

No. of ~~Case~~ Road 161

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

The Jansen Road
In Holland Settlement

Plaintiff

vs

Filed Aug. 19th 1899
E. V. Blankenship
County Clerk.
Defendant

Action for Report of Viewers
accepted & Petitions not

granted J. Patterson
Sept 9th 1899 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, 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:

that G. J. Jansen has now outlets from his land therefore he made this petition
* Commence at the North East Cor. of Sec 25. ~~of Sec 25~~
T. 1. S. R. 3. E. at or near the line of the same Sec
thence southerly to the South East Cor. of Sec 25. thence
about 80 rods West at or near the line. thence
South to the South line of the North East 1/4
of Sec 26. T. 1. S. R. 3. E. thence West at or near
the line to what is known as Godfrey Canyon
the owners are G. J. Jansen. who is consent to
it H. Kluykist and T. Omta.
the object of the road is to provide an outlet
for outlets

NAMES:

- 1 Jerry Williamson
- 2 John Williamson
- 3 W. Williamson
- 4 Paul Beckman
- 5 J. R. Kinnaman
- 6 G. J. Jansen

NAMES:

- 6 H. Kluykist Sr.
- 7 H. Kluykist
- 8 T. Omta
- 9 W. Koring
- 10 John Scholten
- Schuller

Office of County Surveyor, Gallatin Co. Mont.

Hon. J. L. Patterson

Chairman Board of Commissioners, Gallatin County Mont.

Dear Sir:-

You are hereby given notice, a petition for a ~~2000~~
County road has been received in my office signed by
Weidenauer and 11 other residents of road Dist. No. 2

The above road is in Sec. 25 T. 1 S. R. 3 E.

You are hereby ~~now~~ requested to appoint a Viewer on the
above proposed Road.

Very Respectfully

C. M. Thorpe

Co. Surveyor

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

Office of Board of Commissioners, Gallatin County, Mont.

Mr. C. M. Thorpe

County Surveyor, Gallatin Co. & Mont.

Dear Sir:-

In pursuance of the above notice, I hereby appoint

Mr. *Martin Leach* to act in behalf of the Board of
Commissioners, as a Viewer of the above petitioned for road

Very Respectfully

J. L. Patterson

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

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

WARRANT FOR ROAD VIEWERS.

Office of County Surveyor, Gallatin Co., Mont.

County Surveyor's Office,
Gallatin County, Montana.

MR. Martin Leach

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 Jerry Hindenaar and others, described as follows, to-wit:

Beginning at the N.E. Cor. of Sec. 25 T.18. R.3E.
at or near the line of the same Cor. Thence south
only to the S.E. Cor. of Sec. 25, thence about 80
rods west at or near the line. Thence south
to the south line of the N.E. 1/4 of Sec. 36 T.18. R.3E,
thence west at or near the line to what is
known as Godfrey Canyon.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with Jacob Barakman, who was duly appointed as a Viewer on said road by the County Surveyor E. M. Hooper and by the County Surveyor, who is Chairman of said Board of Viewers, on the 8th day of Aug., 1899, at 8 P.M. or as soon thereafter as we can assemble. 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 26th day of April, 1899.

E. M. Hooper
County Surveyor.

By _____ Deputy.

RETURN OF SHERIFF

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

MR. Jacob Braakema

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 John Weidemaar and others, described as follows, to-wit:

Beginning at the N.E. Cor. of Sec. 25 T. 1 S. R. 3 E. at
or near the line of the same Cor. Thence
southerly to the S.E. Cor. of Sec. 25 thence
about 80 rods west at or near the line.

Thence south to the south line of the N.E. 1/4
of Sec. 36 T. 1 S. R. 3 E. thence west at or near the
line to what is known as Godfrey Canyon.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with Martin Leach, 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 8th day of
Aug., 1899, at 8 a.m. or as soon here after as we can assemble. 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 25th
day of April, 1899.

C. M. Thorpe
County Surveyor.

By _____
Deputy.

RECORDS OF SHERIFF

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 Jerry Weldenaar et. al., will, in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 8th day of August 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 N.E. Cor. of Sec. 25 T.1 N. 36 E. at or near the line of the same Cor. Thence southerly to the southeast Cor. of Sec 25 said T and R. Thence about 80 rods west at or near the line, thence south to the south line of the N.E. 1/4 of Sec 36 T.1 N. 36 E. Thence west at or near the line to what is known as Gasby Canyon.

Dated this 8th day of July 1899.

C. M. Thorpe
Jacob Saaksma
Martin Leach } VIEWERS.

Meet at the starting point at 8 A.M.

Road No. 161

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 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. Blankenship Clerk
O. 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 7th day of April 1899, to view and mark out a proposed County road as prayed for in the petition of Jerry Waldman et. al., will, in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 8th day of August 1899, the time fixed by said Surveyor, at 8 A.M. and at the point designated in said petition, as the starting point of said proposed road, to-wit:

Beginning at the N.E. Cor. of Sec. 25 T.1 N. 36 E. 16

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

Jacob Braaksma being first duly sworn deposes and says, that as the viewer appointed he received from the County Clerk of said County, on the 24th day of July A. D., 1899, two copies of the annexed notice, and that on the 26th 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 starting point and one at the terminus as described above

and further deponeth sayeth not.

Subscribed and sworn to before me this 8th day of Aug A. D., 1899

Jacob Braaksma
C. M. Hooper
County Surveyor.

REPORT OF ROAD VIEWERS.

ROAD NO. 161

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

We, the undersigned Road Viewers, consisting of C.M. Thorpe County Surveyor,
Jacob Braaksma who was appointed by said
Surveyor and Martin Leach who was appointed
 by the chairman of the Board of County Commissioners
 appointed to view a proposed road running from the N.E. corner of Sec. 25
T.1 S. R.3 E.

to the N.W. cor. corner of Sec. 36 said T.1 S. R.3 E. said point being in
 the Goodfrey Canyon road
 as described in the annexed petition, say, That on the 8th 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:

The width of the proposed road as petitioned for is 35 feet
which is not wide enough. The center line is
described as follows to wit: Beginning at the N.E. cor.
Sec. 25 T.1 S. R.3 E., thence south along or near
the E. line of said Sec. 25 to the S.E. corner thereof,
thence about 80 rods west thence south to the south
line of the N.E. 1/4 of Sec. 36 T.1 S. R.3 E. thence west
to the west 1/4 sec. corner of said Sec. 36 said point
being in the center of the Goodfrey Canyon road.
The length being 2 1/2 miles. The road was not surveyed
and marked out. The grades on the portion running
E. & W. are heavy. As we report against said petition
we made no estimate of the cost of constructing the
proposed change.

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

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

~~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 find the portion of the road running from the N.E. Cor. of Sec. 36 T. 1 S., R. 3 E. to the Godfrey ^{canyon} would be an expensive road to construct, that the same cuts through land owned by Nash Bros. & Elmore Lawrence, and that but little benefit would be derived. We believe there should be a road laid out from the N.E. Cor. of Sec. 24 T. 1 S., R. 3 E. south to the S.E. Corner of Sec. 36 said T. & R. connecting the Road to Cameron Bridges with the road petitioned for on the south line of said Sec. 36

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 8th A. D., 1899

W. Martin Leach
C. M. Thorne
Jacob Braabrand } 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 ~~Board of County Commissioners~~ *County Surveyor*.

Jacob Brantford

Subscribed and sworn to before me this *8th* day

of *Aug.* 189*9*

C. M. Thayer

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* Board of County Commissioners.

Martin Leach

Subscribed and sworn to before me this *8th* day

of *Aug.* 189*9*

C. M. Thayer

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 E. side of S.E. 1/4 and along the S.E. 1/4 of SE 1/4 of part sec 25 as viewed and surveyed by Martin Leach Jacob Brachema & C.M. Hoop on the 8th day of Aug, 1896. And hereby agree to place my fences on said lines without charge to the County.

Signed: G. J. Junser

Dated at this day of 189

REGISTRY RECEIPT.

Post Office at BOZEMAN, MONT.

Registered Letter Parcel No. 78 Rec'd. JUL 19 1899 189

of Co Run

addressed to Martin Leach
Marhattan MT

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

REGISTRY RECEIPT.
Post Office at BOZEMAN, MONT.
Registered Letter Parcel No. 75 Rec'd. JUL 19 1899 189
of Co Run
addressed to Jacob Brachema
Marhattan Mont
W. B. BURKET, P. M. P. M.

Form 1548.

REGISTRY RETURN RECEIPT sent July 19, 1899

Reg. No. 75 from Post Office at Bozeman, Mont.

*Reg. Letter } Addressed to Jacob Braaksma
Reg. Parcel } Manhattan, 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.

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.

Jacob Braaksma
Mrs Braaksma

Form 1548.

REGISTRY RETURN RECEIPT sent July 19, 1899

Reg. No. 77 from Post Office at Bozeman, Mont.

*Reg. Letter } Addressed to Martin Leach
Reg. Parcel } Manhattan, 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.

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.

Martin Leach
Leach Leach