

Notices sent Sept. 16, 1899

No. of ~~Case~~ Road No 153

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

Beaver Creek Road.  
from mouth of canyon to  
County line petitioned  
for by W.H. Williams et al.  
Plaintiff

vs.

FILED

JUL 31 1899

Defendant

Action for O. Blankenship  
County Clerk  
J.P. Myler  
vs.

Non Consenting Land owners  
to be notified to appear at  
return session Oct 29  
Sept 9 99 J.P. Patterson  
Chairman

Report of viewers rejected  
Oct 2-17  
J.P. Patterson  
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 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:

Beginning at the terminus of the Co Road known as the Bear creek road, near the S.E. Cor of Sec. 26 T2S, R6E, as surveyed and laid out in Oct 1896 (see Plat Book of Roads Vol 9, P. 189) thence running up said Bear creek along the old traveled road, or by the most practical route to the N. West Corner of <sup>Sec. 16, 3d R7E</sup> as near as practical and then running east to the East line of S16-3d R7E to the County line

- Bover & Hunt does not consent and states no price.
- over W.H. Williamson on S36T2SR6E wants one Hundred Dollars
- over L. Woodring on S36T2SR6E wants one Hundred Dollars
- over S.R. Hays on S36T2SR6E wants one Hundred Dollars
- over S16T3SR7E School land over S9T3SR7E Government
- over the N.W. 1/4 of S16-3d R7E no claimant over the N.E. 1/4 of S16-3d R7E G.H. Capple no damage
- (g) The Parties living along said Road needs a way out and is needed by the public

NAMES:

- 1 W.H. Williams
- 2 L. Woodring
- 3 S.R. Hays
- 4 A. Taylor
- 5 Geo. Howard

NAMES:

- 6 A. Bigelow
- 7 W. Madala
- 8 Jas. R. Robinson
- 9 G.W. Reynolds
- 10 Geo. H. Capple

E. Rouse city

Office of County Surveyor Gallatin County Montana.

Bozeman April 6th. 1899.

Hon.

*J. L. Patterson*

Chairman, Board of Commissioners of Gallatin County Mont.

Dear Sir:-

You are hereby given notice that a petition has been received at my office signed by W. H. Williams and 9 other residents of road district No. 5 Through which district said road is to run.

Asking that a road be established from the mouth of Bear cañon to County line. *please appoint a viewer to act on said petition as provided by law.*

Very Respectfully

*C. M. Hooper*

County Surveyor.

In pursuance of the above notice I hereby appoint Mr. *E. A. Broox*

*Martin* to act on behalf of the Board of County Commissioners as a Viewer on the above petitioned for road.

Dated at Bozeman Montana this 15 day of Apr 1899.

*J. L. Patterson*

Chairman, Board of Commissioners Gallatin County Mont.

# WARRANT FOR ROAD VIEWERS.

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

MR. E. Ross Martin

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson  
Chairman Board Co. Commissioners of Gallatin County, Montana, on the  
15<sup>th</sup> day of April, 1899, to view and lay out a proposed road, as prayed  
for in the petition of H. H. Williams and others, described as follows, to-wit:

Beginning at the terminus of the Co. Road known  
as the Bear Creek Road near the S. E. Cor. of Sec. 26  
T. 2 S. R. 6 E. as surveyed and laid out in Oct. 1896  
(see Plat Book Vol. A. P. 189) thence running up Bear  
Creek along the old traveled road or by the most  
practical route to the N. W. Cor. of Sec. 16 T. 2 S. R. 7  
E. or as near as practical thence running  
east to the east line of Sec. 16 said T. 2 S. R. to the  
County line.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with E. A. Rouse, 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 26<sup>th</sup> 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 practical 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 practical, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand, at my office this 6<sup>th</sup>  
day of July 1899.

C. M. Thorpe  
County Surveyor,

By \_\_\_\_\_ Deputy.

# WARRANT FOR ROAD VIEWERS.

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

MR. E. O. Rowe

You are hereby notified that you were duly appointed Road Viewer by C. M. Thorpe  
County Surveyor of Gallatin County, Montana, on the  
15<sup>th</sup> day of April 1899, to view and lay out a proposed road, as prayed  
for in the petition of W. H. Williams and others, described as follows, to-wit:

Beginning at the terminus of the Cr. Road known  
at the Bear Creek Road, near the S. E. Cor of Sec. 26  
T. 2 S. R. 6 E. as surveyed and laid out in Oct. 1896  
(see Plat Book of Roads Vol. A P. 189) thence  
running up Bear Creek along the old traveled  
road, or by the most practical route to the N. W.  
Cor of Sec. 16 T. 3 S. R. 7 E. or as near as practical  
thence running east to the east line of Sec. 16  
said T. 3 S. R. to the County line.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with E. Brook Martin, 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 26<sup>th</sup> 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 practical 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 practical, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand, at my office this 6<sup>th</sup>  
day of July 1899.

C. M. Thorpe  
County Surveyor.

By \_\_\_\_\_ 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 15<sup>th</sup> day of April, 1899,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 26<sup>th</sup> 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 the terminus of the Co. Road known as the Bear Creek Road, near the S. & E. cor. of Sec. 26 T. 2 S. R. 6 E. as surveyed and laid out in Oct. 1896 (see Plat. Book of Roads Vol. A. P. 189) thence running up, Bear Creek along the old traveled road, or by the most practical route, to the N. W. Cor. of Sec. 16 T. 3 S. R. 7 E. or as near as practical. Thence running east to the east line of Sec. 16 said T. & R. to the County line.

Dated this 5<sup>th</sup> day of July, 1899.

C. M. Thorpe  
E. A. Rouse  
E. Boox Martin } VIEWERS.

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

E. A. Rouse being first duly sworn deposes and says, that as the viewer appointed he received from the County Surveyor of said County, on the 8<sup>th</sup> day of July, A. D., 1899, two copies of the annexed notice, and that on the 11<sup>th</sup> day of July, 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 near the starting as described above, and one near the terminus.

and further deponeth sayeth not.

Subscribed and sworn to before me this 26<sup>th</sup> day of July, A. D., 1899  
E. A. Rouse  
C. M. Thorpe  
Co. Surveyor

# REPORT OF ROAD VIEWERS.

ROAD NO. 153

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

We, the undersigned Road Viewers, consisting of C.M. Thorpe County Surveyor, E.A. Roun who was appointed by said Surveyor, and L. Hooding who was appointed by the above two viewers, in place of E. Brock Martin who failed to appear,

appointed to view a proposed road running from the terminus of the Co. Road known as the Bear Creek Road as surveyed in Oct. 1896.

to a point on the County line between Gallatin & Park Counties near the E. line of Sec. 16 T. 2 S. R. 6 E. as described in the annexed petition, say, That on the 26<sup>th</sup> 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 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 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 of the proposed road as surveyed by us is as follows to wit: Beginning at the terminus of the County Road known as the Bear Creek Road near the S.E. Cor. of Sec 26 T. 2 S. R. 6 E. as surveyed and laid out in Oct. 1896 (see old Bank of records

Vol. "A" P. 189	thence S. 14° 19' N. to sta. 61+67.
thence by 100 foot stations as follows.	" S. 10° 36' N. " " 64+39.8.
from Sta. 0, S. 63° 30' E. to Sta. 4+98.	" S. 36° 05' E. " " 66+54.8.
thence S. 43° 32' E. to Sta. 9+51.4.	" S. 0° 09' E. " " 67+38.4.
" S. 19° 27' E. " " 11+44.6.	" S. 33° 54' E. " " 69+63.7.
" S. 15° 3' 11" E. " " 15+22.	" S. 21° 57' E. " " 70+34.3.
" S. 42° 26' E. " " 19+00.3.	" S. 12° 04' E. " " 76+20.
" S. 66° 05' E. " " 22+82.	" S. 15° 35' N. " " 79+13.
" S. 1° 17' N. " " 32+98.	" S. 57° 31' E. " " 81+52.7.
" S. 26° 16' E. " " 37+38.	" S. 33° 15' E. " " 83+65.3.
" S. 14° 13' E. " " 40+9.	" S. 5° 24' N. " " 84+45.4.
" S. 45° 58' E. " " 41+78.7.	" S. 42° 21' E. " " 86+67.6.
" S. 7° 41' E. " " 42+67.7.	" S. 47° 58' E. " " 91+92.5.
" S. 43° 19' E. " " 45+21.	" S. 50° 37' E. " " 95+262.
" S. 78° 12' E. " " 46+39.	" S. 30° 57' E. " " 100+63.6.
" S. 66° 20' E. " " 49+79.	" S. 56° 57' E. " " 103+40.6.
" S. 6° 42' E. " " 52+22.3.	" S. 31° 57' E. " " 108+22.5.
" S. 31° 01' E. " " 55+13.7.	" S. 60° 13' E. " " 111+3.4.
" S. 37° 56' E. " " 57+22.7.	" S. 68° 00' E. " " 111+91.
" S. 14° 08' E. " " 58+53.3.	" N. 88° 50' E. " " 115+78.
" S. 21° 08' E. " " 60+87.2.	" N. 84° 00' E. " " 117+7.2.

thence S. 51° 00' E to sta. 119+51.2	thence S. 47° 55' E to sta 207+99.6
S. 37° 52' E .. " 123+14.	S. 65° 37' E .. " 209+65.6
S. 20° 47' E .. " <sup>125</sup> 120+3.6	S. 43° 34' E .. " 214+27.5
S. 25° 27' E .. " 127+50.5	S. 10° 12' E .. " 217+26.
S. 15° 01' E .. " 129+6.2	S. 28° 40' E .. " 219+88.2
S. 28° 22' E .. " 131+21.4	S. 72° 29' E .. " 222+8.7
S. 60° 39' E .. " 132+70.	S. 85° 53' E .. " 224+40.
S. 15° 06' E .. " 134+96.	S. 59° 53' E .. " 227+49.
S. 45° 16' E .. " 136+2.	S. 71° 28' E .. " 232+44.
S. 2° 27' E .. " 138+27.	S. 85° 26' E .. " 236+47.5
S. 37° 43' E .. " 140+2.	S. 78° 35' E .. " 240+92.
S. 27° 36' E .. " 141+78.8	S. 85° 29' E .. " 242+43.4
S. 46° 20' E .. " 146+18.3	S. 52° 09' E .. " 245+64.
S. 37° 56' E .. " 151+69	S. 87° 52' E .. " 247+60.
S. 34° 58' E .. " 154+29.	S. 21° 37' E .. " 249+39.
S. 47° 45' E .. " 156+6.7	S. 12° 29' W .. " 252+62.
S. 41° 20' E .. " 157+19.4	S. 79° 01' E .. " 255+94.7
S. 35° 05' E .. " 158+44.4	N. 58° 29' E .. " 259+24.4
S. 57° 13' E .. " 159+89.	N. 43° 19' E .. " 261+31.7
S. 56° 10' E .. " 161+48.3	N. 79° 36' E .. " 262+86.
N. 80° 22' E .. " 162+32.9	N. 80° 38' E .. " 264+59.
S. 67° 23' E .. " 163.	N. 72° 50' E .. " 267+15.8
N. 83° 9' E .. " 166+68.4	N. 74° 48' E .. " 269+31.8
S. 57° 21' E .. " 169+36.8	N. 53° 25' E .. " 272+53.
S. 41° 51' E .. " 170+53.5	S. 74° 13' E .. " 274+62.
S. 55° 05' E .. " 173+92.	N. 56° 15' E .. " 276+60.
S. 62° 35' E .. " 177+7.7	S. 80° 45' E .. " 279+4.
N. 89° 31' E .. " 178+46.7	N. 70° 53' E .. " 281+52.6
S. 64° 29' E .. " 180+26.7	S. 61° 59' E .. " 289+10.6
N. 88° 42' E .. " 181+48.	S. 60° 24' E .. " 291+37.
N. 56° 22' E .. " 182	S. 55° 55' E .. " 293+9.
S. 83° 41' E .. " 185+27.7	S. 58° 01' E .. " 295+85.
S. 38° 28' E .. " 188+19.4	S. 73° 21' E .. " 298+50.
S. 30° 06' E .. " 191+59.	S. 48° 11' E .. " 301+97.
S. 1° 27' W .. " 194+78.3	S. 59° 09' E .. " 305+95.4
S. 35° 48' E .. " 195+87.	S. 72° 42' E .. " 308.
S. 50° 08' E .. " 199+50.	S. 74° 42' E .. " 310+3.
S. 60° 25' E .. " 200+71.3	S. 82° 20' E .. " 313+50.4
N. 83° 35' E .. " 203+ "	S. 69° 30' E .. " 318+10.6
S. 70° 00' E .. " 205+49.5	

for a more complete location of same and notes of bearing trees see map. The length is 6 <sup>07</sup>/<sub>100</sub> miles.

All angle points are indicated by stakes. Bearing trees were taken when convenient. The grade of the road when properly constructed will not exceed 10%. The character of the ground over which the road follows is as good for road building as most mountain country. The road as laid out by us follows along or near the road which has been constructed to the saw mill and as a logging road above the mill. The same is now improved and used but would require probably \$2000. to put the road in a safe condition for travel.



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

Alex S. McE Donald. L. Woodring

3. The names of the land owners who do not consent, and the amount of damages claimed by each, as follows:

T. Grant asks that the county construct a cattle pass on his land, and furnish material for fencing the road providing the road is laid out when surveyed by us, which saves two bridges which would be required if we followed the old road.

W. H. Williams, and S. R. Hays, also asks the county to construct a cattle pass and furnish fence material for each.

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

We would recommend that the county construct a cattle pass for T. Grant, and allow the change from <sup>two</sup> ~~one~~ <sup>bridges</sup> ~~one~~ <sup>to</sup> ~~one~~ <sup>bridge</sup>. We believe all other land owners will be benefited fully equal to the damages.

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

We find this proposed road is used by people from Payson and a large tract of country in getting wood and timber. The chief object of the petition is to prevent the road being fenced and changed by settlers near the lower end. of same.

We believe said road \_\_\_\_\_ to be practical and \_\_\_\_\_ of public utility and necessity and do \_\_\_\_\_ recommend the establishment of the same.

Dated July 29<sup>th</sup> A. D., 1899

L. A. Rouse  
C. M. Thorpe  
L. Woodring

Road Viewers.

111 3 1/2

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through ~~or along~~ the Sec. 16, T 3 S R 7 E., as viewed and surveyed by C. M. Thorpe, E. A. Rouse, and L. Woodring on the 28<sup>th</sup> day of July, 1899. And hereby agree to place my fences on said lines without charge to the County.

Signed: Alex. S. MacDonald

Dated at..... this 29<sup>th</sup> day of July 1899.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through ~~or along~~ the SE 1/4 of NW 1/4, the SW 1/4 of NE 1/4, NE 1/4 of SW 1/4 + NW 1/4 of SE 1/4 Sec. 36, T 2 S R 6 E., as viewed and surveyed by C. M. Thorpe, E. A. Rouse, & L. Woodring on the 26<sup>th</sup> & 27<sup>th</sup> day of July, 1899. And hereby agree to place my fences on said lines without charge to the County.

Signed: Lafayette Woodring

Dated at..... this..... day of..... 189.....

# 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~~ County Surveyor.

E. A. Rowan

Subscribed and sworn to before me this 26<sup>th</sup> day

of July 1899

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.~~

L. Woodring

Subscribed and sworn to before me this 26<sup>th</sup> day

of July 1899

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.

Subscribed and sworn to before me this ..... day

of ..... 189.....

This must be returned to the County Clerk after execution.

## REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.  
Registered Letter } No. 28 Rec'd JUL 7 1899 189  
Parcel }  
of Do Sur  
addressed to Ed Rouse  
Bozeman mt  
W. B. BURKET, P. M. P. M.

## REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.  
Registered Letter } No. 29 Rec'd JUL 7 1899 189  
Parcel }  
of Do Sur  
addressed to Ed Brot Master  
Bozeman. Mont.  
W. B. BURKET, P. M. P. M.

Form 1548. REGISTRY RETURN RECEIPT sent JUL 7 1899, 189

Reg. No. 28 from Post Office at Bozeman, Mont.

\*Reg. Letter } Addressed to E. A. Rouse  
 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. PARCEL.

(Sender's name on other side.)

SIGN ON DOTTED LINES TO THE RIGHT. E. A. Rouse

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 JUL 7 1899, 189

Reg. No. 31 from Post Office at Bozeman, Mont.

\*Reg. Letter } Addressed to E. Brook Martin  
 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. PARCEL.

(Sender's name on other side.)

SIGN ON DOTTED LINES TO THE RIGHT. E Brook Martin

When delivery is made to other than addressee, the name of both addressee and recipient must appear. A. M. Martin

\* Erase letter or parcel according to which is sent.