

No. of Case Road 165

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

Change of Road
at J.F. Williams
East of Williams Bridge.
at hill.

Plaintiff

notice to J.A. Bush to appear
before board at 10 O'clock A.M.
Sept 4th - 1900 by order of Board
July 10 - 1900 J.W. Patterson

Defendant

Action for

views Report accepted and change
in Road granted this 26th Sept 1900
By order of the Board
J.W. Patterson
Chairman

Process filed by J.A. Bush

Attorney for Plaintiff

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

*notice to J.A. Bush to appear
before board at 10 o'clock
Sept 4th 1900
to be viewed may 31st 1901*

REVERSIBLE DOCUMENT ENVELOPE, NO. 200,
Manufactured by Cincinnati Paper Novelty Company,
106 Walnut Street, Cincinnati, O.
Patented August 1, 1893.
4838

Filed April 24-1899

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. 4, 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.

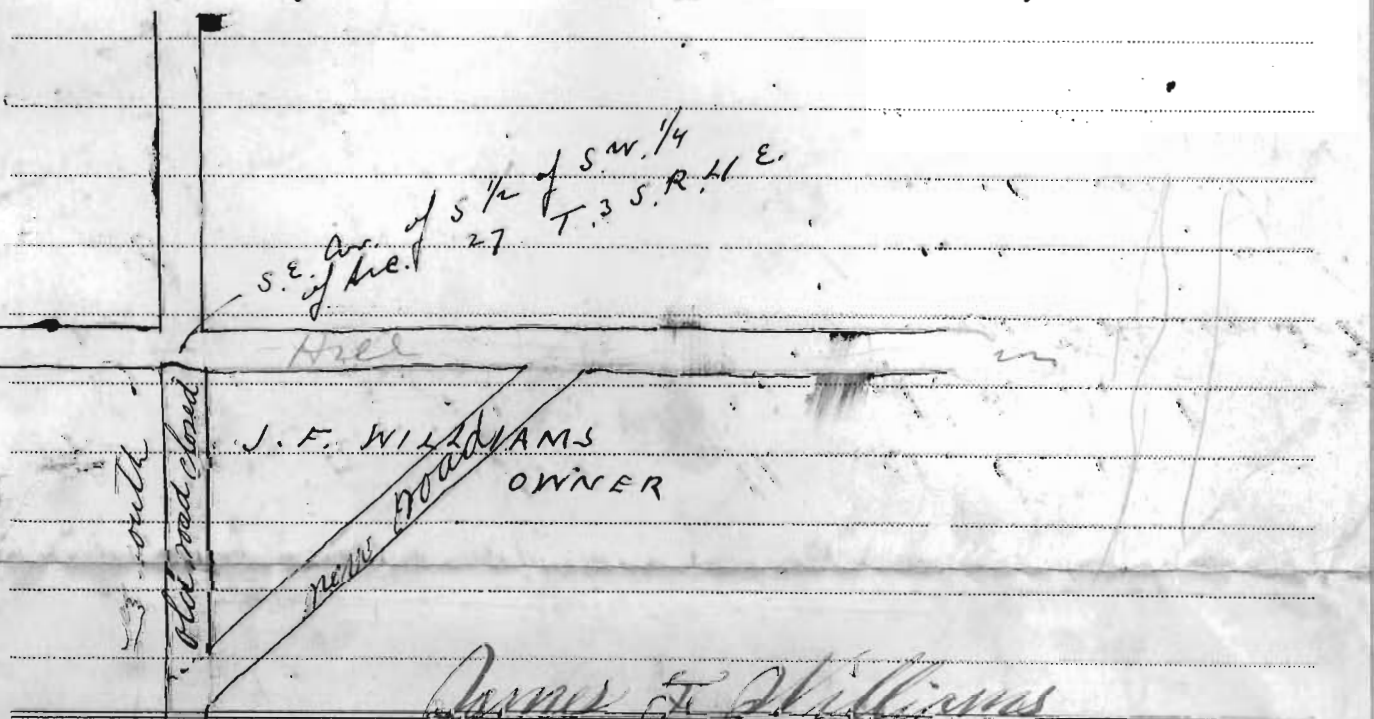
Your petitioners do respectfully ask and petition that a County road, sixty feet in width, to be a public highway, be laid out, located and established, and show:— (a) The general route of the proposed road; (b) over what lands it is proposed to be established; (c) who are the owners thereof; (d) whether 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:

The new Road to cross the S. E. corner of the ~~lot~~ S.W. 1/4 of sec 27 of T. 3, S. Range 4, E. Road to parallel the East side of ditch, and to be at least 15 feet from ditch. Known as the Reede, Bush, Etherington & Lenard ditch.

The old road running south from foot of hill to corner to be closed up to which there is no objection.

J. F. Williams owner of the ^{S.W. 1/4 of sec 27} ~~land~~ through which the proposed road is to run agrees to give a Quit Claim deed to the County for a 60 foot roadway.

s.e. cor. of S.W. 1/4 of sec 27 T. 3 S. R. 4 E.



*Gallatin Standard
Vol. 1899*

- James F. Williams*
- | NAMES: | NAMES: |
|---|---------------------------------|
| 1. <i>D. Etherington</i> | 6. <i>J. F. Williams</i> |
| 2. <i>S. B. Krutcher</i> | 7. <i>D. J. Williams</i> |
| 3. <i>If the new Road will be as good as old one of E. Bush</i> | 8. <i>L. W. F. Walters</i> |
| 4. <i>(Southern A. R. Walters)</i> | 9. <i>H. J. Marshall</i> |
| 5. <i>Henry J. Sears</i> | 10. <i>S. J. & Krutcher</i> |

J. E. Cudrey

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. J. L. PATTERSON,
Chairman of the Board of County Commissioners, Gallatin County, Montana.

DEAR SIR:—You are hereby notified that a petition for a County Road has been received in this office,
signed by *James F. Williams et al.*

of Road District No. *4*

The petition above referred to, petitions that a Road be established, ~~commencing~~ *Crossing*
the S.E. corner of the SW 1/4 of Sec 27 T 38 R. 48 E

You are hereby notified to appoint three Viewers to view the above proposed Road.

Yours, Very Respectfully,

E. V. Blankenship

County Clerk and Recorder.

Dated at, Bozeman, Montana, this *3rd* day of *May* 190*0*.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

MR. E. V. BLANKENSHIP,
County Clerk, Gallatin County, Montana.

DEAR SIR:—In pursuance of the above notice, I hereby appoint:

Henry F. Seaw
A. H. Black
C. M. Thorpe

to act in behalf of the Board of County Commissioners as viewers of the above petitioned Road

Yours, Very Respectfully,

J. L. Patterson

Chairman of the Board of County Commissioners, Gallatin County, Montana.

Dated at Bozeman, Montana, this *3* day of *May* 190*0*

copy.

Warrant for Road Viewers.

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

Messrs Henry H. Sears, A. H. Black & C. W. Thorpe

You are hereby notified that you were duly appointed Road Viewer by Mr. J. G. Patterson
Chairman of the Board of County Commissioners of Gallatin County, Montana, on the 3rd
day of May 1900, to view and lay out a proposed road, as prayed for in the
petition of James F. Williams and others, described as follows, to-wit:

The new road is to cross the S.E. corner of
the S.W. 1/4 of Sec. 27 T. 3, S. R. 4 E. Said road
is to parallel the East side of a ditch, where
practical and to be at least 15 feet from the
ditch known as the Reed, Bush, Etherington
& Leonard ditch.

The old road running South from the
foot of the hill to corner to be vacated

copy.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with names of viewers, who were duly appointed as
Viewers on said road by the Chairman of the Board of County Commissioners, on the 31st
day of May 1900, commencing at the place designated in said petition as the
starting point of the road sought to be at 11 o'clock P.M. 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 4th
day of May 1900.

J. E. Blankenship
County Clerk.

By _____ Deputy.

REPORT OF ROAD VIEWERS.

ROAD NO. 165

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

We, the undersigned Road Viewers, consisting of A. H. Black, and C. M. Hooper, two of the viewers appointed by J. L. Patterson, Chairman of the Board of County Commissioners. (Henry F. Sears the other viewer appointed failing to appear) appointed to view a proposed ^{change of} road running from a point in the south line of S. 1/2 of S.W. 1/4 of Sec. 27 T. 3 S. R. 4 E. at foot of bluff to a point in the east line of the S.W. 1/4 of said Sec. 27 as described in the annexed petition, say, That on the 31st day of May

A. D., 1900 we assembled at the place designated in the petition, as the starting point of such proposed ^{change of} road and proceeded to view the same, and submit the following report:

1. The width of the proposed road, the description of the ^{westerly side} ~~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 change of road is 60 feet.

The description of the ^{westerly side} line of said 60 foot right of way is as follows to wit:

Beginning at a point in the south line of the S.W. 1/4 of Section 27 T. 3 S. R. 4 E. said point being 1066.4 feet west of the S.E. corner thereof, thence N. 35° 57' E. 1346 feet, thence N. 22° E. 240 feet to a point in the north line of the S. 1/2 of said S.W. 1/4 said point being 185.2 feet west of the N.E. corner of said S. 1/2, thence N. 17° 08' E. 298.5 feet, thence N. 35° 48' E. 163.5 feet to a point in the east line of said S.W. 1/4 said point being 1745 feet north of the south east corner thereof.

The length of the proposed change ^{is 2848 feet} ~~is 2848 feet~~ being 763 feet shorter than by way of the old road.

The line of the road is defined by stakes set on the ^{westerly side} line of the 60 foot right of way. through the S. 1/2 of said S.W. 1/4 a fence has been built on said ^{westerly side}.

The proposed change passes along the foot of a bluff over ground marshy level and suitable for road building.

The only work required would be a small amount of side hill grading sufficient to level the road bed. the probable cost of said grading being \$35.00

The land over which the proposed change of road passes

Handwritten note: The old road running from the S.E. corner of said S.W. 1/4 north to the above described corner is in regular use and the grant shall be open for the same.

through $s\frac{1}{2}$ of s.w. $\frac{1}{4}$ of said section 27 is owned by
J. F. Williams, the west line of the said road being
his west line. The north $\frac{1}{2}$ of said s.w. $\frac{1}{4}$ is
owned by J. E. Bush.

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

J. F. Williams agrees to give the 60 foot right of way, also sufficient extra right of way at the south end of the proposed change to make a grade to the road running East, not exceeding 8% (see his written consent.)

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

J. E. Bush who signed the petition now claims damages. we were unable to see him to obtain the amount.

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:

To J. E. Bush for 0.8 acre of land at \$20,	\$16.00
for moving 25 rods of fence	5.00
total damages,	<u>21.00</u>

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

The object of the proposed change of road is to avoid two hills with very heavy grades.

We believe said ^{change of} road _____ to be practical and _____ of public utility and necessity and do _____ recommend the establishment of the same.

Dated May 31st A. D., 1890

A. B. Adams
C. M. Thorpe
Henry J. Sears

Road Viewers.

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

The undersigned residents of Gallatin County
Montana and residing in the immediate neighborhood of the
road hereafter mentioned do hereby protest against the
abandonment or closing of so much of the County road as is
described in the petition of James F. Williams and others
asking that it be closed as follows:-Commencing at the South-
east corner of the S.W.1/4 of Section 27, T.3.S.R.4.E., in
Gallatin County, Montana thence running North 1/2 mile; upon
the ground that great inconvenience will be occasioned to the
settlers in the neighborhood in having to go out of their way
unnecessarily in order to get from one portion of the
neighborhood to another. That it is not necessary to close
this portion of the County road in order to open the road
so petitioned for by J.F. Williams and others, but that both
roads may be kept open without injury or prejudice to any
one.

ent letters referred to below please refer the
and to be considered in the immediate neighborhood of the
The undersigned members of the Board of
to the Honorable Board of Commissioners of the

J. E. Bush
W. J. Harbiger
Charles. Sears

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.

Henry F. Sears.

Subscribed and sworn to before me this 31st day
of May 1900

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.

C. M. Thorpe

Subscribed and sworn to before me this 26 day
of May 1900

E. V. Blankenship
County Clerk.

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.

A. H. Black

Subscribed and sworn to before me this 31st day
of May 1900

C. M. Thorpe
Co. 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 60 feet for a Right of Way, for a County

Road, through ~~or along~~ the S. 1/2 of SW 1/4 of Sec. 27, T. 3. S., R. 4. E.,
the N. line of which begins 1266.4 ft. N. of S.W. cor. of said S. 1/2. Thence N. 35° 57' E. 1346 ft.
thence N. 22° 0' E. 240 ft. to N. line of said S. 1/2. thence N. 15° 2' W. 155.2 ft. to N.E. corner
as viewed and surveyed by *A. H. Black, C. M. Thorpe*

on the 31st day of May, 1900 And hereby agree to place

my fences on said lines without charge to the County.
right of way may be necessary to make a
at the south end of said right of way
for a road running east.

I also agree to give what additional
surface grade necessary & of

Signed: *James J. Williams*
this 31st day of May 1900

Dated at _____

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered ~~Parcel~~ Letter No. 104 Rec'd. May 4 1900
of County Clerk, Bl. Co.
Bozeman, Mont.
addressed to A. H. Black
Salville, Mont.
H. B. Burkett P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered ~~Parcel~~ Letter No. 105 Rec'd. May 4 1900
of County Clerk, Bl. Co.
Bozeman, Mont.
addressed to Henry J. Sears, Esq.
Salville, Mont.
H. B. Burkett P. M.

Form 1548.
REGISTRY RETURN RECEIPT sent May 4, 1890
Reg. No. 104 from Post Office at Bozeman, Mont.
*Reg. Letter } Addressed to A. H. Black
Reg. Parcel } Salville 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. } A. H. Black
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 May 4, 1900
Reg. No. 105 from Post Office at Bozeman, Mont.
*Reg. Letter } Addressed to Henry J. Sears Esq.
Reg. Parcel } Salville 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. } H. J. Sears
When delivery is made to other than addressee, the name of both addressee and recipient must appear. } Claude B. Sears
* Erase letter or parcel according to which is sent.

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:—Beginning at a point in the South line of the S.W. 1/4 of Section 27 in Tp., 3, S R., 4 E. said point being 1066.4 feet West of the S. E. corner thereof, thence North $35^{\circ} 57'$ E. 1346 feet, thence N 22° E. 240 feet to a point in the North line of the S. 1/2 of said S.W. 1/4. Said point being 185.2 feet West of the N.E. corner of said S. 1/2 thence N. $17^{\circ} 08'$ E. 293.5 feet, thence N. $35^{\circ} 48'$ E. 163.5 feet to a point in the East line of said S.W. 1/4. Said point being 1745 feet North of the South East corner thereof.

The old Road running from the S.E. corner of said S.W. 1/4 North to the above described terminus to be vacated, when the change shall be opened for travel.

By order of the Hon. Board of County Commissioners, Gallatin Co. Mont.

Very Respectfully

E. V. Blankenship
Clerk.

State of Montana)

: ss.

Gallatin County) I, John W. Todd supervisor of Road District No. 4
in and for the County and State aforesaid, hereby certify that I posted a copy of the above notice at three points on the line of the change in the above described survey as follows to-wit:—One at the beginning one at for about the center and one at the terminus. Date of posting

Witness my hand for the 2 A.D. 1900

John W. Todd
Supervisor of Road Dist., No. 4
Gallatin, Co., Mont.

Subscribed and sworn to before me this 3 day of Nov. 1900

E. V. Blankenship
County Clerk.

By O. J. Morgan
Deputy

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:—Beginning at a point in the South line of the S.W.1/4 of Section 27 in Tp., 3, S R., 4 E. said point being 1066.4 feet West of the S. E. corner thereof, thence North $35^{\circ}, 57'$ E. 1346 feet, thence N $22^{\circ}, 0'$ E. 240 feet to a point in the North line of the S.1/2 of said S.W.1/4. Said point being 185.2 feet West of the N.E. corner of said S.1/2 thence N. $17^{\circ}, 08'$ E. 298.5 feet, thence N. $35^{\circ}, 48'$ E. 163.5 feet to a point in the East line of said S.W.1/4. Said point being 1745 feet North of the South East corner thereof.

The old Road running from the S.E. corner of said S.W.1/4 North to the above described terminus to be vacated, when the change shall be opened for travel.

By order of the Hon. Board of County Commissioners, Gallatin Co. Mont.

Very Respectfully

Clerk.

State of Montana;

ss.

Gallatin County) I, John W. Todd supervisor of Road District No. 4
in and for the County and State aforesaid, hereby certify that I posted a copy of the above notice at three points on the line of the change. In the above described survey as follows to-wit:—One at the beginning one at ~~for~~ about the center and one at the terminus. Date of posting

A. D. 1900

Supervisor of Road Dist., No. 4
Gallatin, Co., Mont.

Subscribed and sworn to before me this _____ day of _____ 190

County Clerk.

Jas. F. W. Road.

NOTICE OF PETITION FOR OPENING PUBLIC ROAD.

Notice is hereby given that twelve residents of Road Dist. No. 4 of Gallatin County, State of Montana, have filed a petition in writing with the County Commissioners of Gallatin County, State of Montana.

Said petition praying that a change be made in the road which runs near the S.W. 1/4 of Sec. 27, Tp 3, S R, 4 E. A description of the change is as follows, to-wit:-

The new road is to cross the S.E. corner of the S.W. 1/4 of Sec. 27 Tp 3 S R, 4 East. Said Road to parallel the East side of a ditch where practical and to be at least 15 feet from the ditch, known as the Reed, Bush, Etherington & Leonard Ditch.

The old road running South from the foot of the hill to corner to be vacated and discontinued.

Said Road will be viewed by viewers appointed by the Chairman of the Board of County Commissioners, according to law, who will commence said on Thursday the 31st day of May A. D. 1900

Said viewing to commence at one (1) O'Clock P.M. of said day.

E. V. Blankenship
County Clerk.

STATE OF MONTANA,
County of Gallatin.

James F. Williams being first duly sworn deposes and says, that as the he received from the County Clerk of said County, on the 4th day of May A. D., 1900, three copies of the annexed notice, and that on the 8th day of May 1900 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 beginning and one at the terminating point

and further deponeth sayeth not.

I hereby certify that I posted a copy of the above notice on the bell board in front of the Recorder's Office on the 4th day of May

James F. Williams
E. V. Blankenship
County Clerk.

Bozeman, Mont. June 4th 1900.
I hereby certify that I posted a copy of the annexed notice at the Recorder's office June 4th, 1900.
E. V. Blankenship
County Clerk.

Subscribed and sworn to (C. M. Throck) before me this 4th day of June 1900 Co. Surveyor