

No. of Case Road 160

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

Change in the East
Gallatin Rd. East of
Dry Creek. Petition of
C. Melton et al.

Plaintiff

FILED vs **FILED**

MAY 29 1899

E. W. Hauke
County Clerk

E. H. Johnson
Defendant

~~Action for~~ Roadviewers report ordered
adopted and the change ordered
made and upon completion
the old road be vacated.
Jun. 8. 1899. J. H. 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. 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 a point on the section line between sections 1 & 2 T. 1 N., R. 4 E. where the same is crossed by the traveled road, thence north along said section line to N.E. Cor. of Sec. 2 said T. & R. thence west along the north line of said Sec. 2 to the N.W. Cor. thereof, at which point it intersects with the "Collins Swamp Road" and with the old traveled road, running East & West. The land along the proposed is owned by C. Melton, C. C. Collins, Frank Collins, Wm. Ballard & J. S. Ballard all agree to give the county D.C. Deeds for right of way and the above owners agree to do all work necessary to make the proposed road as good as the old road. The old road running from the starting point to the terminus as above described and through said Sec. 2 to be vacated & discontinued whenever this petition shall be granted.

- NAMES:
1. C. Melton
 - William Ballard
 2. Frank Collins
 3. Geo. W. Shaw
 4. W. L. Madon
 5. H. C. Reding
 - C. C. Collins

- NAMES:
6. Joseph Spragg
 7. J. W. Gillet
 8. Dr. R. Channing
 9. J. J. Baller
 10. G. D. Dribble
 - Mary S. Mendenhall

Office of County Surveyor, Gallatin Co. Montana.

Hon. J. L. Patterson,

Chairman Board County Commissioners, Gallatin Co. Mont.

Dear Sir:-

You are hereby given notice, a petition for a County Road, has been received in my office, signed by C. Melton and 13 other residents of road Dist. No. 3

The above Change of road is to run through Sections 18 & 2 I & 2 T. 1 N. R. 4 E.

You are requested to appoint a viewer on the above proposed change

Yours Respectfully,

C. M. Thorpe

Co. Surveyor.

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

Office of Board of Commissioners, Gallatin Co. Mont.

Mr. C. M. Thorpe,

County Surveyor, Gallatin Co. Mont.

Dear Sir:-

In pursuance of the above notice, I hereby appoint Mr. *J. B. Waterman* to act in behalf of the Board of Commissioners, as a viewer of the above change of roads.

Very Respectfully

J. L. Patterson

Chairman Board of County Commissioners, Gallatin Co. Mont.

Dated at Bozeman Mont. this 7 day of April 1899.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

M.R. J. B. Watterman

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson
Chairman Board 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. Melton and others, described as follows, to-wit.

Beginning at a point on the sec. line be-
tween sections 1 & 2 T. 1 N. R. 4 E. where the same
is crossed by the traveled road, thence north
along section line to N. E. Cor. of Sec. 2 said T. & R.
thence west along the north line of said Sec. 2 to the
N. W. Cor. there of at which point it intersects
with the "Collins Swamp Road" and with the old
traveled road, running easterly & westerly.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with H. H. Gillet, 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 10th 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.

Will try and meet at the starting point at 11 o'clock A.M.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. F. H. Gillet

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 C. Melton and others, described as follows, to-wit.

Beginning at a point on the sec. line between
sections 1 & 2 T. 1 N. R. 4 E. where the same is cross-
ed by the traveled road, thence north along
said sec. line to N. E. Cor of sec. 2 said T. & R.
Thence west along the north line of said Sec. 2 to
the N. W. Cor. thereof, at which point it intersects
with the "Collins Swamp Road" and with the old
traveled road, running easterly & westerly.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with J. B. Watterman, who was duly appointed as a
Viewer on said road by the Chairman Board of Commissioners and by the
County Surveyor, who is Chairman of said Board of Viewers, on the 15th
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.

Will try & meet at the starting point at 11 o'clock 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 7th day of April, 1899, to view and mark out a proposed County road as prayed for in the petition of C. Melton et. al.,

will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 15th 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 sec. line between sections 1 & 2 T.1 N. R. 4 E. where the same is crossed by the traveled road, thence north along said sec. line to the N. E. Cor. of sec. 2 said T. & R. thence north west along the north line of said sec. 2 to the N. W. Cor. thereof at which point it intersects with the "Collins swamp Road" and with the old traveled road, running easterly & westerly.

Dated this 18th day of April, 1899.

C. M. Thorpe
H. H. Gillet
J. B. Watterman

} VIEWERS.

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, three copies of the annexed notice, and that on the 15 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 Co Clubs office

and further deponeth sayeth not.

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

C. M. Thorpe
E. N. Blankenship
County Clerk.

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.

F. H. Gillet

Subscribed and sworn to before me this 15th day

of May 1899

C. M. Thoburn

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.

Jerome Waterman

Subscribed and sworn to before me this 15th day

of May 1899

C. M. Thoburn

Co. Surveyor

This must be returned to the County Clerk after execution.

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. Surveyor} Board of County Commissioners, at the ^{together with the Co. Surveyor} Term of said Board to view a proposed road running from a point on the Section line between Secs 1 and 2 T. 1 N. R. 4 E. where the same is crossed by the ~~travelled~~ road to the N.W. corner of said Sec. 2 say,

That on the 15th day of May, 1899, we started from the above described starting 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 proposed road is described as follows to-wit: Beginning at a point in the line between Sections 1 & 2 T. 1 N. R. 4 E. said point being where the old travelled road leaves said Sec. line running westerly, the same being 1/4 of a mile south of the N.E. corner of said section. (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:

all land owners will be benefited 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:

C. Melton, G. D. Tribble, Frank Collins, Wm Ballard, + C. C. Collins,

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

all property owners consent.

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

The land over which the road passes is suitable for road building, with grades which when properly graded will not exceed 8% (see back)

We believe said road to be practicable and of public utility and necessity and do recommend the establishment of the same. also the resection of the old road running from the given starting point to the terminus as described above
Dated May 15th, A. D., 1899

Jerome Waterman
C. M. Thorpe
F. H. Gillet
} Road Viewers.

thence north along said section line, to the ~~said~~ N.E. Corner thereof. thence west one mile along the north line of said section 2 said T. & R. to the N.W. Corner thereof, at which point it intersected with the old traveled road running west also the north end of the Collins Swamp road.

The above described line is the center line of the 60 foot right of way. The old traveled road running from the above described starting point to the terminus as described above to be vacated and discontinued whenever the above described road shall be opened for travel.

The length of the proposed road is $1\frac{1}{4}$ miles, about $\frac{1}{8}$ mile longer than the old road which the petition asks to be vacated.

The probable cost for building culvert $2 \times 4 \times 24$ on north line of Sec 2 is

	\$20.00
for grading	50.00
gate	70.00

As C. Milton has signed an agreement to do all work, and furnish all material required to make the proposed road as good as the old road, the county will not be to any expense on account of the proposed change for road building.

(No. 5 Continued)

and will not be as steep as some of the grades on the old road but will be longer as a higher elevation is reached.

We marked out the line of the road by setting iron pipe monuments at the N.E. & N.W. corners of the said Sec. 2 the line being defined by the U.S. Gov. Corners.

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 Sec. 2, T. 1 N. R. 4 E., as viewed and surveyed by C.M. Thorne, F.H. Billet & Jerome Waterman

on the 15th day of May, 1899. And hereby agree to place

my fences on said lines without charge to the County. I also agree to make the proposed road as good as the old road and not to close said old road until the new road has been accepted by the County Council. Signed: Gonselius, Melton

Dated at this 15th 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 Sec. 1, T. 1 N. R. 4 E., as viewed and surveyed by F.H. Billet Jerome Waterman & C.M. Thorne

on the 15th day of May, 1899. And hereby agree to place

my fences on said lines without charge to the County. Signed: G. D. Tribble

Dated at this 15 day of May 1899.

Frank Collins & Wm Ballard,

To the County of Gallatin, State of Montana:

We 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 south side of the SE. 1/4 of Sec. 35, T. 2 N. R. 4 E., also along the S. side of the SE. 1/4 of the S.W. 1/4 of said Sec. 35 as viewed and surveyed by C.M. Thorne F.H. Billet and Jerome Waterman

on the 15th day of May, 1899. And hereby agree to place

my fences on said lines without charge to the County. Signed: Frank Collins, William Ballard

Dated at this 16 day of May 1899.

C. C. Collins

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~~ along the South side of the SW 1/4 of SW 1/4 Sec. 35, T 2 N R 4 E., as viewed and surveyed by C. M. Hoop, F. A. Sillit and Jerome Waterman. on the 15th day of May, 1899. And hereby agree to place my fences on said lines without charge to the County.

Signed: C. C. Collins

Dated at this 16th day of May, 1899.

REGISTRY RECEIPT.

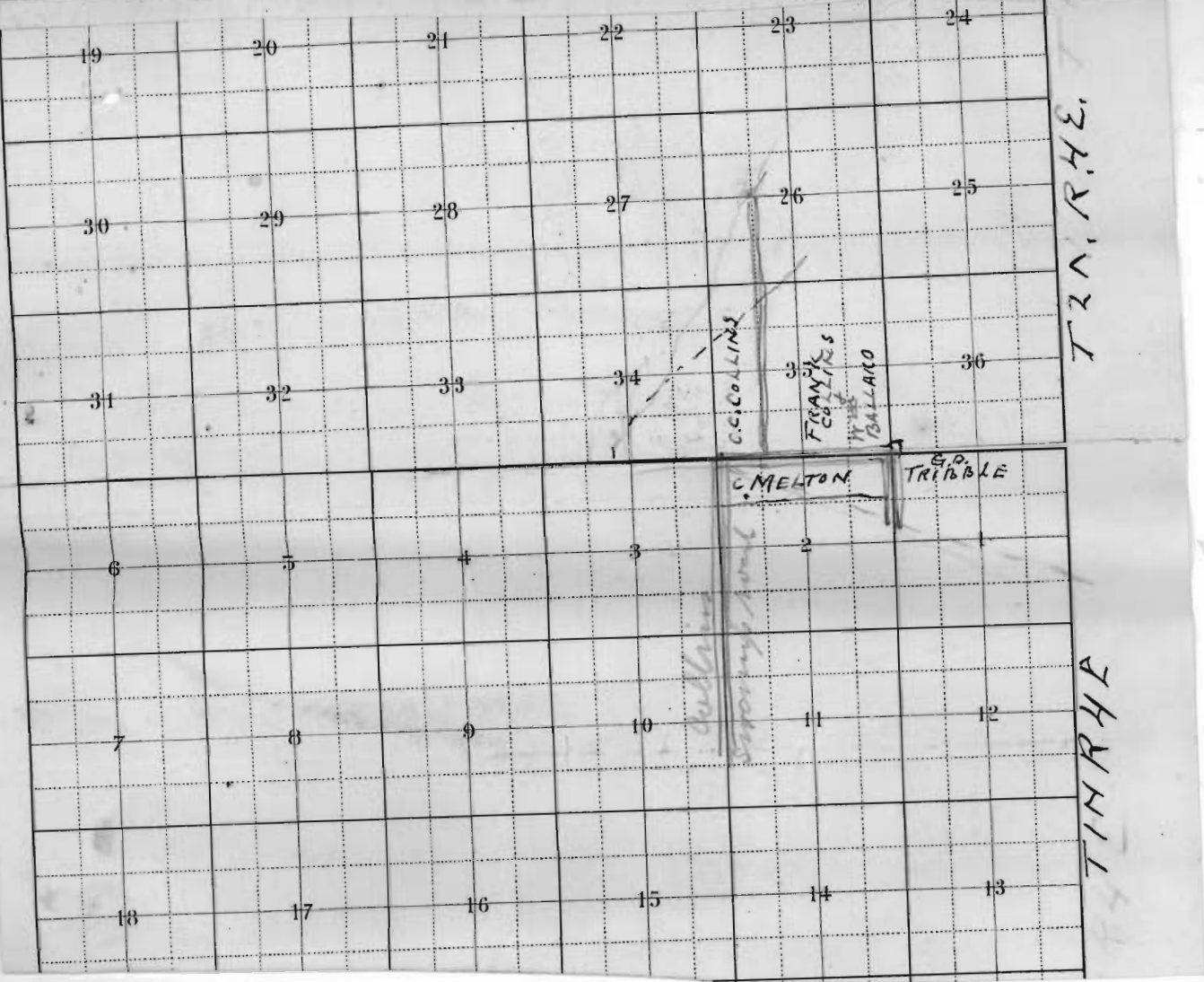
Post Office at BOZEMAN, MONT.
Registered Letter Parcel No. 72 Rec'd 4-15-1899
of C. Sur,

addressed to J. B. Waterman
Belgrade Mt
W. B. BURKET, P. M. P. M.

REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.
Registered Letter Parcel No. 99 Rec'd 4-15-1899
of C. Sur

addressed to F. H. Sillit
Cedarview Mt
W. B. BURKET, P. M. P. M.



Form 1548. APR 15 1899
 REGISTRY RETURN RECEIPT sent Bozeman, Mont., 189
 Reg. No. 72 from Post Office at BOZEMAN, MONT.
 *Reg. Letter / Reg. Parcel Addressed to J.B. 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. APR 15 1899
 REGISTRY RETURN RECEIPT sent Bozeman, Mont., 189
 Reg. No. 69 from Post Office at BOZEMAN, MONT.
 *Reg. Letter / Reg. Parcel Addressed to F.H. Gullet
Cedar view 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.
F.H. Gullet
Aurilia Spragg
 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.

BOZEMAN, MONTANA, May 26th. 1899. 189

To the Honorable Board of County Commissioners.

Gentlemen:-

I have the Honor to submit herewith the following papers in the matter of the road petition of C. Melton and others for a change in the East Gallatin road east of Dry Creek, as fall follows;

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 road viewers, ~~subscription work~~ and consent of land owners where given.

All matters pertaining to the above road will be found in the papers hereto attached.

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

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 a point in the line between sections 1 and 2, T. 1 N., R. 4 E. 80 rods south of the N.E. corner of said section 2, thence north along said section line to the N.E. corner of said section 2, thence west one mile along the north line of said section 2 to the N.W. corner thereof. Said road to be 60 feet in width, & the old road running diagonally from the starting point to the terminus as described above to be discontinued and abandoned as soon as Mr. C. Melton completes the proposed change and puts it in as good condition as the old road.

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

Dated June 8th 1899

E. F. Blankenship
Clerk,

By _____ Deputy.

Date of Posting June 26th 1899

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

C. Melton being first duly sworn deposes and says, that as the person appointed C. Melton he received from the County Clerk of said County, on the 25 day of June A. D., 1899, three copies of the annexed notice, and that on the 26 day of June 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 Starting point, one at N.E. corner of sec. 2, described in annexed notice, and one at the terminus.

and further deposes he sayeth not.

Subscribed and sworn to before me this 3 day of August A. D., 1899

C. Melton
Philip Dodson
Notary Public in and for
Gallatin County Mont

Executed and returned to
County Surveyor

