

No. of Case Road 154

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

Road from Hillsdale  
to the Horse Shoe Mts.  
In Dist No 6

**FILED** vs **Plaintiff**

MAY 21 1899

E. B. Blankenship  
County Clerk

E. H. Schumann vs Defendant

Ordered by the Board  
Action for that parties claiming  
damages be given notice to appear  
on July 12, 1899 @ 11 o'clock a.m.  
June 8, 1899. J. Patterson

Ordered that the Roadviewers  
report be adopted, and the road  
established a public highway

July 12th. J. Patterson  
attest E. H. Schumann  
Clerk

Attorney for Plaintiff

Attorney for Defendant

May 19<sup>th</sup> 8:30 AM

# 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:

Beginning at a point on the north line of Sec. 15  
T. 2 N., R. 4 E. where the same is crossed by the old  
road from Hillsdale, thence northward along or  
near the old traveled road through unsurveyed  
land to where said old road crosses the south line  
of section 33 T. 3 N., R. 4 E. thence leaving  
the old road and running west along or near  
the south line of sections 33 and 32 to the  
S.W. corner of said Sec 32, thence north along  
or near the line between sections 31 & 32  
to the N.E. corner of said Sec. 31 thence north  
westerly in Sec. 30 said T. & R. to a point near  
the S.W. corner of Lewis fence intersecting the old road  
at said point. The owners of the land over which  
the proposed road will run are as follows.

Wm Boyd  
J W Clime  
E M Lewis  
George Shiner  
P B Boyd  
J M Cluette

- NAMES:
1. Jephaniah White
  2. George Poff
  3. \_\_\_\_\_
  4. Charley Tudor
  5. W. M. Lewis

- NAMES:
6. J W Clime
  7. E. M. Lewis
  8. George Shiner
  9. P B Boyd
  10. J M Cluette

P.O. in main

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 for a County road has been received at my office signed by Zephaniah White and 9 other residents of road Dist. No. 6 through which district said road is to run,

Asking that a road be established from Hilledale to the Horse-- Shoe Mts. Please appoint a viewer to act on said petition as required by law.

Very Respectfully

*C. M. Thorpe*

County Surveyor

In pursuance of the above notice I hereby appoint Mr. *J. S. Weaver* to act on behalf of the Board of County Commissioners as a Viewer on the above petitioned for road.

Dated at Bozeman Montana, this 7 day of April 1899.

*J. L. Patterson*

Chairman, Board of Commissioners Gallatin County Mont.

# WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,  
Gallatin County, Montana.

MR. J. W. Clive.

You are hereby notified that you were duly appointed Road Viewer by C. M. Thorpe  
County Surveyor of Gallatin County, Montana, on the

7 day of April, 1899, to view and lay out a proposed road, as prayed  
for in the petition of Dephaniah White and others, described as follows, to-wit.

Beginning at a point on the north line of Sec. 15 T. 2 N. R. 4 E. where the same is crossed by the old road from Hillsdale, thence westerly along or near the old traveled road through unsurveyed land to where said old road crosses the S. line of Sec. 33 T. 3 N. R. 4 E. thence leaving the old road and running west along or near the south line of sections 33 and 32 to the S. W. Cor. of said Sec. <sup>32</sup> thence north along or near the line between sections 31 & 32 to the N. E. Cor. of said Sec. 31 thence N. Wly. in Sec. 30 said T. & R. to a point near the S. W. Cor. of Section 30 fence intersecting the old road at said point.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with J. B. Weaver, 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 19<sup>th</sup> day of

May, 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 14<sup>th</sup>  
day of April, 1899.

C. M. Thorpe  
County Surveyor.

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

*Will try and meet at the starting point at 8 o'clock A.M.*

# WARRANT FOR ROAD VIEWERS.

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

MR. J. B. Weaver

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson Chairman Board of Co. Commissioners of Gallatin County, Montana, on the 7th day of April, 1899, to view and lay out a proposed road, as prayed for in the petition of Deborah White and others, described as follows, to-wit. Beginning at a point on the north line of Sec. 15 T. 2 N. R. 4 E. where the same is crossed by the old road from Hillsdale, thence northerly along or near the old traveled road through unsurveyed land to where said old road crosses the south line of Sec. 33 T. 3 N. R. 4 E. thence leaving the old road and running west along or near the S. line of sections 33 & 32 to the S. W. Cor. of said Sec. 32, thence N. along or near the line between sections 31 & 32 to the N. E. Cor. of said Sec. 31 thence North westerly in Sec. 30 said T. & R. to a point near the S. W. Cor. of Lewis' fence intersecting the old road at said point.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with J. W. Blinn, who was duly appointed as a Viewer on said road by the County Surveyor C. M. Thorpe and by the County Surveyor, who is Chairman of said Board of Viewers, on the 19th day of May, 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 14th day of April, 1899.

C. M. Thorpe  
County Surveyor.

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

*will try and meet at the starting point at 8 a.m.*

# 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 7<sup>th</sup> day of April, 1899, to view and mark out a proposed County road as prayed for in the petition of Jephaniah White et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 19<sup>th</sup> day of May, 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 on the north line of Sec. 10 T. 2 N. R. 4 E. Where the same is crossed by the old road from Hillsdale, thence northerly along or near the old traveled road through unsurveyed land to where said old road crosses the south line of Sec. 33 T. 3 N. R. 4 E. thence leaving the old road and running west along or near the south line of sections 33+32 to the S. W. Cor. of said Sec. 32. thence north along or near the line between sections 31+32 to the N. E. Cor. of said Sec. 31 thence north westerly in Sec. 30 said T. & R. to a point near the S. W. Cor. of Lewis' fence intersecting the old road at said point.

Dated this 14<sup>th</sup> day of April, 1899.

C. M. Thorpe  
J. W. Cline  
J. B. Weaver } VIEWERS.

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

C. M. Thorpe  
 Co Surveyor

being first duly sworn deposes and says, that as the County Clerk he received from the County Clerk of said County, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 189\_\_\_\_, three copies of the annexed notice, and that on the \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_ 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. that on the 15<sup>th</sup> day of April 1899 he posted a copy of the annexed notice at the door of the County Clerk's office. and further deponeth sayeth not.

Subscribed and sworn to before me this 15<sup>th</sup> day of April A. D., 1899

C. M. Thorpe  
E. V. Blauership  
 County Clerk

# 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 7<sup>th</sup> day of April, 1899, to view and mark out a proposed County road as prayed for in the petition of Zephaniah White et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 19<sup>th</sup> day of May, 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 on the north line of Sec. 15 T. 2 N. R. 4 E. Where the same is crossed by the old road from Hillsdale, thence northerly along or near the old traveled road through unsurveyed land to where said old road crosses the south line of Sec. 33 T. 3 N. R. 4 E. thence leaving the old road and running west along or near the south line of sections 33+32 to the S.W. Cor. of said Sec. 32. thence north along or near the line between sections 31+32 to the N.E. Cor. of said Sec. 31

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

J. W. Oline being first duly sworn deposes and says, that as the County Clerk appointed Surveyor he received from the County Clerk of said County, on the 15<sup>th</sup> day of April, 1899, three copies of the annexed notice, and that on the 17<sup>th</sup> 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 above described starting point, and one at the terminus as described above

and further deponeth sayeth not.

Subscribed and sworn to before me this 19<sup>th</sup> day of May, 1899 A. D., 1899

J. W. Oline  
C. M. Thorpe  
Co. Surveyor

# REPORT OF ROAD VIEWERS.

To the Honorable, the Board of County Commissioners of Gallatin County:

C.M. Thorpe and J.W. Blinn two of the

WE, the undersigned Road Viewers, appointed by the Board of County Commissioners, at the

Term of said Board to view a proposed road running from a point on the North line of Sec. 15 T. 2 N. R. 4 E. where the same is crossed by the old road from Hildale

to a point in Sec. 30 T. 3 N. R. 4 E. on the old road near the S.W. Cor. of Lewis & Jones the day

That on the 19<sup>th</sup> day of May, 1899, we started from above described

starting point the place designated in the petition as the starting point of such proposed road and as J.B. Weaver the view appointed by the Chairman of the Board did not appear we appointed C. Melton to act in his place 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 center line of the 60 foot right of way is described as follows to wit: Beginning at the N. 1/4 Sec. Cor. of Sec. 15 T. 2 N. R. 4 E. some 1/4 Sec. Cor. being about 300 feet west of the old road. thence North on line of the N. & S. 1/4 Sec. line of Sec. 15 through unsurveyed Sec. 10 and into (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: We believe that all land owners will be benefitted fully 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: Z. White, W.G. Bond, J.W. Blinn Mrs. P. Foster, Chas. Hudson (see map for location)

4. The names of land owners who do not consent and the amount of damages claimed by each, as follows: R. Prather, G.R. Alexander & C.M. Smith.

all squatters on Unsurveyed Sec. 10 T. 2 N. R. 4 E each claims damages in excess of benefits in the amount of the cost of their land plus for 1/2 mile of fuel.

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

The proposed road passes over ground suitable for road building with grades not exceeding 8% to 9% and will make the good road this road is greatly needed as an outlet for the settlers (see back of report)

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

Dated May 20<sup>th</sup>, A. D., 1899

C.M. Thorpe  
C. Melton  
J.W. Blinn  
Road Viewers.





Order No. 11

May 19<sup>th</sup> 1899

We the undersigned residents and parties benefited by the portion of the proposed road from Hillsdale to the Hornshee Mountain in Road District No. 6, hereby agree to do all the grading required along the proposed road, and not to ask the county for any work or expenses on said road except the construction of necessary culverts & bridges.

P. C. Poud.

J. W. Kline

W. D. Poud.

Zephaniah Whit

J. E. Poff

Wm Lewis.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 30 feet in width for 1/2 of a feet for a Right of Way, for a County Road, through or along the East side of Sec. 31, T. 3 N., R. 4 E., as viewed and surveyed by C.M. Thorne, J.W. Cline + C. Mellon on the 20th day of May, 1899. And hereby agree to place my fences on said lines without charge to the County.

Signed: W. J. Proster

Dated at this 2 day of May 1899.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 30 feet in width for 1/2 of feet for a Right of Way, for a County Road, through or along the W. side of the N.W. 1/4 of S.W. 1/4 of Sec. 32, T. 3 N., R. 4 E., as viewed and surveyed by C.M. Thorne, J.W. Cline + C. Mellon on the 20th day of May, 1899. And hereby agree to place my fences on said lines without charge to the County.

Signed: J. W. Cline

Dated at this 20 day of May 1899.

Dated at this day of 1899

Signed: J. W. Cline  
my fences on said lines without charge to the County.  
on the 19th day of May, 1899. And hereby agree to place  
as viewed and surveyed by C.M. Thorne, J.W. Cline + C. Mellon  
Road, through or along the South side of 1/2 of Sec. 33, T. 3 N., R. 4 E.,  
and about the S.W. 1/4 of the S.W. 1/4 of Sec. 33, T. 3 N., R. 4 E.

I Hereby Agree, and consent to give a strip of land 30 feet in width for 1/2 of feet for a Right of Way, for a County Road, through or along the

To the County of Gallatin, State of Montana:

BOZEMAN, MONTANA, *Apr 15* 1899

Received of C. M. Thorpe warrant to act as  
road viewer on Road petitioned for by  
Ziphovich White et al, and two notices  
to be posted. J. W. Cline

### 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 <sup>Co. Surveyor</sup> Board of County Commissioners. —

*J. W. Cline*

Subscribed and sworn to before me this *19<sup>th</sup>* day

of *May* 189*9*

*C. M. Thorpe*

*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.

*Emelius Melton*

Subscribed and sworn to before me this 19 day

of May 1899

*E. M. Thorne*

*Co. Surveyor*

This must be returned to the County Clerk after execution.

Bozeman, Montana, June 14th. 1899.

You are hereby notified that the Board of Commissioners of Gallatin County, State of Montana will meet in special session on July 11th 1899 at 11 o'clock a.m to hear the nonconsenting land owners on the road petitioned for by Z. White and others in section 10 Township 2 north range 4 east. You will please be present at that time.

To..... *G. R. Alexander* .....

By order of the Board

*Arden View* .....

E.V. Blankenship County Clerk.

as clerk of the Board.

*Prater & Smith  
only damage claimed is for  
opening 1/2 mile each.*

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 30 feet in width for 1/2 of feet for a Right of Way, for a County Road, ~~through~~ or along the W. side of the NW 1/4 of Sec. 32, T. 3 N. R. 4 E., as viewed and surveyed by C.M. Thorpe, J.W. Clinch & C. Melton on the 20<sup>th</sup> day of May, 1899. And hereby agree to place my fences on said lines without charge to the County.

Signed: Leahy Fisher

Dated at \_\_\_\_\_ this 24<sup>th</sup> day of May, 1899.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give a strip of land 30 feet in width for 1/2 of feet for a Right of Way, for a County Road, ~~through~~ or along the North side of NW 1/4 of Sec. 4, T. 2 N. R. 4 E., unimproved. as viewed and surveyed by C.M. Thorpe, J.W. Clinch & C. Melton on the 19<sup>th</sup> day of May, 1899. And hereby agree to place my fences on said lines without charge to the County.

Signed: W. D. Pond

Dated at \_\_\_\_\_ this 19<sup>th</sup> day of May, 1899.

# 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 the north  $\frac{1}{4}$  Sec. Cor. of

Sec. 15 T. 2 N. R. 4 E. said  $\frac{1}{4}$  Sec. Cor. being about 300 feet west of the old road, thence north on line of the N. & S.  $\frac{1}{4}$  Sec. line of Sec. 15 produced north through unsurveyed Sec. 10 and into unsurveyed Sec. 3 said T. & R. a distance of 6031 feet thence north  $37^{\circ}-47'$  west 3517.5 feet, thence north  $50^{\circ}-22'$  west 359.8 feet, thence south  $75^{\circ}-48'$  west 622 feet, thence south  $49^{\circ}-48'$  west 1653.7 feet, thence north  $40^{\circ}-12'$  west 74 feet, thence north  $23^{\circ}-23'$  east 1183 feet, thence north  $22^{\circ}-32'$  west 444.7 feet, thence north  $57^{\circ}-19'$  west, 639.3 feet, thence north  $28^{\circ}-13'$  west 474 feet, thence to the S.  $\frac{1}{4}$  Sec. Cor. of Sec. 33 T. 3 N. R. 4 E. thence west along the south line of said Sec. 33 and the south line of Sec. 32 to a point 1136 feet west of the southeast Cor. of said section 32, thence south  $46^{\circ}-34'$  west 1340 feet, thence north  $80^{\circ}-26'$  west 153 feet, thence south  $29^{\circ}-27'$  west 210 feet, thence north  $84^{\circ}-07'$  west 223 feet, thence north  $56^{\circ}-11'$  west 396 feet, thence south  $52^{\circ}-57'$  west 956 feet, thence south  $77^{\circ}-34'$  west 1007 feet, thence north  $2^{\circ}-46'$  west 275.5 feet, thence north  $31^{\circ}-42'$  west 478.5 feet, thence north  $17^{\circ}-20'$  west 793.5 feet to the S. W. Cor. of Sec. 32 T. 3 N. R. 4 E. thence north along the Sec. line between sections 31 & 32 said T. & R. to a point 351 feet south of the northwest Cor. of Sec. 32 above described, thence north  $28^{\circ}-43'$  east 1036.5 feet, thence north  $12^{\circ}-01'$  east 1022.5 feet, thence north  $66^{\circ}-14'$  west 1433 feet, thence north  $81^{\circ}-56'$  west 1492 feet to a point in Sec. 30 said T. & R. near the southwest Cor. of Lewis' fence, the same being the terminus.

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

Dated July 12 1899

E. F. Blankenship  
Clerk,

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

Date of Posting Aug 14<sup>th</sup> 1899

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

J. W. Blair being first duly sworn deposes and says, that as the person appointed \_\_\_\_\_ he received from the County Clerk of said County, on the 5<sup>th</sup> day of August 1899 A. D., 1899, three copies of the annexed notice, and that on the 14<sup>th</sup> day of August 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 commencement also one at the gap about midway also one at the terminus of said road and further deponeth sayeth not.

J. W. Blair

thence to the S. 1/4 Sec. Cor. of Sec. 33 T. 3 N. R. 4 E.

thence west along the south line of said Sec. 33 and the south line of Sec. 32 to a point 1166 feet west of the southeast Cor. of said section 32, thence south 46-34' west 1340 feet, thence north 80-26' west 156 feet, thence south 29-27' west 210 feet, thence north 84-07' west 223 feet, thence north 56-11' west 396 feet, thence south 53-57' west 956 feet, thence south 77-34' west 1007 feet, thence north 2-46' west 275.5 feet, thence north 31-42' west 478.5 feet, thence north 17-20' west 793.5 feet to the S. W. Cor. of Sec. 32 T. 3 N. R. 4 E. thence north along the Sec. line between sections 31 & 32 said T. & R. to a point 354 feet south of the northwest Cor. of Sec. 32 above described, thence north 23-43' east 1036.5 feet, thence north 12-01' east 1022.5 feet, thence north 66-14' west 1433 feet, thence north 31-56' west 1492 feet to a point in Sec. 30 said T. & R. near the southwest Cor. of Lewis' fence, the same being the terminus.

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

Dated July 12 1899

E. F. Blankenship  
Clerk

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

Date of Posting Aug 14<sup>th</sup> 1899

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

J. W. Bline being first duly sworn deposes and says, that as the person appointed he received from the County Surveyor the County Clerk of said County, on the 5<sup>th</sup> day of August 1899 A. D., 1899, three copies of the annexed notice, and that on the 14<sup>th</sup> day of August 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 commencement also one at the gap about midway also one at the terminus of said road and further deponeth sayeth not.

Subscribed and sworn to before me this 14 day of Aug A. D., 1899

fill out & return to County Surveyor

J. W. Bline  
E. M. Thorpe  
Co Surveyor.