

No. of Case *Road No. 140*

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

*Change of Road near
L. M. Jones in E. Flathead*

*Petitioned for by
L. M. Jones et al*
Plaintiff

FILED

DEC 7 1898

W. H. McCaughey
County Clerk Defendant

Action for *Change of road Jones
to be at the expense & to pay for*

Boundary out
J. H. Harrison
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. 7, 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 at N.W. corner of S 1/4 of Sec 24 T 3 N R 7 E, thence east 1 mile to County line. (changing the present traveled, but not laid out road, 1/4 mile north "b" through section 24.

"c" L. M. Jones "d" he consents & desires the change. "e" no one.

"f" L. M. Jones agrees to make the road good for public travel at his own expense "g" to save 1 1/2 miles of fence & to give watering place for stock in pasture by fencing land so they can have access to creek also to save irrigating ditches & bridges over the same in the public road.

NAMES:

1. Lowell M. Jones
2. Ed. Jones
3. R. W. Wagner
4. W. G. McDonald
5. H. B. Blair

NAMES:

6. James Woosley
7. Eva McMorris
8. L. McMorris
9. J. S. Woosley
10. L. G. Brown

This Indenture, Made the 26th day of Sept.

in the year of our Lord one thousand eight hundred and ninety Eight between L.M. Jones of East Flat Road Gallatin County Montana (whose post office address is Missoula) party of the first part and the County of Gallatin

the party of the second part,

Witnesseth, That the said party of the first part, for and in consideration of benefits to be derived from the change of road. Dollars,

to in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, does Remise, Release and Forever Quitclaim, unto the said party of the second part, and to heirs and assigns, the following described real estate, situated in the County of Gallatin and State of Montana, to-wit:

A strip of land 60 feet in width the north line of which is the north line of the south 1/2 of the south 1/2 of Sec 24 T.37N.R.7E and extending from the west side of said section to the east side thereof the same to be used by said party of the second part as a county road said party of the first part hereby agrees to do all work build all culverts and bridges necessary to make the above described road as good as the old road along the south line of said S 1/2 of S 1/2 of said Sec. 24. Said old road to be vacated and discontinued whenever the proposed new road shall be so opened up but not to be closed until the work on the new road has been accepted by the Co. Surveyor of said County. Whenever the above described new road shall be abandoned and discontinued the same shall revert to the owner of said S 1/2 of Sec 24

Together with the tenements, hereditaments and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatever, as well in law as in equity of the said party of the first part, of, in or to the said premises, and every part and parcel thereof

To Have and to Hold, All and singular, the said premises, with the appurtenances

unto said party of the second part, heirs and assigns, forever.

In Witness Whereof, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

M.D. Deek
C.M. Thrope

Lowell M. Jones
Kate Jones

SEAL

SEAL

ACKNOWLEDGMENT.

The State of Montana, }
County of Gallatin. } ss.

On this 26th day of September A. D. 1898, before me,
P. D. Stule, Notary Public in and for said County, came Luell M. Jones
and Catherine R. Jones (his wife), who are personally known to me to be the persons
described in and who signed the annexed Deed as grantors, and acknowledged to me that they had executed the same freely and voluntarily, for the uses and purposes therein expressed.

And the said _____ wife of the said _____

was by me first made acquainted with the contents of said conveyance, and acknowledged to me, on examination apart from and without the hearing of her husband, that she executed the same freely and voluntarily, without fear or compulsion or undue influence of her said husband, and that she does not wish to retract the execution of the same.

In Witness of Which, I hereunto set my hand and affix _____

My notarial Seal at my office in
Bozeman, Montana the day and year first above written.

P. D. Stule
Notary Public in and for the County
of Gallatin, State of Montana.



Record No. 140

QUITCLAIM DEED.

L. M. Jones
TO
Gallatin County

The State of Montana, }
County of Gallatin. } ss.
Office of County Recorder:

I hereby certify that the within Deed of Conveyance was filed in my office on the _____ day of _____ A. D. 189 _____, at _____ o'clock _____ M. and is recorded on page _____ of Book _____ of Deeds, records of Gallatin County, Montana.

Attest: My hand and the seal of said County.

By _____ County Recorder.
Deputy.
Fees, \$ _____

BOZEMAN, MONTANA,

July 6

1898

To the Honorable Board of County Commissioners
of Gallatin County Montana
Gentlemen;

In the matter of
the enclosed petition of L. M. Jones et al
asking for a change of road. As the change
all comes on L. M. Jones land, and as he has
given a deed for said land in which he agrees
to make the proposed road as good as the old road
and not to close the old road until the proposed
change was accepted by the Co Surveyor. I did
not consider it necessary to view the road, and
although I have not seen the change, I would
recommend that the change be granted, as there
seems to be no objection.

Respectfully
C. M. Thorpe

Which is correct description?
Does the change conform
with the old road?

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 a point 30 ft. south of the N.W. corner of the S 1/2 of the S 1/2 of sec 24 T3N R. 7E, thence east parallel with said north line of said S 1/2 of S 1/2 1 mile more or less to the county line. ^{The above described line is the center of a 60 foot right of way.} The old traveled road running east and west about 1/4 mile south of the above described road to be vacated and discontinued, when the new road as described above shall be made as good as said old road by L. M. Jones and the work accepted by the County Surveyor.

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

Dated Dec 21 1898

H. P. McNaughton
Clerk,

By _____
Deputy.

Date of Posting March 11 1899

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

Lowell M. Jones being first duly sworn deposes and says, that as the person appointed he received from the County Clerk of said County, on the 11 day of January A. D., 1899, three copies of the annexed notice, and that on the 11 day of March 1899 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

and further deponeth sayeth not.

Subscribed and sworn to before me this 13th day of March A. D., 1899

Lowell M. Jones
C. M. Thorpe
Co. Surveyor