

No. of Case *Road 142*

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

*Change of Road
along Carl White's place
on the Boyman and
White-sulphur Springs Road.*

Filed Dec. 7th 1898 ~~Plaintiff~~
*Arch. M. Naughton
County Clerk*

Defendant

Action for *Change of Road allowed
as petitioned for petition to bear
all expense*
*J. L. Patterson
Chairman*

Attorney for Plaintiff

Attorney for Defendant

Road No. 142

PETITION FOR ROAD.—BOZEMAN CHRONICLE PRINT.

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. 6, 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:

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, ^{commencing} at or near the Meagher Co line on Bozeman & U.S. Springs Road, ^{where the road is being constructed along the old road} Road District No 6. The general route of the proposed road is a southern direction on government land unsurveyed, on west side of Earl White's fence for about one mile, ^{to terminate at the road for having gone to Earl White's fence} the necessity for change in road is to save making a lane through Earl White's ranch also to bring road above contemplated ditch ^{so the old road between the beginning & terminus as described above to be} ^{renewed & discontinued whenever the above change shall be granted}

NAMES:

- 1. Sam Donovan
- 2. D. Campbell
- 3. D. Winters
- 4. R. Fleming
- 5. H. R. Fleming
- 6. E. Wheaton

NAMES:

- 6. Rich Jones
- 7. W. O. Conner
- 8. Chris Fryer
- 9. A. L. Cowan
- 10. P. M. Mason
- 11. L. J. Sillery

W. M. Sumner
W. G. Alexander
H. W. Ray
Isaac Williams
Wm Winters
John Pethroel

Office of County Surveyor, Gallatin County, Montana.
Chairman, Board County Commissioners, Gallatin County, Mont.
Dear Sir; -

You are hereby given notice, that a petition for a change in a County road, has been recieved in my office signed by eighteen residents of ~~§§§§~~ ~~§§§§§~~ Road Dist. No. 6. The above change of road is to avoid traveling across land owned by Earl White, and is to begin at or near the Meagher Co. line on the Bozeman And White Sulphur Springs road and terminating about a mile in a southerly direction from the place of begining where the road as now traveled leaves the old one.

You are requestad to appoint a viewer on the above proposed change.

Yours Respectfully,

C. M. Thorpe

County Surveyor

Dattd at Bozeman, Montana, this 27th day of Sept 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. *Chas. Baker* to act in behalf of the Board of Commissioners, as a viewer of the above change of road.

Yours Respectfully

J. L. Patterson

Chairman of Board of County Commissioners, Gallatin
County, Montana.

Dated at Bozeman, Mont. this 1 day of Oct 1898.

WARRANT FOR ROAD VIEWERS.

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

MR. Chas. Baker

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson
Chairman of Commissioners of Gallatin County, Montana, on the
1st day of October, 1898, to view and lay out a proposed road, as prayed
for in the petition of Con Donovan and others, described as follows, to-wit.

Beginning at or near the intersection of the Meagher County
line and the County road between Bozeman and White Sulphur
Springs, where the road as now traveled leaves the old road
in Dist No. 6 and running in a southerly direction on the
west side of Earl White's fence, to where the road as
traveled around the above mentioned fence, intersects the
old road. The old road between the beginning and terminus
as described above to be vacated and abandoned when the
above change shall be granted.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with W. C. Cowan, who was duly appointed as a
Viewer on said road by the Co. Surveyor and by the
County Surveyor, who is Chairman of said Board of Viewers, on the 2nd day of
November, 1898, commencing at the place designated in said petition as the
starting point of the road sought to be changed 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 6th
day of October, 1898.

C. M. Thape
County Surveyor.
By L. B. Wiser
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 1st day of October, 1898, to view and mark out a proposed Change of road as prayed for in the petition of Con. Louban et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 2nd day of November, 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 or near the intersection of the Meagher County line and the County road between Bozeman and White Sulphur Springs, where the road as now traveled leaves the old road, (in district No. 6.) and running in a southerly direction on the west side of Earl Whites fence, to where the road as traveled around the above mentioned fence, intersects the old road. The old road between the beginning and terminus as described above, to be vacated and discontinued when the above change shall be granted.

Dated this 3d day of October, 1898

C. M. Thorpe
Chas. Baker
W. C. Corvan } VIEWERS.

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

C. M. Thorpe being first duly sworn deposes and says, that as the
Co 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~~ 6 day of Oct 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 County Clerks office

and further deponeth sayeth not.

Subscribed and sworn to before me this 7th day of Decr. A. D., 1898

C. M. Thorpe
H. P. McNaughton
County Clerk

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} ~~at the~~ ^{and the Co.} ~~Surveyor,~~ ^{together with said Surveyor} ~~Term of said Board~~ to view a proposed road running from a point in the

Bozeman & White Sulphur Springs road near the Magher Co. line where the road as now traveled leaves said road, at the north line of the land enclosed by Earl White to where the road as now traveled intersects road field road near Earl White's south fence. ^(see back of report)

That on the 2nd day of November, 1898, we started from the above described 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 from a point in the Bozeman and White Sulphur Springs road near the Magher Co. line where the road as now traveled leaves said road, at the north line of the land enclosed by Earl White. Thence southwards

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

The land over which the proposed change runs is surveyed Gov. land.

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:

The land over which the proposed change runs is as good as when the old road runs.

As the above Bozeman & White Sulphur Springs Road has only change of ^(see back)

We believe said road to be practicable and of public utility and

necessity and do recommend the establishment of the same, and the location of the portion of the old road below the beginning and terminus of the change as petitioned for, when any of the said change shall be granted.

Dated Nov. 2nd, A. D., 1898.

E. M. Thorpe,
Chas. J. Baker,
W. O. Cowan
Road Viewers.

No. 1 Continued

along the road as now traveled keeping to the west of the fence built by Earl White, except along the timbered point near the south end of the proposed change when the road is to run 100 feet east of the road as now traveled and parallel with the same and terminating at a point when the road as now traveled intersects the old road near the south side of the land enclosed by said Earl White. The length of the proposed change is about one mile. There will be no cost to the County as Earl White agrees to do all work necessary to make the proposed change as good as the old road.

No 5 Continued

From surveyed to the divide south of the above change we would recommend that the same be surveyed from the end of the old survey to the north line of the County including the proposed change.

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.

Co Surveyor

W. O. Cowan

Subscribed and sworn to before me this 2nd day

of Nov, 1898

C. M. Hooper
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

Chas. F. Baker

Subscribed and sworn to before me this 2nd day

of Nov, 1898

C. M. Hooper
Co. Surveyor

This must be returned to the County Clerk after execution.

To THE COUNTY OF GALLATIN,

Dr.

I hereby agree to do all work necessary to make the further change of route of ^{the line} ~~the line~~ as goal is the ~~line~~ ^{line}

Carl White

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered ^{Letter} Parcel No. 24 Rec'd Oct 7 1898
of Co Sur
addressed to Chas Baker
Lombard Mt.
W. B. BURKET, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered ^{Letter} Parcel No. 25 Rec'd Oct 7 1898
of Co Sur
addressed to W O Cowan
Highland Mt.
W. B. BURKET, P. M.

Form 1548. REGISTRY RETURN RECEIPT sent Oct 10, 1898
Reg. No. 25 from Post Office at Bozeman, Mont.
*Reg. Letter / Reg. Parcel Addressed to W O Cowan
Highland 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. W O Cowan
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 10-7, 1898
Reg. No. 24 from Post Office at Bozeman, Mont.
*Reg. Letter / Reg. Parcel Addressed to Chas Baker
Lombard 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. C. F. Baker
When delivery is made to other than addressee, the name of both addressee and recipient must appear. Erage Blanchard
* Erase letter or parcel according to which is sent.

BOZEMAN, MONTANA,

Dec. 6

1898

To the Honorable Board of county commissioners
of Gallatin County Mont.

Gentlemen;

I herewith submit
the following papers in the matter of the petition
for a change of road along Earl White's place on
the Boyman and White Sulphur Springs road
near the Merghar Co. Line.

First: Petition.

Second: Notice to chairman of the Board.

Third: Copy of warrants to viewers.

Fourth: sworn proof of posting notices.

Fifth: Oath of viewers.

Sixth: report of viewers.

The old road was fenced up by White, and complaint was
made to the Co. Atty. by Nelson Murray. As White put
in a petition asking for the change the Atty. did
not proceed with the case. As I understand
White has only a squatter's right.

Respectfully,
C. M. Thorpe.

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 in the *Bozeman and White Sulphur Springs road near the Meagher Co. line* where the road as now now traveled crosses said road at the north line of the land enclosed by Earl White, thence southerly along the road as now traveled keeping to the west of the fence built by said Earl White except along the timbered point near the south end of the proposed change, where the road is to run 100 feet east of the road as now traveled and parallel with the same, and terminating at a point where the road as now traveled intersects the said old road near the south side of the land enclosed by said Earl White, ^{position of the} ~~the~~ old road running from the beginning to the terminus as described above to be vacated and discontinued whenever the new road shall be made as good as the old road by said Earl White and accepted by the Co. Surveyor. The road as described above to be 60 feet in width

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 Feb the 9th 1899

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

being first duly sworn deposes and says, that as the

person appointed *Surveyor* he received from
the County ~~Clerk~~ of said County, on the 27 day of Jan A. D.,
1899, three copies of the annexed notice, and that on the 9th day of Feb 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,
and one at the terminus as described above

and further deponeth sayeth not.

Subscribed and sworn to before me this 22 day of Mar A. D., 1899

Carl White
C. M. Thorpe
Co Surveyor

Road No. 142

Carl White Change

send to Carl White
Highlands
near