

May 13th 10 A.M.

No. of Case *Road* 157

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

Change of Road in
Sec. 11 T. 15. R. 4 E
Petition of
E. J. Owenhouse,
Plaintiff

vs.

FILED

MAY 23 1899

E. J. Owenhouse
County Clerk Defendant
E. J. Owenhouse

Action ~~was~~ deferred on this road, until
special session in July, 1899.
June 8, 1899

J. J. Patterson
Chairman
Action deferred to special
session Oct 3, 1899
Sept-9-99 *J. J. Patterson*
Chairman

Sworn Report accepted and change
granted by order of Robert
Oct 31-99 J. 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. 3, 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 S.W. corner of Sec 11 T. 15. R. 4 E. thence East along the south line of said Sec. 11 to the S.E. corner thereof, thence to intersect the Co. road known as the Ferris road.

The old traveled road running N.E. from said starting point through said section to be meted and discontinued whenever the above road shall be established. The fence along the south side of the road as petitioned for has been built 30 feet south of the section line giving one half of the road, all of Sec 11. is owned by E. J. Owenhouse who consents to give the right of way and also to set his fence in 30 feet from the section line on all sides of said section. Who agrees ^{also} to make the proposed road as good as the road which it is proposed to meet.

The object of the proposed change is to avoid cutting diagonally through said section.

NAMES:

1. M. W. Penwell
2. John M. Robinson
3. W. H. Stevens
4. R. Reed
5. Jerome Waterman

NAMES:

6. R. B. Weaver
7. L. S. Murrell
8. Aggan Hoffman
9. B. A. Proffers
10. J. R. Mabel

Office of County Surveyor Gallatin County, Montana.
Chairman, Board County Commissioners, Gallatin County, Mont.

Dear Sir:-

You are hereby given notice, that a petition
for a change in a County road, has been recieved in my office
signed by 10 residents of Road Dist. No. 3

The above petitioned for road is in Sec. II T. I S. R. 4 E.
You are requested to appoint a viewer on the above proposed change.

Very Respectfully,

Co. Surveyor

Dated at Bozeman, Mont. this 7 day of *April* 1899.
Office of Board of Commissioners, Gallatin County, Montana.

Mr. C. M. Thorpe,

County Surveyor, Gallatin County, Montana.

Dear Sir:-

In pursuance of the above notice, I hereby appoint
Mr. *E. Brock Martin* to act in behalf of the Board of
Commissioners, as a viewer of the above change of road.

Very Respectfully,

J. L. Patterson

Chairman of Board of County Commissioners, Gallatin County, Mont.

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

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. Jerome Watterman

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, 1897, to view and lay out a proposed road, as prayed
for in the petition of M. W. Penwell and others, described as follows, to-wit.

Beginning at the S.W. corner of Sec. 11 T. 15. R. 4 E.
thence east along the south line of said Sec. 11 to
the S.E. Cor. thereof, thence to intersect the Co. Road
known as the Ferris Road. The old traveled road
running northeasterly from said starting point,
through said section to be vacated and discontinued
whenever the above road shall be established.

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. Bruce Martin, who was duly appointed as a
Viewer on said road by the Chairman Board of Co. Commissioners and ^{with} ~~by~~ the
County Surveyor, who is Chairman of said Board of Viewers, on the 13th day of
May, 1897, 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 15th
day of April, 1897.

C. M. Thorpe

County Surveyor.

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. E. Brook Martin

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 M. W. Russell and others, described as follows, to-wit.

Beginning at the S.W. Cor of Sec. 11 T.1S. R.4E. thence
east along the south line of said sec. 11 to the S.E.
Cor. thence of, thence to intersect the Co. Road known
as the Ferris Road. The old traveled road
running northeasterly from said starting
point through said sec. to be vacated and
discontinued, whenever the above road shall
be established.

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

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with Jerome Katterman, 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 13th 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 13th
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 7th day of April, 1899, to view and mark out a proposed County road as prayed for in the petition of M. W. Russell et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 13th 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 Sec. 11 T. 1 S. R. 4 E. thence east along the south line of said Sec. 11 to the S.E. Cor. thereof. thence to intersection the Co Road known as the Ferris Road. The old traveled road running N.Ely. from said starting point through said section to be vacated and discontinued whenever the the above road shall be established.

Dated this 13th day of April, 1899.

C. M. Thorpe
Jerome Waterman
E. B. Moore Martin } VIEWERS.

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

Jerome Waterman being first duly sworn deposes and says, that as the viewer appointed he received from the County Surveyor Clerk of said County, on the 14th day of April, 1899, three copies of the annexed notice, and that on the 28 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 over at the terminus as described above.

and further deponeth sayeth not.

Subscribed and sworn to before me this 13 day of May, A. D., 1899
Jerome Waterman
C. M. Thorpe
 Co. Surveyor.

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

C. M. Thorne
County 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 that on the~~ *14th* 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 annexed notice at the front door of the~~
County Clerk's office

and further deponeth sayeth not.

Subscribed and sworn to before me this *14th* day of *April*, A. D., 1899

C. M. Thorne
E. W. Blankenship
County Clerk

REPORT OF ROAD VIEWERS.

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

Chairman of the and *the Co. Surveyor*
WE, the undersigned Road Viewers, appointed by the Board of County Commissioners, at the
together with said Surveyor
Term of said Board to view a proposed road running from *the S.W. corner*

of Section 11 T.15. R.4E.

to the South East corner of said Section and also
the proposed location of the old road running N.E. through said Sec.
That on the *13th* day of *May*, 189*9*, we started from *the S.W. corner*
of said Sec. 11 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 proposed road is from the S.W. corner
of Sec. 11 T.15. R.4E. thence east along the section line,
over mile to the S.E. corner of said Sec. said road
to be 60 ft. in width 30 feet each side of said Sec. line.
(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: *the benefits equal the damages in all cases.*

3. The names of land owners who consent to give the right of way, and we hereto attach their written consent, as follows: *the land owners south of said line have*
built their fences 30 feet south of the section line
giving them 1/2 of the road, E. J. Casbourne consent to give the
North 1/2

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

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

We did not consider it necessary to survey the
road as the section line is marked by T.S. Gov.
corners.

We believe said road _____ to be practicable and _____ of public utility and necessity and do _____ recommend the establishment of the same. *also the vacation of the old road through said section 11 as petitioned for.*

Dated *May 11th*, A. D., 189*9*

C. M. Thorpe
E. Brooks Martin
Jerome Waterman } Road Viewers.

(No. 1 Continued)

at the laid S.E. corner of Sec. 11 the proposed road
intersects with a county road running north
on section line to Belgrade. The old road
running North Easterly from the above described
S.W. corner of Sec. 11 through said section 11

to be vacated and discontinued whenever the road
as petitioned for shall be opened for travel.

The length of the road petitioned for is one

mile. The ground over which the road passes
is level and as good for a road as that
over which the road to be vacated passes.

There will be no expense to the county as

E. J. Owen agrees to do all work necessary

to make the proposed road as good as the
old road. which will require the raising of

3 Culverts

Form 1548. **REGISTRY RETURN RECEIPT** sent Bozeman, Mont., 1899
 APR 14 1899
 Reg. No. 62 from Post Office at BOZEMAN, MONT.
 *Reg. Letter / Reg. Parcel Addressed to Jessome Waterman
Belgrade MT
 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. J. B. Waterman
 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 Bozeman, Mont., 1899
 APR 14 1899
 Reg. No. 64 from Post Office at BOZEMAN, MONT.
 *Reg. Letter / Reg. Parcel Addressed to E. Brox Martin
Bozeman MT
 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. Brox Martin
 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.

REGISTRY RECEIPT.
 Post Office at BOZEMAN, MONT.
 Registered ~~Letter~~ / ~~Parcel~~ No. 64 Rec'd 4-14 1899
 of Co Sur
 addressed to E. Brox Martin
Bozeman MT

REGISTRY RECEIPT.
 Post Office at BOZEMAN, MONT.
 Registered ~~Letter~~ / ~~Parcel~~ No. 62 Rec'd 4-14 1899
 of Co Sur
 addressed to Jessome Waterman
Belgrade MT
W. B. BURKET. P. M.

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.

Co Surveyor
Jerome Waterman

Subscribed and sworn to before me this 13th day

of May 1899

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.

Chairman of the
Ethelbert Martin

Subscribed and sworn to before me this 13th day

of May 1899

Ethelbert Martin

C. M. Thorpe

Co Surveyor

This must be returned to the County Clerk after execution.

To the County of Gallatin, State of Montana:

a strip of land 30 feet in width for 1/2

I hereby Agree, and consent to give feet of a Right of Way, for a County

Road, through or along the south side of Sec. 11, T 15 R 4 E.,

as viewed and surveyed by C.M. Thorpe, E. Brown, Mark + J. Peterson

on the 13th day of May, 1899. And hereby agree to place

my fences on said lines without charge to the County.

also to make the proposed road as good as the old road by changing culverts and removing rocks

Signed: J. Brown

Dated at this 13th day of May, 1899.

To the Honorable Board of
County Commissioners.

We, the undersigned, resident taxpayers of Gallatin County remonstrate against the proposed change in the county road on Section 17, Township 1 South, Range 4 East, for the following reasons:

1st That it will lengthen the road over a mile on the trip.

2nd That it has been a continuously traveled road for twelve years or more.

3rd The land is unfit for anything but grazing.

4th A great many of the undersigned, on the present road are able to make two trips a day, should the proposed change be granted this will be reduced to one trip a day, greatly increasing the cost of marketing their grain and consequently reducing the value of their land.

5th The county has already expended considerable money in removing rock, making bridges and culverts and surveying and platting the road now traveled.

1 Alexander Smith
2 B. van Bussell
3 Alfred Leach
4 Charles K. K. K.
5 W. J. Nash
6 J. H. van den Hoek
7 F. K. K. K. K.
8 J. Williamson
9 Jerry Weidenaur
10 P. P. van Dyken
11 John P. K. K.
12 John Weidenaur
13 W. Koning
14 J. K. K. K.
15 F. Albers
16 James B. Hornum
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To the Honorable Board of
County Commissioners.

We, the undersigned, residents
and taxpayers of Gallatin
County, remonstrate against the
proposed change in the county
road on Section 11, Township 1
South, Range 4 East for the
following reasons —

1st That it will lengthen the
road over a mile on the trip.

2nd That it has been a continuously
traveled road for twelve years or
more.

3rd The land is unfit for anything
but grazing.

4th A great many of the
undersigned, on the present
road, are able to make two trips
a day; should the proposed
change be granted, this will
be reduced to one trip a day,
greatly increasing the cost of
marketing our grain and
consequently reducing the value
of our land.

5th The county has already
expended considerable money in
removing rock, making bridges
and culverts and surveying
and platting the road now
traveled.

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W S Erwin
Bob Johnson
Matt Michel
All Sales
Henry Ferguson
R. P. Stevens
M. McNeill
A. P. Knasler
Th. McCallough
Chas A. H. Gate
Shesmy Bopp
M. B. Casey
J. R. Kim
K. Schuling
John Heiskell
W. H. [unclear]
M. M. Brooks
[unclear] Corrie
James H. Kennedy
S. H. [unclear]
Gus Johnson

To the Honorable Board of
County Commissioners.

We, the undersigned, resident
taxpayers of Gallatin County,
remonstrate against the pro-
posed change in the county
road on Section 11, Township 1,
South, Range 4 East, for the fol-
lowing reasons -

1st That it will lengthen the
road over a mile on the trip.

2nd That it has been a contin-
uously traveled road for twelve
years or more.

3rd The land is unfit for any-
thing but grazing.

4th A great many of the under-
signed, on the present road,
are able to make two trips a
day; should the proposed change
be granted, this will be reduced
to one trip a day, greatly incre-
asing the cost of marketing our
grain and consequently reducing
the value of our land.

5th The county has already expended
considerable money in removing
rock, making bridges and culverts,
and surveying and platting the
road now traveled.

Wm Whit

J. D. Bigelow

Dr. S. Kirk

L. H. Cary

P. A. Hoff

A. L. Matthews

M. M. Ferguson

J. J. Huffine

Wm. S. McDonnell

Harvey Kirk

G. H. Campbell

J. M. Kaley

Joe McPherson

W. B. Cook

David O. M. Reed

J. W. Williams

JAMES J. BRIDEL

W. E. Pope

W. H. Smart

Wm. S. ...

James S. Whiteaker

S. L. Whiteaker

A. W. Walton

Ed Ray

Frank Heikell

R. F. Shaw

C. Antonsen

Georg Smart

Esra S. Smart

Daniel Severus

Bozeman, Montana, May 15th. 1899.

To the Honorable Board of County Commissioners.

Gentlemen:-

I have the honor to submit herewith this following papers in the matter of the petition of E. J. Owenhouse et al for a Co. road running from the S. W. Cor. of Sec. II T. I S. R. 4 E. to the S. E. COR. of the same as follows;

First; The petition.

Second; Notice to the Chairman of the Board to appoint viewers and the appointment of same.

Third; Copy of warrants to viewers with registered letter receipts showing 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 have no remarks other than is embodied in my report.

Yours Respectfully.

C. M. Thorpe
Co. Surveyor.

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 S.W. corner of Section 11, T. 1 S. R. 4 E. thence east along the Section line one mile, to the S.E. corner of said Section at which point it intersects with a county road running north and south. The above described line to be the center of the 60 foot right of way of the road running north easterly from the above described S.W. corner of Sec. 11, through said Section, to be vacated and discontinued whenever the above described road shall be opened for travel by the party benefited.

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

Dated Oct. 3^d 1899

E. V. Blankenship
Clerk

By E. H. Schumacher
Deputy.

Date of Posting Oct 16th 1899

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

P. J. Johnston being first duly sworn deposes and says, that as the Road Surveyor he received from the County Clerk of said County, on the 14 day of October A. D., 1899, three copies of the annexed notice, and that on the 16 day of October 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 S.W. Cor. Sec. 11, T. 1 S. R. 4 E. one at center and one at each side of Sec. and one at S.E. cor. of said Sec. and further deponeth sayeth not.

Subscribed and sworn to before me this 16 day of October A. D., 1899

P. J. Johnston manys
Miss Dodson
Notary Public in and
for Gallatin County
Montana