

No. of Case Road 147

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

Road to East Gallatin
Cemetery

ordered by board that parties
claiming damages be given notice to
appear on July 12th at 10 O'clock
June 8, 1899. vs. J. A. Patterson Plaintiff

Filed
May 11, 1899.
E. V. Blankenship Co. CLK
By E. H. Schumacher Deputy

The Board is to go over ^{Defendant} the route
at some future day to meet with the
Action for parties.
July 12, 99. J. A. Patterson

Viewers Report rejected & Road
not on order of board
Oct 13 99. J. A. 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. 3, 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, ~~60~~⁴⁰ 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:

Commencing at the S.W. corner of the N.W. 1/4 of sec (no. 20) in Township 1 north, Range 5 East, running thence due north one half mile, thence due east one fourth mile, thence due north 3/4 mile, ^{more or less} to the west line of the East Gallatin country. The above proposed road runs over and through the lands now owned and occupied by Mrs. Milton, Mr. Scott White, Chas. Stryker, W. J. Alexander, and A. T. Hamilton, Chas. Stryker and A. T. Hamilton. Consent to give the right of way. The object of the proposed road is to give a road to the East Gallatin country and a road toward Belgrade for routes

Consent to give right of way through these lands.

James
A. T. Hamilton
C. S. Stryker
A. H. McDonald
J. B. Wagner
M. W. Penwell
E. W. Artell
Paulina Johnson
Jas. Davis
Chas. Johnson

James
P. K. Wood
E. E. Davis
Leonard Stone
B. S. Bennett
J. A. Street
Jas. M. Moore
H. H. Davis
W. B. Miller
B. M. Dawes
John M. Lead

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 ~~there is~~ a petition for a County road has been received in this office, which is signed by A. T. Hamilton and 18 other residents of road district No. 3 through which district said road is to run.

Said proposed road is to commence at the S. W. Cor. of the N. W. quarter of Sec. (No. 20¹ in T. 1 N. R. 5 E. Running thence due north one half mile, Thence due east one fourth mile, thence due north $3/4$ mile to the west line of the East Gallatin Cemetery.

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

Yours Respectfully,

E. M. Thorpe
County Surveyor.

Dated at Bozeman Montana, this 18 day of Jan 1899.

Office of Board of County Commissioners, Gallatin County Montana.

Mr. *E. M. Thorpe*

County Surveyor, Gallatin County, Montana.

Dear Sir:-

In pursuance of the above notice I hereby appoint Mr. *J. S. Moore* 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 20 day of Jan 1899. *X*

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. Joseph Davis

You are hereby notified that you were duly appointed Road Viewer by C. M. Hooper,
County Surveyor of Gallatin County, Montana, on the
18th day of January, 1897, to view and lay out a proposed road, as prayed
for in the petition of A. J. Hamilton and others, described as follows, to-wit.

Commencing at the S. W. corner of the N. W. 1/4 of Sec.
(No. 20) in T. 1 North, Range 58. Running thence due
due north one half mile, thence due east one
fourth mile, thence due north 3/4 mile to the west
line of the East Gallatin Cemetery. The above
proposed road runs over and through the lands
now owned and occupied by Mrs. Melton, Mr.
Scott White, Chas Stryker, W. J. Alexander and
A. J. Hamilton.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with John Moore, who was duly appointed as a
Viewer on said road by the Chairman of Board of County Commissioners and by the
County Surveyor, who is Chairman of said Board of Viewers, on the 28th day of
April, 1897, 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 12th
day of April, 1897.

C. M. Hooper
County Surveyor.

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

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

MR. John Moore

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson Chairman Board of County Commissioners of Gallatin County, Montana, on the 20th day of January, 1899, to view and lay out a proposed road, as prayed for in the petition of A. J. Hamilton and others, described as follows, to-wit.

Commencing at the S.W. Cor. of the N.W. 1/4 of Sec. (No. 20) T. 1 N. R. 5 E. Running thence due north one half thence due east one fourth mile, Thence due north 3/4 mile to the west line of the East Gallatin Cemetery.

The above proposed road runs over and through the lands, ^{now} owned and occupied by Mrs. Melton, Mr. Bert White, Chas. Stryker, J. W. Alexander and A. J. Hamilton

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with Joseph Davis, who was duly appointed as a Viewer on said road by the C. M. Thorpe County Surveyor and ^{with} the County Surveyor, who is Chairman of said Board of Viewers, on the 28th day of April, 1899, 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 12th

day of April, 1899.

C. M. Thorpe

County Surveyor.

By _____ Deputy.

RETURN OF SHERIFF

21

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 18th day of January 1899, to view and mark out a proposed County road as prayed for in the petition of A. J. Hamilton et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 28th day of April, 1899, the time fixed by said Surveyor, and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Commencing at the S.W. Cor. of the N.W. 1/4 of Sec. (No. 20) in T. 1 N. R. 5 E. Running thence due north one half mile, Thence due east one fourth mile, Thence due north 3/4 mile to the west line of the East Gallatin Cemetery. The above proposed road runs over and through the lands now owned by and occupied by Mrs. Melton, Mr. Scott White, Chas. Stryker, W. J. Alexander and A. J. Hamilton.

Dated this 12th day of April, 1899.

C. M. Thorpe

Joseph Davis

John Moore

} 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.,

1899 three copies of the annexed notice, and that on the 12 day of April 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 door of the County Clerk's office.

and further deponeth sayeth not.

Subscribed and sworn to before me this 12th day of April A. D., 1899

C. M. Thorpe

E. B. Blankenship
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 and the Co. Surveyor.} at the ^{together with said Co. Surveyor} Term of said Board to view a proposed road running from ^{the S.W. Cor. of the}

N.W. 1/4 of Sec 20 T.1N. R.5E.
to the East Ballatin Cemetery say,

That on the 28th day of April, 1899, we started from the above ^{described starting pt.} 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 described as follows to wit:—beginning at the S.W. corner of the N.W. 1/4 of Sec. 20 T.1S. R.5E. thence north to a point 20 feet north of the N.W. corner of said Section 20 (see back of report.)

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

To Mrs. H. Melton damages in excess of benefits for road on E. side of N.E. 1/4 of Sec. 19 T.1S. R.5E. \$50.00, to W.S. White for road on West side of N.W. 1/4 of Sec. 20 said T.1S. R.5E. excess of damages over benefits \$60.00 We consider the benefit to W.J. Alexander and all other property owners not mentioned above to be equal to the damages.

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

4. The names of land owners who do not consent and the amount of damages claimed by each, as follows: Mrs. H. Melton owner of N.E. 1/4 of Sec. 19 T.1S. R.5E. claimed \$125.00 W.S. White owner of N.W. 1/4 of Sec. 20 said T.1S. R.5E. \$125.00 W.J. Alexander owner of E. 1/2 of S.W. 1/4 Sec. 17 claims \$15.00 damages.

5. The following facts bearing upon the subject, which may be of importance to the Board:

We find that the road will be an advantage in getting to the East Ballatin Cemetery from the South West. It will also give an outlet for C.F. Stryker and A.P. Hamilton in going toward Belgrade, they also have an outlet east (see page of report)

We believe said road is to be practicable and is of public utility and necessity and do not recommend the establishment of the same. subject to conditions as stated on the back of this report.

Dated Apr 29, A. D., 1899

C.M. [Signature]
John A. Moore
Wm. [Signature] } Road Viewers.

(No. 1 Continued)

thence east parallel with the south line of $N. \frac{1}{2}$ of the S.W. $\frac{1}{4}$ of section 17, 4.15 R. 5 E. and 20 feet thence from to a point 20 feet west of the east line of said $N. \frac{1}{2}$ of S.W. $\frac{1}{4}$, thence north parallel with said east line 563 $\frac{7}{10}$ feet, thence east 40 feet, thence north parallel with said east line along C.F. Stryker's house and yard on the east side of same, 180 feet, thence west 40 feet, thence north parallel with said east line and 20 feet west of same 1912.5 more or less to a point 20 feet west of the N.E. corner of said $N. \frac{1}{2}$ of S.W. $\frac{1}{4}$ of said section 17, thence $N. 16^{\circ} 29' E.$ 933.5 feet to foot of bluff, thence $N. 87^{\circ} 44' W.$ 186.5 feet to a point on top of bluff 20 feet west of the west end of the east Ballston cemetery, thence $N. 0^{\circ} 28' E.$ 172.5 feet parallel with the west end of said cemetery and 20 feet west of same, to the line of the fence on north side of said cemetery where said road terminates, the above described line is the center line of the 40 foot right of way from the N.E. corner of $N. \frac{1}{2}$ of S.W. $\frac{1}{4}$ of Sec. 17 described above we find an open road runs east to the main N. & S. County road on the east side of said section.

The length of the proposed road is 8038 feet, equal to $1 \frac{57}{100}$ miles.

The probable cost of constructing the proposed road is \$100,000.

(No. 5 Continued)

from their places now. We would recommend that the road be 40 ft. wide as petitioned for. The ground over which it is proposed to lay out the road is nearly level and most of it is suitable for a road. After having viewed the proposed road we immediately surveyed the same, and marked the center line with iron pipe monuments set at all U.S. Government corners and angle points. The survey was made on Apr. 29th 1899.

We do not believe that the county should be to all the expense of building the road and also the cost for right of way, and would recommend that the petition be granted provided the petitioners and benefited parties construct the road, subject to acceptance by the County, which they ^{agree to} do as shown by the annexed agreement. The road running east mentioned above is a private road which was bought for an outlet from the Stryker place east.

Bozeman, Montana, May 11th. 1899.

To the Honorable Board of County Commissioners.

Dear Sirs:-

I have the honor to submit herewith the following papers in the matter of the petition of A. T. Hamilton et al for a Co. road running to East Gallatin Cemetery, as follows

First; The petition.

Second; Notice to the Chairman of the Board to appoint viewers and the appointment of 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 and consent of land owners where given.

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.

Yours Respectfully,

C. M. Thorpe
Co. Surveyor. Per M. E. J.

BOZEMAN, MONTANA,

Apr 29

1899

To the Honorable Board of County Commissioners
of Gallatin County Montana.

Gentlemen:

I hereby agree with
what assistance I may get from other parties ^{benefitting}
to do all ~~work~~ ^{grading} and furnish all material ^{for bridges & construction} ^{sound} required
to open the road known as "the road to the East
Gallatin Cemetery" for safe travel. subject to approval
by your honorable body.

Respectfully,

C. C. Stryker

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.

John A. Moore

Subscribed and sworn to before me this *28th* day

of *April* 189*9*

C. M. Thorpe

County 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 ^{Co. Surveyor} Board of County Commissioners.

W. E. Davis

Subscribed and sworn to before me this *28th* day

of *April* 189*9*

C. M. Thorpe

County Surveyor

This must be returned to the County Clerk after execution.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 40 feet in width feet for a Right of Way, for a County

Road, through or along the S. 1/2 of N.W. 1/4 of Sec. 17, T. 1 S. R. 5 E.,
to the East Gallatin Cemetery

as viewed and surveyed by Joseph Davis, John Moore, & C.M. Throck

on the 28th day of April, 1899. And hereby agree to place

my fences on said lines without charge to the County. also to do all work required to
build the road across my land.

Signed: A. J. Hamilton

Dated at _____ this 28th day of April, 1899.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 40 feet in width. feet for a Right of Way, for a County

Road, through or along the S. end & E. side of the Sec. 17, T. 1 S. R. 5 E.,
except along the east side of my property for a distance of 200 feet where
the 40 ft. right of way is to be kept to the E. line of said S.W. 1/4
as viewed and surveyed by Joseph Davis, John Moore, and C.M. Throck

on the 28th day of Apr, 1899. And hereby agree to place

my fences on said lines without charge to the County.

Signed: C. F. Stryker

Dated at _____ this 28 day of April, 1899.

Form 1548.

REGISTRY RETURN RECEIPT sent APR 12 1899, 1899

Reg. No. 46 from Post Office at BOZEMAN, MONT.

Reg. Letter } Addressed to Joseph Davis
Reg. Parcel } Belgrade 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.

Jos. Davis

* Erase letter or parcel according to which is sent.

To the Honorable board
of county commissioners of
gallatin county Dear sirs
when I signed to stuykers
petition for road running
down on Mrs Meltons East
line for one half mile he
said it was satisfactory
with Mrs Melton and I said
if it was not I would ask
to have my name scratched
off later Mrs Melton said
to me that it was not
satisfactory for said
road to run there
therefore I ask to have
my name scratched off
yours respectfully
Jas M. Maone

REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.

Registered ^{Letter} Parcel No. 46 Rec'd. 4-12 1899
of Bo Sur

addressed to Joseph Davis
Belgrade MT

W. B. BURKET, P. M. P. M.

REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.

Registered ^{Letter} Parcel No. 47 Rec'd. 4-12 1899
of Bo Sur

addressed to John Moore
Belgrade MT

W. B. BURKET, P. M. P. M.

TIN R 5 E. N. 1

