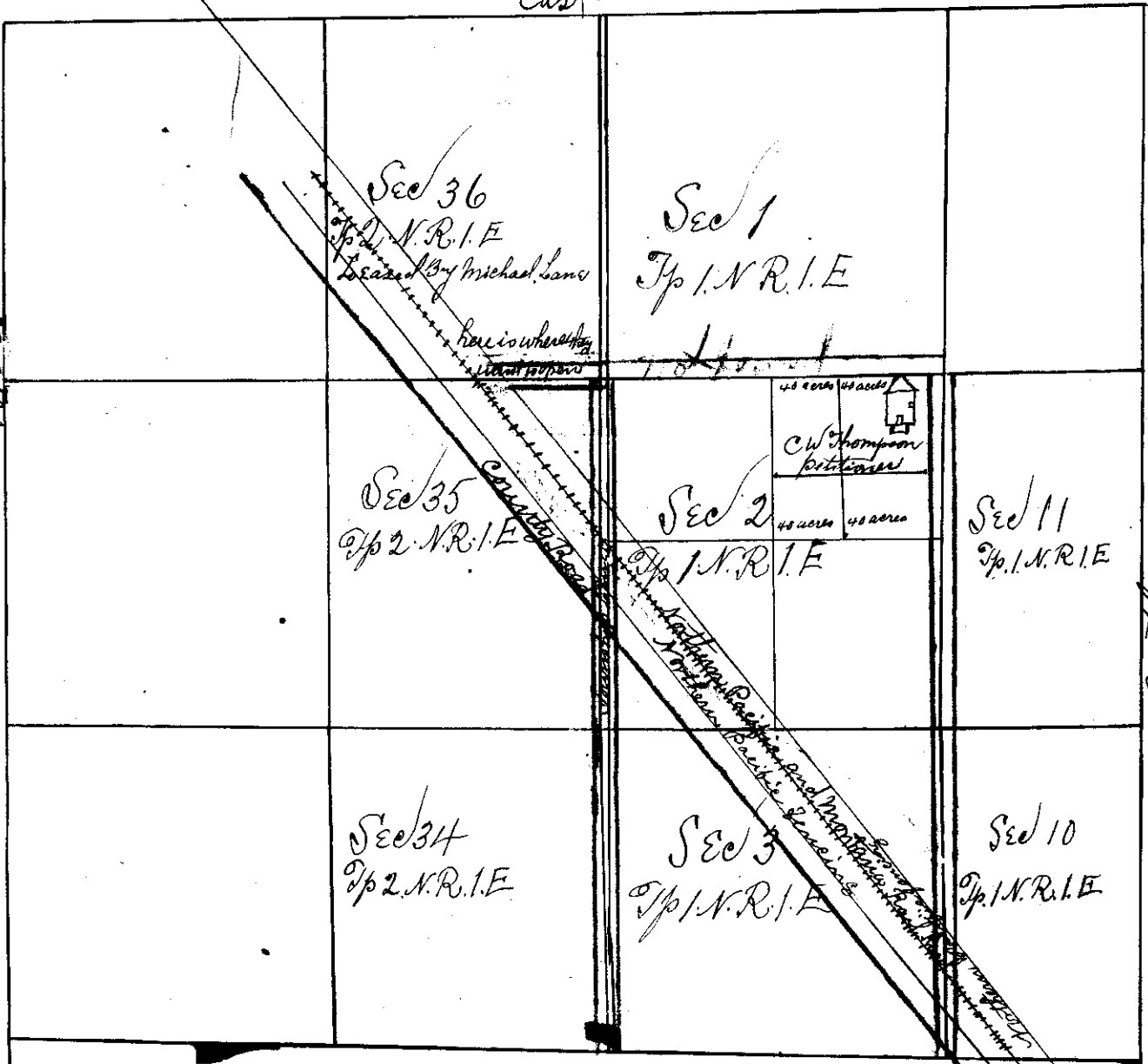
We the undersigned. Signed
the petition for the proposed road, known as the
Thompson road. Signed said petition through
a misunderstanding. And respectfully request
that our names be erased from said petition.

By Atansbery by C. H. Moore
A. Woodward
J. S. Land

East

North

South



Gentlemen you will see by the blue lines spaced that Mr Thompson
 Has Roads to travel to the county Road

West



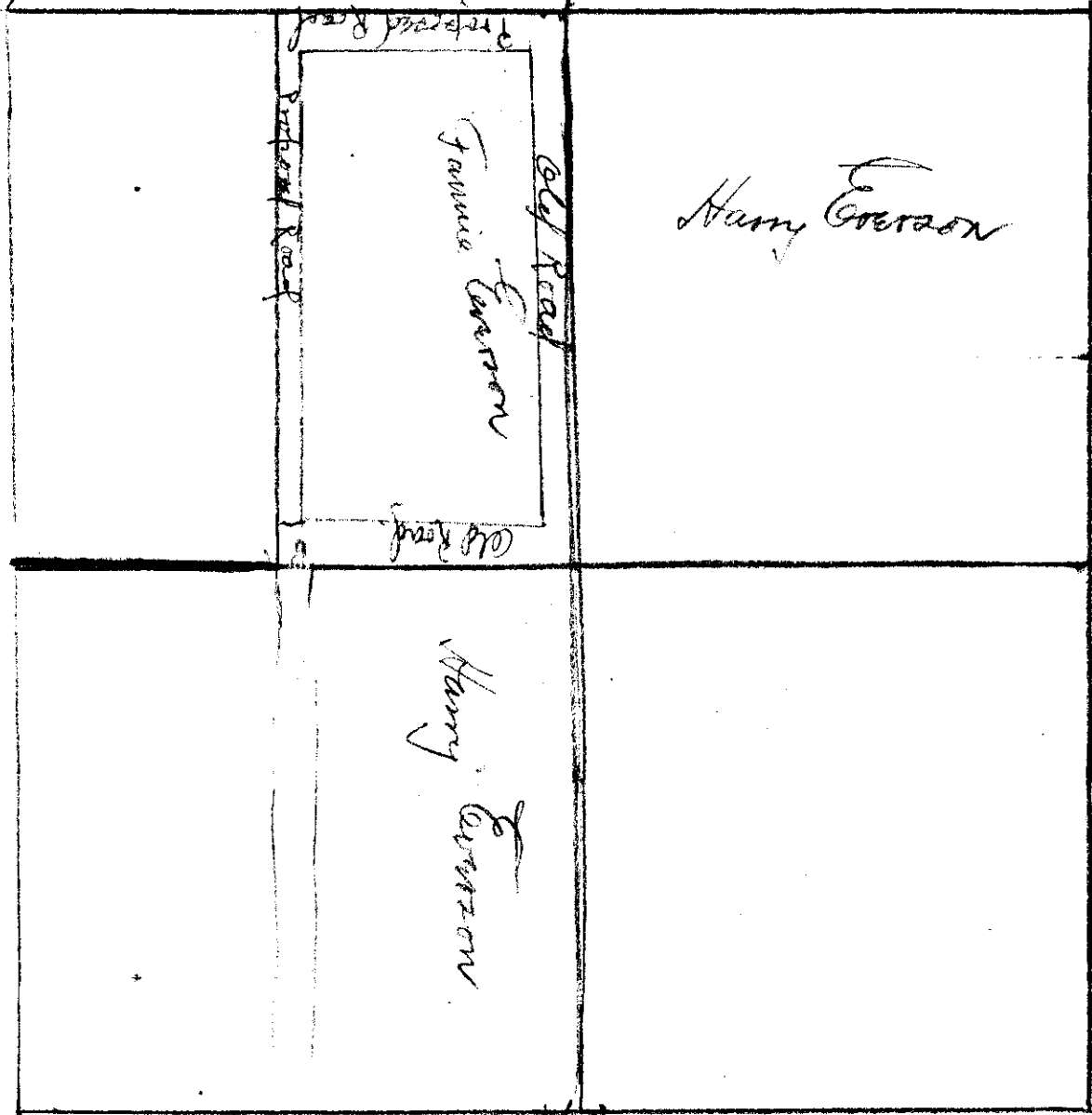
MONTANA PARK COUNTY



...OFFICE OF...
FRANK BELEY, Sheriff.
HECTOR McDONALD, Under Sheriff.
JOHN H. MARTIN, Deputy Sheriff.

Livingston, Montana.

A. Everson North



W.

E.

S.
Sec 34 - T. 1. S. R. 26.