

No. of ~~Case~~ *Broad* 166

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

White Galfee Road
in Sections 1. and 2. Twp 2. S. R. 7. E.

Filed February 5, 1900.
Plaintiff

Notices to post sent Febr. 5, 1900.²³

Defendant

Action for

No return
No return

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. 5, 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:

(a) Beginning at a point or turn in the road about one hundred yards east of O. Malmborg's house and in the NE. 1/4 of Sec 2, Tp 2 S, R 7 E on the public highway connecting the Livingston and Bridges roads and extending in an easterly and north easterly direction to Jackson's canon, thence following that canon to White Calfee's saw mill.

(b) The surveyed lands which said road would cross are a portion of the NE. 1/4, Sec 2, Tp. 2 S, R 7 E and Sec 1 of Tp. 2 S, R 7 E. Other parcels are unsurveyed and unoccupied.

(c) O. Malmborg owns the above named surveyed lands.

(d) All but one gives consent.

(e) O. Malmborg does not give his consent.

(f) Probable cost, one hundred fifty dollars.

(g) This road is necessary for the public to obtain fire wood, lumber, and mining timbers.

Jenny M. ...

Respectfully,

NAMES:

NAMES:

1. S. C. Martney
 2. Robert McKee
 3. Andrew Sorenson
 4. White Calfee
 5. Geo. Tallentire
 6. George Gulber

6. J. Eberhard
 7. B. Werner
 8. J. Keller
 9. S. Kusamer
 10. Charles Pearce
 D. Ruettner

John Sounek
Gustav Schendel
Emil Lund
W. A. Brooks

REMARKS

REMARKS

[Faint, illegible handwritten notes and bleed-through from the reverse side of the page.]

DEFINITION FOR BOARD

Notice of Petition for Opening Public Road-

Notice is hereby given that ten residents of Road District No. 5 of Gallatin County, State of Montana, have filed a petition in writing with the County Commissioners of the County of Gallatin, State of Montana. Said petition praying that a new road be established. A description of the route of the Road which it is proposed to lay out and establish is as follows-to wit:-

Beginning at a point or turn in the road about 100 yards East of O. Malmberg's house and in the N.E. 1/4 of Sec. 2 Tp. 2, S, R. 7, E. on the public highway connecting the Livingston and Bridger roads and extending in an Easterly and North Easterly direction to Jackson's Canon, thence following that canon to White Calfee's saw mill. The same being the termination thereof.

Viewers appointed by the Chairman of the Board of County Commissioners, according to law, who will commence said view at the place of beginning of said road so proposed to be established, on the 10th day of March, 1900 said viewing to commence at 11 O'Clock A.M. of said day

E. J. Blankenship
County Clerk of Gallatin County
State of Montana.

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

White Calfee

being first duly sworn deposes and says, that ~~as the~~ he received from the County Clerk of said County, on the 10th day of February 1900, three copies of the annexed notice, and that on the 15th day of February 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 point of termination of the above described proposed road.

and further deponeth sayeth not.

Subscribed and sworn to before me this 17th day of February 1900 A. D. 1899
White Calfee
E. J. Blankenship
County Clerk.

WARRANT FOR ROAD VIEWERS.

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

MR. C. M. Thorpe

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson
Chairman of the Board of Commissioners of Gallatin County, Montana, on the
20th day of February 1900, to view and lay out a proposed road, as prayed
for in the petition of C. M. Carthy and others, described as follows, to-wit:

Beginning at a point to turn in the road
about 100 yards east of G. Malmborg's house, and
with the N.E. 1/4 of Sec. 2, T. 2, S. R. 7 E on the public
highway conducting the Livingston and
Bridger roads, and extending in a westerly
direction to Jackson's Canon, thence
following that canon to White Calfee's
Saw Mill.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with Robert M. Rice and Ed. Rouse who were duly appointed as
Viewers on said road by Mr. J. L. Patterson and by the
County Surveyor who is Chairman of said Board of Viewers, on the 20th
February A.D. 1900, commencing at the place designated in said petition as the
starting point of the road sought to be at 11 o'clock A.M. March 1900 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 20th
day of February 1900.

E. V. Blankenship
County Surveyor,
Clerk.

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 20th day of February 1900, to view and mark out a proposed road as prayed for in the petition of

J. C. M. Carthy et. al.,

will, in company with the County Surveyor, ~~who is chairman of said Board of Viewers,~~ meet for such view on the 1st day of March 1900, the time fixed by ~~said Surveyor,~~ Co. Clerk,

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

Beginning at a point or turn in the Road about 100 yards East of O. Meluborg's house thence running in an Easterly direction to White Calfes's Saw mill in Jackson's Canyon.

A more complete description being given in the petition.

Dated this 21st day of Feb. 1900.

C. M. Hooper

} VIEWERS.

WARRANT FOR ROAD VIEWERS.

County ~~Surveyor's~~ ^{Clerk's} Office,
Gallatin, County, Montana. }

MR. E. A. Rouse

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson
Chairman of the Board of Commissioners of Gallatin County, Montana, on the
20th day of February, 1900, to view and lay out a proposed road, as prayed

for in the petition of J. C. McCarth and others, described as follows, to-wit:
Beginning at a point on the road about 100 yards east of O. Malmberg's house and in the N.E. 1/4 of Sec 2, T. 2, S. R. 7 E. on the public highway connecting the Livingston and Bridger roads and extending in any easterly direction to Jackson's Canyon, thence following that canyon to White Caffee's Saw Mill.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with E. M. Thorp and Robert McKee, who was duly appointed as a Viewers on said road by ~~the~~ Mr. J. L. Patterson and by the ~~County Surveyor, who is Chairman of said Board of Viewers,~~ on the 20th

day of February A. D. 1900, commencing at the place designated in said petition as the starting point of the road sought to be at 11 o'clock A. M. March 1st 1900 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 20th day of February, 1900

E. V. Blankenship
County ~~Surveyor~~
Clerk

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

Clerk's
County ~~Surveyor's~~ Office,
Gallatin, County, Montana.

MR. Robert M. Kee

You are hereby notified that you were duly appointed Road Viewer by J. L. Patterson
Chairman of the Board of Co. Commissioners of Gallatin County, Montana, on the
20th day of February 1900, to view and lay out a proposed road, as prayed
for in the petition of J. C. McCarthy and others, described as follows, to-wit:

Beginning at a point on turn in the road
about 100 yards east of C. Malmborg's house
and in the N. E. 1/4 of Sec 2, T. 2, S. R. 7 E. on the
public highway connecting the Livingston
and Bridger roads and extending in an
Easterly direction to Jackson's Canyon,
thence following that Canon to White
Calf's Saw Mill

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with C. M. Thorpe and E. G. Rouse, who ~~was~~ ^{were} duly appointed as a
Viewers on said road by ~~me~~ Mr. J. L. Patterson and by the
~~County Surveyor, who is Chairman of said Board of Viewers,~~ on the 20th
February A. D. 1900, commencing at the place designated in said petition as the
starting point of the road sought to be ^{at 11 o'clock A. M. March 1st 1900} 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 20th
day of February 1900

J. O. Blankenship
County Surveyor
Clerk.

By _____
Deputy.

ROAD VIEWERS' NOTICE.

Notice is hereby Given to all whom it may concern. That ^I~~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 20th day of February 1900, to view and mark out a proposed road as prayed for in the petition of C. W. McCarthy et. al., will, in company with ~~the County Surveyor, who is chairman of said Board of Viewers,~~ meet for such view on the _____ day of _____ 1900, the time fixed by ^{Co. Clerk}~~said Surveyor~~.

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

Beginning at a point or turn in the Road about 100 yards East of O. Waldborg's house thence running in an Easterly direction to White Calfee's Saw Mill in Jackson's Canon.

A more complete description being given in the petition.

Dated this _____ day of _____ 1900.

Robert McKee

} VIEWER\$.

REPORT OF ROAD VIEWERS.

ROAD NO. 166

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

We, the undersigned Road Viewers, consisting of E. A. Rouse, Robert Me Ke, and C. M. Thorpe.

appointed to view a proposed road running from a point or turn in the road about 100 yards east of O. Malinborg's house, and in the (N.E. 1/4 of Sec 2 T.25 S. 7 E.) as described in the petition to Jackson's Canyon to White-Calf's Saw Mill.
as described in the annexed petition, say, That on the 1st day of March,

A. D., 1900 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:

As the description of the starting point, describes the beginning of the said road in the N.E. 1/4 of Sec. 2 T.25 S. 7 E. when it was intended to be on the S.E. 1/4 of said section, making an error of the starting point of 1/2 mile. And as the road as petitioned for is mostly in Park County, the East line of section 11 said T. & R. being on the County line. We would respectfully recommend that this petition be not granted, as we do not believe that a road could not legally be established on this petition. And that it be returned to the petitioners for correction.

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:

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.....
.....
.....

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:

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.....

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

.....
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.....
.....
.....
.....
.....
.....

We believe said road ~~to be practical and~~ of public utility and necessity and do ~~recommend the establishment of the same.~~

Dated March 12th A. D., 1891900.

E. J. Rouse
Robert McKel
C. M. Thorpe } 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.

C. M. Hooper

Subscribed and sworn to before me this 21st day

of February ~~189~~ 1900
E. D. 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.

E. D. Rowe

Subscribed and sworn to before me this 1st day

of March ~~189~~ 1900
C. M. Hooper
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.

Robert McKee

Subscribed and sworn to before me this *1st* day

of *March* 189*1900*

C. M. Thorpe

Co. Surveyor.

This must be returned to the County Clerk after execution.

OFFICE OF

C. M. THORPE,

County Surveyor and Superintendent of Roads.

BOZEMAN, MONTANA,

Feb. 21 1900
189

Received of E. F. Blankenship
Co. Clerk

warrant to act as
Road viewer on March 1st 1900

C. M. Thorpe

Office of County Clerk and Recorder, Gallatin Co., Mont.

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 my Office, signed by J. C. McCarthy and fifteen other residents of road Dist. No. 5.

The petition above referred to petition that a road be established beginning point about 100 yards east of O. Malmberg's house and in Sec 2 Tp 2, S R, 7 E. thence running in an Easterly direction and terminating at White Calfee's saw mill in Jackson's Canon.

You are hereby notified to appoint three viewers to view the above proposed road

Very Respectfully

E. V. Blankenship
County Clerk and Recorder.

Dated at Bozeman, Mont., this 20th day of February 1900.

Office of the Board of County Commissioners, Gallatin Co. Mont.

Mr. E. V. Blankenship County Clerk, Gallatin, Co. Mont.,

Dear Sir:- In pursuance of the above notice I hereby appoint

C. M. Thorpe
Robt McKee
C. A. Rouse

to act in behalf of the Board of County Commissioners, as viewers of the above petitioned for road

Very Respectfully

J. L. Patterson

Chairman of the Board of County Commissioners, Gallatin County Montana. Dated at Bozeman, Montana, this 20 day of Feb 1900

REGISTRY RECEIPT.

Post Office at Bozeman, Mont

Registered Letter Parcel { No. 407 Rec'd. Feb 21 1890

of Co Clark

Bozeman, Mont.

addressed to E. A. Bouse

Bozeman mt

W. B. Burkett P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel { No. 408 Rec'd. Feb 21 1890

of Co Clark

Bozeman, Mont.

addressed to Robert M. Clark

Bozeman mt

W. B. Burkett P. M.



Bozeman, Montana,

190

of E. L. Blankenship, County Clerk
Shelby White calves petition for
a road.

DOLLARS.

BY

Deputy.

E. M. G. Hooper,

COUNTY CLERK AND RECORDER

County Surveyor.

Form 1548. **FEB 21 1900**, 189

REGISTRY RETURN RECEIPT sent

Reg. No. 408 from Post Office at Bozeman, Mont.

*Reg. Letter } Addressed to Robert McKee
 Reg. Parcel } Chesnut 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.

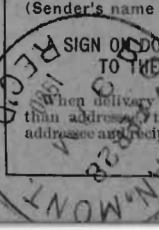
(Sender's name on other side.)

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.

Robert McKee
Chesnut Mont



Form 1548. **FEB 21 1900**, 189

REGISTRY RETURN RECEIPT sent

Reg. No. 407 from Post Office at Bozeman, Mont.

*Reg. Letter } Addressed to E A House
 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.

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.