

No. of ~~Case~~ Road No. 159

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

Change in  
Virginia City Road  
Petition of Chas Randall et al.

Filed Aug. 19th 1899 ~~Plaintiff~~

E. V. Blankenship  
County Clerk.

Defendant

Action for Views report accepted  
& change not granted  
Sept 9-99 J. W. Patterson  
Clerk

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, 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 <sup>or near</sup> angle point No 25 of the Virginia City Road. (See Plat Book of Roads Vol A. 10 143) in Sec. 13 T. 25. R. 3 E. thence westerly to or near the N.E. Cor. of the S.E. 1/4 of Sec. 14 said T. & R. thence west along or near said N. line to the N.W. corner thereof, thence south along <sup>or near</sup> the west line of said S.E. 1/4 to the S.W. corner thereof, thence west along or near the south line of the S.W. 1/4 of said Sec. 14 and the south line of the S.E. 1/4 of Sec. 15. to the intersection with said Virginia City Road. The said Virginia City road from the above described starting point to the terminus of the proposed change to be meted and discontoured, whenever the above described road shall be established.

The S.E. 1/4 of Sec. 14 above described is owned by Chas. Randall the S.W. 1/4 <sup>of said Sec. 14</sup> is owned by H. Haga. The above parties agree to give the right-of-way if necessary, and to make the proposed road as good as the old road, provided the county furnishes lumber for culverts. The proposed change is asked for to save cutting the south 1/2 of Sec. 14 into parts.

- NAMES:
1. P. J. van Dyken
  2. H. Klingstad Sr.
  3. J. Scholten
  4. H. Scholten
  5. W. Kovano
- Charles Randall  
Henry Haga

- NAMES:
6. Mr. Willemssen
  7. J. Fossers
  8. P. Achey
  9. John Weidenwar
  10. John Brankson
- Wm. Brankson  
(see back)

No 159

Office of County Surveyor, Gallatin County Montana.

Bozeman, April 7th. 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 <sup>change in a</sup> County road has been received at my office signed by Chas. Randall and 12 other residents of road Dist. No 2

Through which district said road is to run.

Asking that the road running through Sec. 14 be changed.

You are hereby requested to appoint one Viewer on the above proposed road.

Very respectfully

*C. M. Thorp*  
Co Surveyor

Office of the Board of Commissioners of Gallatin Co. Montana.

C. M. Thorp,

County Surveyor Gallatin Co. Montana.

Dear Sir:-

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

Dated at Bozeman Mont. this 15 day of *Apr* 1899.

*J. L. Patterson*

Chairman Board of Commissioners Gallatin County Montana.



# WARRANT FOR ROAD VIEWERS.

Bozeman April 7th. 1899

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

MR. W. H. Smart

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

Beginning at or near angle point No 25 of the Virginia City Road  
(see Plat Book of Road 20th P. 43) in Sec. 13 T. 2 N. 36. thence westerly to  
or near the N. E. Cor. of the 10 1/2 of Sec. 14 and thence west along or  
near said N. line to the N. W. Cor. thereof, thence south along or near the  
west line of said 10 1/2 to the S. W. Cor. thereof thence west along or near  
the south line of the 1 1/2 of said Sec. 14 and the south line of the S.  
E. 1/2 of Sec. 15 to the intersection with said Virginia City Road from the  
above described starting point to the terminus of the proposed change  
to be executed and discontinued whenever the above described road  
shall be established.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with Matt Niebel, who was duly appointed as a  
Viewer on said road by the Chairman of Board Co. Commissioners and by the  
County Surveyor, who is Chairman of said Board of Viewers, on the 14th day of  
Aug. 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 10th  
day of July 1899.

C. M. Thorpe  
County Surveyor,

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

# WARRANT FOR ROAD VIEWERS.

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

MR. Math Misbel

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

Beginning at or near angle point No. 25 of the Virginia City Road (see  
Plat of Roads Vol. A, p. 143) in Sec. 37. 2 1/4 36 thence westerly to or  
near the N.E. Cor. of the S.E. 1/4 of Sec. 14 said T. 2 R. thence west along or  
near said N. line to the N.W. Cor. thereof thence south along or near  
the west line of said S.E. 1/4 to the S.W. Cor. thereof thence west  
along or near the south line of the S.W. 1/4 said Sec. 14 and the  
south line of the S.E. 1/4 of Sec. 14 to the intersection with said  
Virginia City Road. The said Virginia City Road, from the above <sup>described</sup>  
starting point to the terminus of the proposed change to be vacated  
and discontinued whenever the above described road  
shall be established.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with W. H. Smart, 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 14<sup>th</sup> day of  
Aug. 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 11<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 15th day of April 1899, to view and mark out a proposed <sup>Change of</sup> County road as prayed for in the petition of Charles Randall et. al.,

will, in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 14th day of August 1899, the time fixed by said Surveyor, <sup>at 9 A.M.</sup>

and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Beginning at or near angle point No 25 of the Virginia City Road (see Plat. Book of Roads Vol. A. P. 143) in Sec. 17, 2 S. 9. 3 E. thence westerly to or near the N. E. Cor. of the S. E. 1/4 of Sec. 14 said T. 2 R. thence west along or near said N. line to the N. W. Cor. thereof, thence south along or near the west line of said S. E. 1/4 to the S. W. Cor. thereof, thence west along or near the south line of the S. W. 1/4 of said Sec. 14 and the south line of the S. E. 1/4 of Sec. 15 to the intersection with said Virginia City Road. The said Virginia City Road from the above described starting point to the terminus of the proposed Change to be vacated and discontinued whenever the above described road shall be established.

Dated this 10th day of July 1899.

C. M. Thorpe.  
W. H. Smart.  
Matt. Heibel. } VIEWERS.

Book No. 159

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

C. M. Thorpe being first duly sworn deposes and says, that as the Co. Surveyor he received from

the County Clerk of said County, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 1899, <sup>the annexed</sup> three copies of the annexed notice, and that on the 18th 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 the front door of the County Clerk's office

and further deponeth sayeth not.

Subscribed and sworn to before me this 24th day of July A. D., 1899.

C. M. Thorpe  
E. W. Blaukenslip Co. Clk.  
C. P. Morgan Dep.



# 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 15th day of April 1899, to view and mark out a proposed <sup>change of</sup> County road as prayed for in the petition of Charles Randall et. al.,

will, in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 14th day of August 1899, the time fixed by said Surveyor, <sup>at 9 a.m.</sup>

and at the point designated in said petition, as the starting point of said proposed road, to-wit:

*Beginning at or near angle point No 25 of the Virginia City Road (see Plat Book of Roads Vol. A. P. 143) in Sec 12, T. 19. 3 E thence west by to or near the N. E. Cor. of the S. E. 1/4 of Sec 14 said T. & R. thence west along or near said N. line to the N. W. Cor. thereof, thence south along or near the west line of said S. E. 1/4 to the S. W. Cor. thereof, thence west along or near the south*

County of Gallatin. }<sup>55.</sup>

W. H. Smart being first duly sworn deposes and says, that as the viewer appointed he received from the County Clerk of said County, on the 22nd day of July 1899, <sup>two</sup> copies of the annexed notice, and that on the 30th day of Aug. 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 point, and one near the terminus

and further deponeth sayeth not.

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

W. H. Smart  
C. M. Hooper  
Co. Surveyor.

# REPORT OF ROAD VIEWERS.

ROAD NO. 159

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

We, the undersigned Road Viewers, consisting of Matt Keibel. who was appointed by the chairman of the board of Co. Commissioners C. M. Hobbs Co. Surveyor. and W. H. Small who was appointed by said Surveyor.

appointed to view a proposed road running from Angle Point No. 25 of the Virginia City road

<sup>change of</sup> to the intersection of said Virginia City Road with the south line of the S.E. 1/4 of Sec. 15 T.2S. R.3E. as described in the annexed petition, say, That on the 14<sup>th</sup> day of Aug.

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:~~

We find the line of the proposed road passes over hills and bluffs which are not practical for a road. we also believe that there would be serious trouble with snow. We therefore, for reasons stated above do not recommend the granting of the petition. As the Virginia City road cannot be traveled when it was laid out until it is worked, we would recommend that through sections 13 & 14 T.2S. R.3E. that sufficient work be done to open the same for travel <sup>as laid out</sup> so that land owners can fence on the line as surveyed.



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

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.....  
.....  
.....~~

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

~~.....  
.....  
.....  
.....~~

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:~~

~~.....  
.....  
.....  
.....~~

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

~~.....  
.....  
.....  
.....  
.....~~

We believe said road not to be practical and not of public utility and necessity and do not recommend the establishment of the same.

Dated Aug. 14 A. D., 1899

Walter Diebel  
W. H. Smart  
E. M. Pope } Road Viewers.

# 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.~~

*W. H. Smart*

Subscribed and sworn to before me this 14<sup>th</sup> day

of Aug. 1899

*C. M. Thorpe*

*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 <sup>Chairman of the</sup> ~~Board of County Commissioners.~~

*Matt Kiebel*

Subscribed and sworn to before me this 14<sup>th</sup> day

of Aug. 1899

*C. M. Thorpe*

*Co. Surveyor*

This must be returned to the County Clerk after execution.

REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.

Registered <sup>Letter</sup> Parcel } No. 79 Rec'd. JUL 19 1899 189

of Co Sur

addressed to W B Smart  
Bozeman, Mont.

W. B. BURKET, P. M. P. M.

REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.

Registered <sup>Letter</sup> Parcel } No. 80 Rec'd. JUL 19 1899 189

of Co Sur

addressed to Matt Nible  
Bozeman, Mont.

W. B. BURKET, P. M. P. M.

Form 1548. REGISTRY RETURN RECEIPT sent JUL 19 1899, 189

Reg. No. 80 from Post Office at Bozeman, Mont.

\*Reg. Letter } Addressed to Matt Nible  
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.

Matt Nible

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., 189

Reg. No. 79 from Post Office at Bozeman, Mont.

\*Reg. Letter } Addressed to W B Smart  
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.

W. B. Smart

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.



T. 2 S., R. 3 E.

