

No. of Case Road 156

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

Silver Road

In Sections 22 and 27

N 2 S R 6 E.

FILED <sup>Plaintiff</sup>

MAY 23 1899

E. V. Blankenship

E. H. Schumacher <sup>County Clerk</sup> <sub>Defendant</sub>

Action ~~was~~ deferred until special July session  
June 8. 1899. J. A. Patterson <sub>Chairman</sub>

Action deferred until some  
future time J. A. Patterson <sub>Chairman</sub>  
Sept 9-99

Viewers Report accepted  
and Road not allowed

Oct 9, 1900 J. A. Patterson <sub>Attorney for Plaintiff</sub>

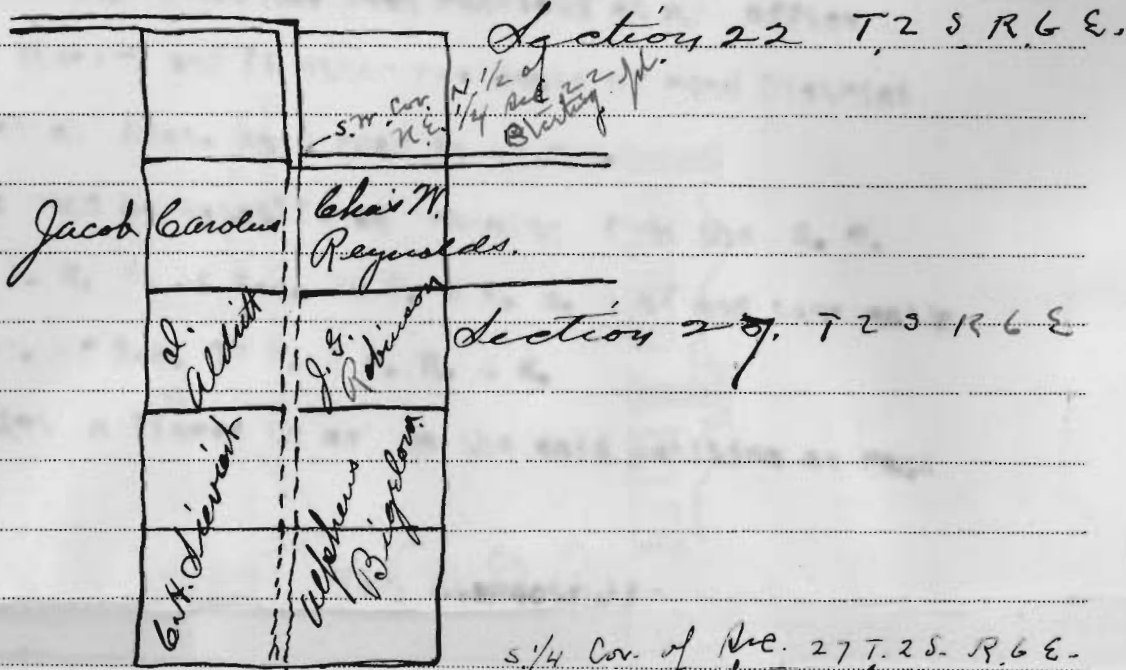
Attorney for Defendant

# 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, ~~200~~ <sup>thirty</sup> 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 are so named, 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:



- a. General route as shown by above diagram.
- b. Lands and owners " " " "
- c. J. Alditt and Aephens Bigelow.
- f.
- g. The importance of having this road is to afford better conveniences to the residents of this vicinity and to furnish an outlet for certain others, who at present, have, practically, no way whatsoever. G.H. Sivert agrees to do the grading & build all bridges required.

NAMES:

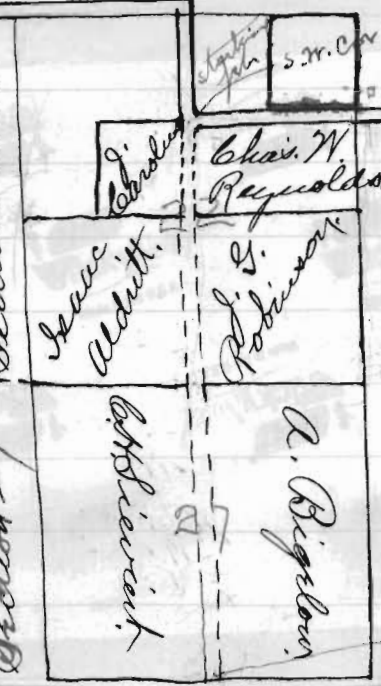
NAMES:

1. G. H. Sivert
2. James Hunt
3. Lafayette Woodring
4. Jacob Carolus
5. James R. Robinson
6. Dan. Snow

6. G. P. Hoff
7. Charles M. Reynolds
8. E. P. Rake
9. E. C. Howard
10. Louis Peri
11. E. E. Wohlberg

Damage to crops provided of reasonable amount is paid.

The owners of the land through which this road is to run, agree to accept corresponding rates of damages if the officials prefer a wider road.  
James R. Robinson  
C. M. Thorpe  
Jacob G. ...



This copy of the diagram is made to correct an error made on original sheet.

Olando ...  
S.W. Cor. of sec 27 T. 2 S. R. 6 E. terminus of road

OFFICE OF  
C. M. THORPE,  
County Surveyor and Superintendent of Roads.

Bozeman, Montana, May 13th. 1899.

To the Honorable Board of County Commissioners.

Gentlemen:-

I have the honor to submit herewith the following papers in the matter of the petition of C. H. Sievert et al for a Co. road running from the S. W. Cor. N. 1/2 of Sec. N. E. 1/4 Sec. 22 T. 2 S. R. 6 E. to the S. 1/4 Cor. of Sec. 27 T. 2 S. R. 6 E., as follows;

- First; The petition.
- Second; Notice to the Chairman of the Board to appoint viewer 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 would suggest that a time be given, say 30 days in which interested parties can agree to accept the proposition.

Yours Respectfully,

C. M. Thorpe  
Co. Surveyor.

road No. 156

Office of County Surveyor Gallatin County, Montana.

Bozeman April 6th 1899.

Hon. J. L. Patterson.

Chairman Board of Commissioners of Gallatin County Montana.

Dear Sir:-

You are hereby given notice that a petition for a County road has been received at my office signed by C. H. Sievert and 11 other residents of road District No. 5 Through which Dist. said road is to run.

Asking that a road be established running from the S. W. Cor. of N.  $\frac{1}{2}$  of N. E.  $\frac{1}{4}$  of Sec. 22 T. 2 S. R. 6 E. and terminating at the S.  $\frac{1}{4}$  Cor. of Sec. 27 T. 2 S. R. 6 E.

Please appoint a Viewer to act on the said petition as required by law.

Very Respectfully

*C. M. Thompson*  
Co. Surveyor.

In pursuance of the above notice I hereby appoint Mr. *Thos Lewis* 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. E. A. Rouse

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

Beginning at the S.W. Cor. of the N. 1/2 of the N. E. 1/4 of  
Sec. 22 T. 2 S. R. 6 E. Thence south to the south 1/4 Cor.  
of section 27 T. 2 S. R. 6 E.

Will try and meet at 9 o'clock A. M. at  
the starting point

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with Thomas Lewis, 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 11<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 13<sup>th</sup>  
day of April, 1899.

C. M. Thorpe  
County Surveyor.

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

RECORD OF SHERIFF

# WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,  
Gallatin County, Montana.

MR. Thos. Lewis

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  
7<sup>th</sup> day of April, 1899, to view and lay out a proposed road, as prayed  
for in the petition of C. H. Siwert and others, described as follows, to-wit.

Beginning at the S.W. Cor. of the north 1/2 of N.E. 1/4 of  
sec. 22 T. 2 S. R. 6 E. Thence south to the S. 1/4 Cor. of  
sec. 27 T. 2 S. R. 6 E.

Will try and meet at 9 o'clock A. M.  
at the starting point.

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 C. M. Thorpe and by the  
County Surveyor, who is Chairman of said Board of Viewers, on the 11<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 13<sup>th</sup>

day of April, 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 7<sup>th</sup> day of April, 1899, to view and mark out a proposed County road as prayed for in the petition of L. H. Sievert et. al.,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 11<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 the S.W. cor. of the N. 1/2 of the N.E. 1/4 Sec. 22 T. 2 S. R. 6 E.  
Thence south to the south 1/4 cor. of Sec. 27 T. 2 S. R. 6 E.

Dated this 13<sup>th</sup> day of April, 1899.

C. M. Thorpe  
E. A. Rouse  
Thos. Lewis } VIEWERS.

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

E. A. Rouse being first duly sworn deposes and says, that as the viewer appointed for that purpose he received from the County Surveyor of said County, on the 14<sup>th</sup> day of April, 1899, three copies of the annexed notice, and that on the 15<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 point of beginning, and one at the terminus as described above

and further deponeth sayeth not.

Subscribed and sworn to before me this 11<sup>th</sup> day of May, A. D., 1899

E. A. Rouse  
C. M. Thorpe  
County Surveyor

# REPORT OF ROAD VIEWERS.

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

*(E. A. Rowe and C. M. Thorne Viewers 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 *the S.W. Cor. of the*

*NE 1/2 of NE 1/4 of Sec. 22 T. 2 S. R. 6 E.*

to the south 1/4 Cor. of Sec. 27 T. 2 S. R. 6 E.

That on the *11<sup>th</sup>* day of *May*, 189*9*, we started from *met at the above described* starting point, and as *Charles L. Lewis* the viewer appointed by the chairman of the Board could not attend we appointed *B. F. Bizel* 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 proposed road is from the said S.W. Cor. of NE 1/2 of NE 1/4 of Sec. 22 T. 2 S. R. 6 E. south 1 3/4 miles along the 1/4 Sec. line of Sec. 22 and 27 to the S 1/4 Sec. Cor. of Sec. 27. The right of way to be 15 feet each side of said line. (in Sec 22) and 30 feet joining said line on the west side of Sec. 27. (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 the following land owners are damaged in excess of benefits. J. Carlus \$25.00 Chas. W. Reynolds \$25.00 Isaac Alldritt \$50.00*

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

*C. H. Sivert who has West 1/2 of Sec. 27 T. 2 S. R. 6 E. leased from the State consents so far as he is interested.*

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

*J. Carlus \$40, Chas. W. Reynolds \$40, Isaac Alldritt, \$75.00 J. J. Bigelow \$75.00 (A. Bigelow \$150.00 if road follows N. & S. 1/4 line of Sec. 27 taking 15 feet off the West side of each 1/2)*

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

*We find the only person who will be given an outlet is C. H. Sivert, who has the W. 1/2 of Sec. 27 leased from the State, we find also that the state owns the S.E. 1/4 of said Sec. 27 which extends east (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. *unless the parties benefitted agree to secure the right of way and construct the road without expense to the county.*

Dated *May 11<sup>th</sup>*, A. D., 189*9*

*C. M. Thorne*

*B. F. Bizel*

*E. A. Rowe*

Road Viewers.



(No. 1 Continued)

Cost of constructing the proposed road is \$125.00

(No 5 Continued)

to an open traveled road running north, said S.E. 1/4 being land by A. Bigelow. We believe the state should provide an outlet for Mr. Siefert either through this land, or along the line as petitioned for, and that the county should not be to the expense for same. C.H. Siefert agrees to construct the road provided the same is opened by the county. The land over which the proposed road runs is suitable for road building. The line of the road is defined by the U.S. Government survey.

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

E. A. Rouse

Subscribed and sworn to before me this 11<sup>th</sup> day

of May 1899

E. A. Rouse

C. M. Hooper

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 ~~Board of County Commissioners.~~

B. F. Biesel

Subscribed and sworn to before me this 11<sup>th</sup> day

of May 1899

C. M. Hooper

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 30 feet for a Right of Way, for a County Road, through or along the East side of 1/2 of Sec. 27, T. 2 S. R. 6 E., as viewed and surveyed by E. Roum, B. Bissel + C. M. Thorpe on the 11<sup>th</sup> day of May, 1899. And hereby agree to place my fences on said lines without charge to the County.

Signed: C. H. Siervert  
Owner of said land.

Dated at this 11<sup>th</sup> day of May, 1899.

OFFICE OF  
C. M. THORPE,  
County Surveyor and Superintendent of Roads.

BOZEMAN, MONTANA, Apr 14<sup>th</sup> 1899.

Received of C. M. Thorpe warrant to act as river on the road petitioned for by C. H. Siervert et al. on May 11<sup>th</sup> 1899, and two notices to post for the river.

E. P. Rogers

REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.  
Registered Letter Parcel No. 63 Rec'd. 4-1899  
of Co Sur  
addressed to Thos Lewis  
Bozeman MT  
W. B. BURKET P. M.

Form 1548  
REGISTRY RETURN RECEIPT sent  
APR 14 1899  
Bozeman, Mont., 1899  
Reg. No. 63 from Post Office at BOZEMAN, MONT.  
\*Reg. Letter, Addressed to Thos Lewis  
Bozeman, MT  
After obtaining receipt below, the Postmaster or Mailbox Clerk, 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.  
Thomas Lewis  
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