

No. of ~~1000~~ ¹⁰⁰⁰ 137

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

Road South of Willow
Creek

Petition made by Halbur et al

FILED ^{Plaintiff} vs

SEP 8 1898

H. P. McNaughton
County Clerk

By *E. H. Johnson* Defendant Depo

Action for
*Report of viewers adopted
& the petition rejected*
J. L. Patterson
Chairman

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. Beginning on a point on the Montana Meridian line on a Subdivision Corner line and thence Running due South along the West line of Section Six and meridian line in Township one south Range one East for a distance of Three fourths of one mile, and thence due South along the West line of Section Seven, and meridian line in Township one south Range one East for a distance of one mile.

B. Land that is on: Southwest quarter of North west quarter and West half of Southwest quarter of Section Six and lots one, Two, Three and Four of Section Seven in Township one South Range one East and the East half of the South East quarter and the East half of the North East quarter of Section Twelve, and the East half of the South East quarter and the South East quarter of the North East quarter of Section one in Township one South Range one West.

C. owners of within land are, so far as we know, Northern Pacific Rail Road, United States Government and Edward Walbert.

D. Those that have been found and contacted with, have consented to this Proposed Road.

E. none of them make any objection

F. no cost whatever for right-of-way

It is the most valuable and more taxes will therefore be derived by the County

NAMES:

1. James Key
2. N. B. Sarsley
3. J. B. Sarsley
4. J. H. Sarsley
5. G. M. Pannell

NAMES:

6. J. A. Green
7. Harry Pannell
8. Robert Turner
9. Geo. L. Gordon
10. J. J. Parker

- John Walbert Jr.
 George E. West
 John Walbert, Sr.
 J. J. Williams
 B. J. Purdon
 J. H. Leahy
 Robert D. West
 A. Woodard
 G. J. Williams
 Ch. A. Harwood

Office of County Surveyor, Gallatin County Montana.

Hon.

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 James Keey and twentytwo other residents of road District No. 1, through which District said proposed road is to run. Said road is to commence at ^{the N.W. Cor. of the S.W. 1/4 of N.W. 1/4} a ~~subdivision Cor.~~ of Sec. six T. 1 S. R. 1 E. and to terminate ^{at the S.W. Cor. of Sec. 7 said T. & R.}

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

Yours Respectfully,

C. M. Thorpe

County Surveyor.

Dated at Bozeman, Montana, this 30th 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. H. H. Appington to act on behalf of the Board of Commissioners, as a viewer on 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.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. H. H. Sappington

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, 1898, to view and lay out a proposed road ^{+ the vacation of an old road} as prayed
for in the petition of James Kern and others, described as follows, to-wit:

Beginning at the N. W. Cor. of the S. W. 1/4 of the
N. W. 1/4 of Sec. 6 T. 1 S. R. 1 E. and thence running
due S. along the W. line of said Sec. 6 for a
distance of three-fourths of a mile, thence
due S. along the west line of Sec. 7 said
T. 1 S. for a distance of one mile, and
terminating at the S. W. Cor. of said Sec. 7.

The old road as now traveled through
the above described sections, to be discon-
tinued whenever the proposed 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 J. A. Green, 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

Aug., 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. Hooper
County Surveyor.

By _____ Deputy.

RETURN OF SHERIFF

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. J. A. Brown

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 July, 1898, to view and lay out a proposed road, as prayed
for in the petition of James Keay and others, described as follows, to wit:

T.S.R. 18
Beginning at a point ~~in the S.W. 1/4 of the N.W. 1/4 of Sec. 6~~
~~Conberg line~~ and thence running due
south along the west line of section six
township two south range one east for
a distance of three-fourths of a mile, thence
due south along ^{the} west line of section seven
township one south range one east for a
distance of one mile and terminating at the
S.W. corner of said Sec. 7.

The old road as now traveled through the above described
sections, to be discontinued whenever the proposed 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 H. H. Sappington, 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 19th day of

Aug., 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.

RETURN OF SHERIFF

5

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 James Kery et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the _____ day of _____, 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 the N. W. Corner of the S. 1/4 of the N. 1/4 of Sec. 6 T. 18. N. 16. R. 16. E. ~~the N. W. Corner of the S. 1/4 of the N. 1/4 of Sec. 6~~ and thence running due south along the west line of ^{said} section six ~~township~~ ~~range~~ ~~east~~ for a distance of ~~thence~~ ~~for~~ ~~the~~ ~~of~~ ~~a~~ ~~mile~~, and thence due south along the west line of section seven township one south range one east for a distance of one mile and terminating at the southwest Cor. of said Sec. 7.

The old road as now traveled through the above described sections, to be discontinued whenever the proposed road shall be established.

Dated this 26th day of July, 1898.

C. M. Thorpe
H. H. Sappington
J. A. Green } VIEWERS.

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

C. M. Thorpe 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. 1898, ~~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~~ ^{the annexed} ~~the annexed~~ 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. Thorpe
H. P. McNaughton Co. Clerk
E. H. Schumacher Dep.

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 James Key et. al.,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the _____ day of _____, 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:

the N. W. Corner of the S. 1/2 of the N. 1/2 of Sec. 6
~~Beginning at a point on a subdivision~~
G. 18. R. 1 E.
~~line~~ and thence running due south along the west line of ^{said} section six ~~township~~ ~~one south range one east~~ for a distance of ~~therefor~~ ~~the~~ of a mile, and thence due south along the west line of section seven township one south range one east for a distance of one mile and terminating at the southwest Cor. of said Sec. 7.

The old road as now traveled through the above described sections, to be discontinued whenever the proposed road shall be established.

Dated this 26th day of July, 1898.

C.M. Thorpe,
H.H. Sappington
J. A. Green } VIEWERS.

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

C.M. Thorpe 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. 1898 ~~three copies of the annexed notice~~, and that on the 28th day of July, 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 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. Thorpe
H.P. McNaughton Clerk
E.H. Schumacher Dep.

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 ^{County Surveyor} Board of County Commissioners.

A. H. Green
Subscribed and sworn to before me this 19th day

of Aug 1898.

C. M. Thorpe

C. Surveyor.

This must be returned to the County Clerk after execution.

OATH OF ROAD VIEWERS.

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

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

H. H. Leppington
Subscribed and sworn to before me this 19th day

of Aug 1898.

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 Board of County Commissioners, ^{Chairman of the} and the Co. Surveyor ^{and the Co. Surveyor} together with said Surveyor ^{Form of said Board} to view a proposed road running from the N.W. Cor. of S.W. 1/4 of Sec. 6 T. 15. R. 1 E.

to the S.W. Cor. of Sec. 7 T. 15. R. 1 E. say,

That on the 19th 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 is from the N.W. Cor. of the S.W. 1/4 of N.W. 1/4 of Sec. 6 T. 15. R. 1 E. thence south along the principal meridian 1 1/4 miles to the S.W. Cor. of Sec. 7 said Township & Range.

2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows:

We find the proposed road as described in the petition passes over ground which is wholly unfit for a road on account of forming over bluffs and hills. We also find that the proposed road

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

does not connect with any other roads at either end. We therefore recommend that the petition be rejected.

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 Aug 19th, A. D., 1898

C. W. Thorne }
J. H. Green }
R. D. Rappington }
Road Viewers.

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
James ^{Kelly} et al for a Co. Road ~~along~~ the west side of
Sec's 6&7 T1S.R1E. as follows; -

First, The petition, and map.

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 were duly received.

Fourth; Sworn proof of posting notices and copy attached.

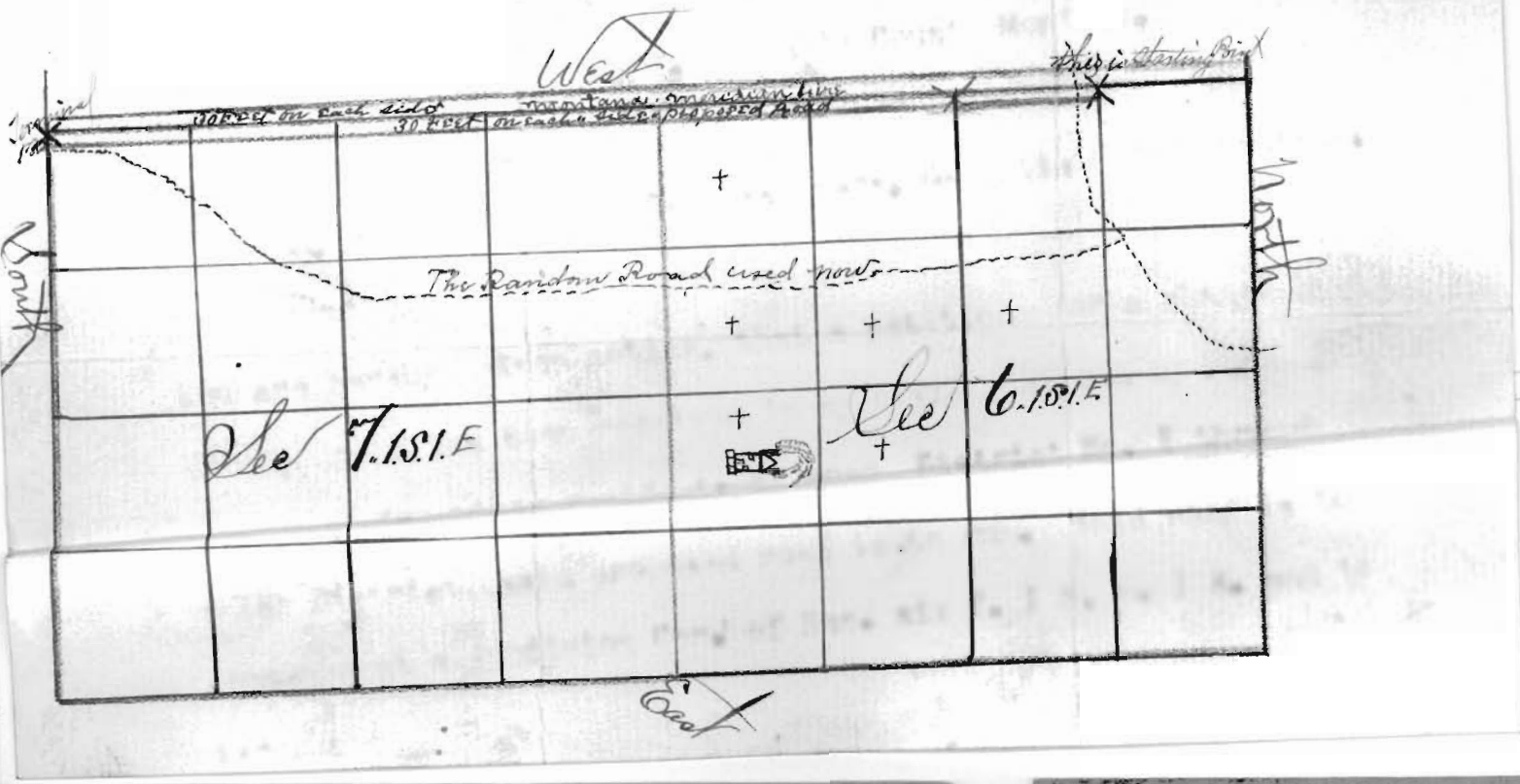
Fifth; Oath of road viewers.

Sixth; Report of road viewers .

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

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

Very Respectfully
C. M. Thorpe
Co. Surveyor.



Form 1548.
REGISTRY RETURN RECEIPT sent July 29, 1898
 Reg. No. 98 from Post Office at Bozeman, Mont.
 *Reg. Letter } Addressed to H. H. Sappington
 Reg. Parcel } Willow Creek 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.
H. H. Sappington
B. F. Pardom
 * Erase letter or parcel according to which is sent.

Form 1548.
REGISTRY RETURN RECEIPT sent July 29, 1898
 Reg. No. 99 from Post Office at Bozeman, Mont.
 *Reg. Letter } Addressed to J. A. Green
 Reg. Parcel } Willow Creek 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.
J. A. Green
 * Erase letter or parcel according to which is sent.

REGISTRY RECEIPT.
Bozeman, Mont.
 Post Office at
 Registered Letter } No. 98 Rec'd July 29 1898
 Parcel }
 of Co Sur
 addressed to H. H. Sappington
Willow Creek Mont.
W. B. BURKET, P. M.

REGISTRY RECEIPT.
Bozeman, Mont.
 Post Office at
 Registered Letter } No. 99 Rec'd July 29 1898
 Parcel }
 of Co Sur
 addressed to J. A. Green
Willow Creek Mont.
W. B. BURKET, P. M.