

No. of Case *Road 148*

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

*Change in Road to
Trail Creek*

*Petitioned for by F.M. Romp
et-al.*

FILED ^{Plaintiff}
vs

JUL 25 1899

E.W. Blankenship
County Clerk

Defendant

Action for *Rept of Viewers*
accepted & petition not granted
Sept 9th 1899 J. 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. 5, in the County of Gallatin, State of Montana, where the road hereafter petitioned ^{to be altered} ~~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 ~~own the same~~ ^{that said road be altered and that said alteration} 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:

The general course of the said alteration is to be, if this petition be granted, South, East, and North West of a crop and over Section 12, Township 3 South of Range 7 East over lands therein of Francis M. Roof who consents thereto, and John Boyson, who consents, Julius Baltuzor, who does not consent thereto, all of said land having been found, the probable cost of the right of way across the land of said Baltuzor will be nothing. The necessity of the proposed road is that where the road to be altered now runs is difficult and very expensive to be kept open and the proposed is a better and shorter route and easy and inexpensively kept open and in good condition and repair. Said Roof and Boyson will grant, without any pay therefor, lands thereon their respective lands of record.

NAMES:

1. Francis M. Roof
2. John Boyson
3. R. H. Boorman
4. Henry Harrison
5. J. C. Mansfield
6. Mrs. Peter Murphy

NAMES:

6. M. Johnson
7. W. Jersey Linker
8. Mountain Home Coal Co
9. W. Hoffmann
10. W. J. Frankham

Mountain House to sue for
for C. W. Hoffmann

Bay National Bank owners in Hudson Mine

E. C. Maschell

J. W. Jones

For Mr. Laggart

Charles Bidman

David A. Hayes

J. W. Jones
W. C. Howell

~~J. W. Jones~~
~~W. C. Howell~~

NAME

NAME

NAME

NAME

NAME

NAME

Office of County Surveyor, Gallatin County Montana.

Bozeman, June 17th. 1899.

Hon^d J. L. Patterson,

Chairman Board of County Commissioners, Gallatin Co. Mont.

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 Francis M. Roup and 19 other residents of Road District No. 5. The above road is to run southeasterly & north westerly through Sec. 12 T. 3 S. R. 7 E. You are hereby requested to appoint one Viewer on the above proposed road.

Respectfully

C. M. Hope

County Surveyor.

Office of Board of County Commissioners, Gallatin Co. Mont.

Mr. C. M. Thorpe

County Surveyor, Gallatin County Montana.

Dear Sir:- In pursuance of the above notice, I hereby appoint Mr. *A. D. Taylor* to act in behalf of the Board of County Commissioners as a Viewer of the above petitioned for road.

Respectfully

J. L. Patterson

Chairman Board of County Commissioners, Gallatin Co. Mont.

Dated at Bozeman, Mont. this 26 day of June 1899.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. Jas McTaggart

You 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 June, 1899, to view and lay out a proposed road, as prayed
for in the petition of Francis Roup and others, described as follows, to-wit:

Beginning at a Point in the road leading to
Trail Creek said point being at or near Station
706+70.6 of the survey of said road as made by
C. M. Thorpe on May 9th 1893 thence following along
or near the Yellowstone Park Rail way and the
Creek, in a south easterly direction through a
portion of Sec. 12 T. 3 S. R. 7 E. to a point on the
line between Gallatin Co and Park Co. about
100 feet south westerly from the point where
the center line of said Rail way crosses said
County line.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with A. D. Taylor, who was duly appointed as a
Viewer on said road by the Chairman Board of Co Commissioners and by the
County Surveyor, who is Chairman of said Board of Viewers, on the 17th day of
July, 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 27th
day of June, 1899.

C. M. Thorpe
County Surveyor.

By _____ Deputy.

Views to meet at starting point at 10. A.M. on
the above date.

WARRANT FOR ROAD VIEWERS.

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

MR. A. D. Taylor

You are hereby notified that you were duly appointed Road Viewer by J. B. Patterson Chairman Board of Co. Commissioners of Gallatin County, Montana, on the 26th day of June, 1899, to view and lay out a proposed road, as prayed for in the petition of Francis M. Roup and others, described as follows, to-wit.

Beginning at a point in the road leading to Goat Creek said point being at or near Station 706+70.6 of the survey of said road as made by C. M. Thorpe on May 9th 1893, thence following along or near the Yellow Stone Park Rail Way and the Creek, in a south easterly direction through a portion of Sec. 12 T. 3 S. R. 7 E. to a point on the line between Gallatin Co. & Park Co. about 100 feet south westerly from the point where the center line of said Rail Way crosses said County line.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with Francis Jas McTaggart, who was duly appointed as a Viewer on said road by the C. M. Thorpe County Surveyor and by the County Surveyor, who is Chairman of said Board of Viewers, on the 17th day of July, 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 27th day of June, 1899.

C. M. Thorpe
County Surveyor.

By _____ Deputy.

Viewers to meet at starting point at 10 A. M. on the above date.

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 20th day of June, 1899, to view and mark out a proposed County road as prayed for in the petition of Francis M. Raup et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 17th day of July, 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:

Beginning at a point in the road leading to Trail Creek said point being at or near Station 702.00 of the survey of said road as made by C. M. Thorpe on May 9th 1893 thence following along or near the Yellow Stone Park Rail way and the Creek, in a south easterly direction through a portion of sec. 13 T. 38 R. 7 E. on the line between Gallatin Co and Park Co. about 100 feet south westerly from the point where the center line of said Rail way crosses said Co. line.

Dated this 27th day of June, 1899.

C. M. Thorpe
Jas. McTaggart
A. D. Taylor } VIEWERS.

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

C. M. Thorpe being first duly sworn deposes and says, that as the County Surveyor of said County 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 28 day of June, 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 front door of the County Clerk's office

and further deponeth sayeth not.

Subscribed and sworn to before me this 28 day of June, A. D., 1899
C. M. Thorpe
E. V. Blankenship
 County Clerk

REPORT OF ROAD VIEWERS.

ROAD NO. 148

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY, MONTANA:

We, the undersigned Road Viewers, consisting of A. D. Taylor who was appointed by the Chairman of the Board of County Commissioners, C. M. Thorpe County Surveyor, and Jas Mc Teggart who was appointed by said Surveyor.

appointed to view a proposed ^{change of} road running from a point in the road leading to Trail Creek said point being at or near Sta. 706 + 70.6 of the survey of said road as made by C. M. Thorpe on May 9th 1893 to a point on the line between Gallatin and Park County about 100 ft. S.W. from the point where the Yellowstone Park Railway crosses said line as described in the annexed petition, say, That on the 17th day of July

A. D., 1899 we assembled at the place designated in the petition, as the starting point of such proposed road and proceeded to view the same, and submit the following report:

1. The width of the proposed ^{change of} road, the description of the center line of the same, the length, how defined, the marks and ~~sources~~ grades, character of ground, description of the land and owners of the same, over which the proposed ^{change of} road passes, and probable cost of constructing the said road, as follows:

The width of the proposed road is 60 feet, the description of the center line as described in the petition is as follows to wit: Beginning at a point in the road leading to Trail Creek said point being at or near Station 706 + 70.6 of the survey of said road as made by C. M. Thorpe on May 9th 1893, thence following along or near the Yellowstone Park Railway and the creek in a South easterly direction through the portion of Sec 12. T. 3 S. R. 7 E. to a point on the line between Gallatin and Park County, said point being about 100 feet south westerly from the point where said County line is crossed by the center line of the Yellowstone Park Railway. The length of the proposed road is nearly one mile.

The line of the road was not surveyed or marked out for reasons stated below. The grades would not be greater than on the old road. We find quite a portion of the proposed road passes over wet soft ground over which a ^{summer} good road could not be made without throwing up heavy grades if this was done the grades would be poor slipping in winter. The description of the land and owners are as follows: The N.W. 1/4 of Sec 12 T. 3 S. R. 7 E. owned by Julius Baltzger, the S.W. 1/4 of said Sec owned by John Boyson, and the S.E. 1/4 of said Sec owned by F. M. Kemp. The probable cost of constructing the proposed road is \$500.00

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~~ ^{Chairman of the board of} of County Commissioners.

Arthur Taylor

Subscribed and sworn to before me this 17th day

of July 1899

E. 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.

Subscribed and sworn to before me this _____ day

of _____ 189_____

This must be returned to the County Clerk after execution.

A more complete description of the proposed road
 Beginning at a point on the road leading to trail creek
 said point being at or near station 706 + 40.6 of the survey
 of said road as made by G.M. Thorp on May 9th 1843
 thence following along or near the Yellow Stone Park Railway
 and the creek, in a south easterly direction to a point
 on the line between Gallatin County and Park County
 about 100 feet south westerly from the point where the center
 line of said Railway crosses said county line.

REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.

Registered Letter { No. 312 Rec'd. June 28 1899
 Parcel {

of Co Sur

addressed to Ad Taylor
Bozeman mt

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

REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.

Registered Letter { No. 313 Rec'd. June 28 1899
 Parcel {

of Co Sur

addressed to James Taggart
Bozeman mt

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

Form 1548.
REGISTRY RETURN RECEIPT sent June 28, 1899
 Reg. No. 312 from Post Office at Bozeman, Mont.
 *Reg. Letter } Addressed to A. D. Taylor
 Reg. Parcel } Bozeman, 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.
 (Sender's name on other side.) { PARCEL.
 SIGN ON DOTTED LINES TO THE RIGHT. } Mannie Taylor.
 When delivery is made to other than addressee, the name of both addresser and recipient must appear. } A. D. Taylor.
 * Erase letter or parcel according to which is sent.

Form 1548.
REGISTRY RETURN RECEIPT sent: JUN 28 1899, 189
 Reg. No. 313 from Post Office at Bozeman, Mont.
 *Reg. Letter } Addressed to James Jaggard
 Reg. Parcel } Chesult, 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.
 (Sender's name on other side.) { PARCEL.
 SIGN ON DOTTED LINES TO THE RIGHT. } James Jaggard
 When delivery is made to other than addressee, the name of both addresser and recipient must appear.
 * Erase letter or parcel according to which is sent.