

No. of ~~Case~~ Road 155

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

Change in Dry Creek
Road

Petition of E. J. Moore.

FILED Plaintiff

MAY 29 1899

E. V. Blaukenship
County Clerk

E. H. Schumaker Defendant

Action for ~~Order~~ ^{Order} that the Road ~~owners~~ ^{owners}
report be accepted, and that the road
be not established.
June 8, 1899. *J. S. 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. 2 of Range 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:

Commencing at the S. W. corner of N. W. Quarter of section Thirteen (13) Township Two (2) N of Range Four (4) E Thence running North Between sections Thirteen (13) & Fourteen (14) of said Township and Range one half mile: Thence Due East about 80 yards ^{intersect} to the Dry creek road.

The road upon section Thirteen (13) is on the land belonging to Eben Moore and upon Fourteen belonging to Jessie McLean. The proposed road is necessary for the reason that it puts it on a section line which at present cuts off a long narrow strip ^{off of one quarter} and to avoid a long muddy swamp. Also saves crossing Beaver creek.

NAMES:

- 1 E. J. Moore
- 2 A. S. Watson
- 3 P. C. Bond
- 4 T. M. Cluster
- 5 W. D. Clark
- 6 J. A. Duhamel

NAMES:

- 6 J. A. Shandoltz
- 7 A. Watson
- 8 R. A. Kinley
- 9 J. M. Murry
- 10 H. D. ...
- P. C. Elliot

James H. H. H.
✓ J. G. C. H. H. H.
Levi McCallough
✓ C. J. H. H. H.
✓ H. H. H.
O. P. Morgan
John Sawbury
John H. Davis
✓ W. D. Watson
W. B. Murray
✓ L. J. Morgan
✓ J. H. H. H.
✓ D. A. Morris
Samuel Miller

Road No. 156
E. J. Moore

Office of County Surveyor Gallatin County, Montana.

Bozeman April 6th. 1899.

Hon. J. L. Patterson

Chairman Board of Co. Commissioners of Gallatin Co. Mont.

Dear Sir:-

You are hereby given notice that a petition has been received at my office signed by E. J. Moore 10 other residents of road Dist. No. 6, Through which Dist. said road is to run, Asking a change in Dry Creek Road in sections 13 & 14 T. 2 N. R. 4 E. that it be changed to follow the line Sec. line. You are hereby requested to appoint one Viewer on the above proposed road.

Very Respectfully

C. M. Thorpe

Co. Surveyor.

Office of Board of Co. Commissioners Gallatin County Mont.

C. M. Thorpe

County Surveyor Gallatin County Montana.

Dear Sir:-

In pursuance of the above notice I hereby appoint Mr. *A. H. Conrow* to act on behalf of the Board of County Commissioners as a Viewer on the above petitioned for road. Dated at Bozeman Montana, This 27 day of April 1899.

J. L. Patterson

Chairman, Board of County Commissioners Gallatin Co. Mont.

WARRANT FOR ROAD VIEWERS.

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

MR. J. H. Courrow

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 C. J. Moore and others, described as follows, to-wit.

Beginning at the S.W. Cor. of the N.W. 1/4 of Sec. 13 T. 2
N. R. 4 E. Thence running north between
sections 13 & 14 said T. R. 1/2 mile. Thence
due east about 80 yds. to intersect the Dry
Creek Road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with L. J. Morgan, who was duly appointed as a
Viewer on said road by the County Surveyor C. M. Thorpe and ^{with} ~~by~~ the
County Surveyor, who is Chairman of said Board of Viewers, on the 16th day of
May, 1899, ^{at 1 o'clock P.M. or as soon after as we can meet} 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 24th
day of April, 1899.

C. M. Thorpe
County Surveyor.

By _____
Deputy.

WARRANT FOR ROAD VIEWERS.

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

MR. L. J. Morgan

You are hereby notified that you were duly appointed Road Viewer by C. M. Thorpe
County Surveyor 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 E. J. Moore and others, described as follows, to-wit:

Beginning at the S. W. Cor of the N. W. 1/4 of Sec. 13 T. 4 N. R. 4 E. Thence ^{running} north between sections 13 & 14 said T. & R. 1/2 mile, thence due east about 80 yds to intersect the Dry Creek Road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with S. H. Conrow, who was duly appointed as a Viewer on said road by the Chairman Board of Co. Commissioners and ^{with} the County Surveyor, who is Chairman of said Board of Viewers, on the 16th day of May, 1899, ^{at 1 o'clock P.M. or as soon after as we can meet} 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 24th

day of April, 1899.

C. M. Thorpe

County Surveyor.

By _____

Deputy.

RETURN OF FEE

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 7th day of April, 1899, to view and mark out a proposed County road as prayed for in the petition of E. J. Moore et. al.,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 16th day of May, 1899, ^{at 1 o'clock P.M. or as soon after as we can meet} 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 S.W. Cor. of the N.W. 1/4 of Sec. 13 T. 2 N. R. 4 E. Thence running north between sections 13 and 14 said H. & R. 1/2 mile, Thence due east about 20 yds. to intersect the Dry Creek Road.

Dated this 29th day of April, 1899.

C. M. Thorpe
E. J. Morgan
S. H. Benson } VIEWERS.

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

C. M. Thorpe
Co Surveyor

being first duly sworn deposes and says, that as the

~~he received from~~ the County Clerk of said County, on the _____ day of _____ A. D.,

1899, ~~three copies of the annexed notice, and~~ ^{the annexed} that on the 27 day of Apr., 1899 he posted a copy of ~~said~~ ^{the annexed} 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 Co. Clerk's office

and further deponeth sayeth not.

Subscribed and sworn to before me this 27th day of Apr, A. D., 1899.

C. M. Thorpe
E. D. Blankenship
County Clerk & Recorder

REPORT OF ROAD VIEWERS.

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

WE, the undersigned Road Viewers, appointed by the ^{Chairman of the, and by the Co. Sur.,} Board of County Commissioners, ^{at the} ~~together with noted surveyors~~ Term of said Board to view a proposed road running from ^{the S.W. Corner} of the ~~N.W. 1/4~~ ^{of the N.W. 1/4} of Sec. 13 T. 2 N. R. 4 E. to a point in the road as traveled said point being East of the N.W. Corner of said Section 13. That on the ^{16th} day of ^{May}, 1899, 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 center line of the 60 foot right of way is described as follows to-wit:—beginning at the S.W. corner of the N.W. 1/4 of Sec. 13. T. 2 N. R. 4 E. thence north 1/2 mile, thence East about 80 yards. to the old traveled road.
 (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 compensated 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: E. J. Moore agrees to give 1/2 of the right of way.

4. The names of land owners who do not consent and the amount of damages claimed by each, as follows: Jesse Mc Clure will not agree to give 1/2 the right of way and does not state what he claims.

5. The following facts bearing upon the subject, which may be of importance to the Board: As the line petitioned for would follow along by creek there would be great danger of the graded road being washed out by spring floods. We enclose an agreement (see back of report)

We believe said road ^{not} to be practicable and ^{not} of public utility and necessity and do ^{not} recommend the establishment of the same.

Dated ^{May 16th}, A. D., 1899

E. M. Thorpe
 L. J. Morgan
 S. H. Currier
 } Road Viewers.

No 1 Continued

The length of the road is $\frac{1}{2}$ mile and 80 yards.
 and would avoid the cutting off of about 12 acres of land
 owned by E. J. Moore which lies west of the old road.
 this would be the principal benefit resulting from said
 change. We find that on the line petitioned for that the
 road would cross Dry Creek twice, as the creek
 could be straightened in all except two places only two
 bridges would be required, which should be 24 ft. long.
 and would cost probably \$300.00
 the grading and clearing would probably cost. 800.00
 Total probable cost. \$1100.00

E. J. Moore agrees to donate \$25.00 worth of work.

No. 5 Continued

With E. J. Moore, whereby he agrees to make changes
 in the old road which will avoid a hill south of
 Muddy's for \$75.00 which we submit for your
 approval.

BOZEMAN, MONTANA,

May 29th 1899

To the Honorable Board of Co Commissioners
of Gallatin Co. Montana,
Gentlemen:-

I herewith submit the
following papers in the matter of the petition
of E. J. Moore^{et al} for a change in the Dry
Creek road.

First. The petition.

second, notice to the Chairman of the Board to appoint viewers,
and the appointment of the 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 viewers.

I have no suggestions to make other than those embodied
in the report of the viewers.

Very Respectfully,

C. M. Thorpe

Co Surveyor.

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.

L. J. Morgan

Subscribed and sworn to before me this 16th day

of May 1899

C. M. Hook

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 ^{Chairman of the} Board of County Commissioners.

S. H. Connor

Subscribed and sworn to before me this 16th day

of May 1899

C. M. Hook

Co. Surveyor

This must be returned to the County Clerk after execution.