

Final notices to post
Sent to J. W. Todd 4-17-1900

No. of Case *Road No 167*

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

Thos. J. Fowler et al
from SW corner Sec. 27, T.20 R.5 E.
to SE corner of SW 1/4 Sec. 25, T.20 R.5 E.

Notices to post, sent Mar 23 1900
Plaintiff

vs.

FILED

March 23rd 1900

Defendant

E. W. Blankenship
County Clerk

Action for *the within line of road ordered*
run by order of Board
Jan 4, 1900 - J. Patterson

Viewers Report accepted Survey
approved, and road ordered
run by order of the Board

at the order of the Board

J. Patterson
Chairman
Attorney for Plaintiff

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

REVERSIBLE DOCUMENT ENVELOPE, No. 300,
Manufactured by Cincinnati Paper Novelty Company,
106 Walnut Street, Cincinnati, O.
Patented August 1, 1899.
6838

PETITION FOR ROAD.

Hon. Board of County Commissioners,
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, ~~50~~⁴⁰ 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 center line of the 40 foot right of way is described as follows to-wit: Beginning at the $\frac{1}{4}$ Sec. Cor. between sections 25, and 36, T.2S. R.5E, thence west along the section line between said sections 25 and 36, and between sections 26 and 35, and between sections 27 and 34, all in said T. & R. to the corner to section 27, 28, 33, & 34.

The owners of the land over which the proposed road runs is as follows. F. L. Bruehl, Thomas Matthews, Thomas Fowler, J. L. Patterson, Frank Hiskell, Mrs. M. Flaherty.

- NAMES:
- 1 J. H. Swalen
 - 1 F. L. Bruehl
 - 2 B. F. Besel
 - 3 Wm. H. Ellis
 - 4 Thom. Matthews
 - 5 G. E. McKinsey
 - Chas. B. Anderson

- NAMES:
- 6 Henry Mangerton
 - 7 G. Strick
 - 8 Charles Adams
 - 9 J. H. Bowman
 - 10 Geo. W. Flanders
 - David Tucker

Copy of Warrants sent to viewers,
April 6th 1900.

WARRANT FOR ROAD VIEWERS.—BOZEMAN CHRONICLE PRINT.

WARRANT FOR ROAD VIEWERS.

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

Messrs C. M. Thorpe, Chas Anderson and Thomas Lewis,

You are hereby notified that you were duly appointed Road Viewer by ^{Jur J. G. Patterson} ~~Chairman~~ of the Board of Commissioners of Gallatin County, Montana, on the 29th day of March 1900 to view and lay out a proposed road, as prayed for in the petition of ^{Wm H. Ellis} and others, described as follows, to-wit:

Beginning at the $\frac{1}{4}$ Sec corner between Sections 25, and 36, T. 2 S., R. 5 E. thence west along the Section line between said Sections 25 and 36, and between Sections 26 and 35, and between Sections 27 and 34, all in said Township and Range to the corner of Sections 27, 28, 33 and 34

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with ^(the viewers separately given) who ~~was~~ ^{were} duly appointed as a Viewer on said road by the ^{Chairman (as aforesaid)} ~~County Surveyor~~ and by the ~~County Surveyor~~ who is Chairman of said Board of Viewers, on the 27th day of

April 1900, commencing at the place designated in said petition as the starting point of the road sought to be ^{at 10 o'clock A.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 6th day of April 1900

E. J. Blankenship
County Surveyor
Clerk

By _____ Deputy.

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.

Thomas Lewis

Subscribed and sworn to before me this 27th day

of April

1900

E. L. 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.

C. M. Thomas

Subscribed and sworn to before me this 27th day

of April A.D. 1900

E. L. 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.

Chas. B. Anderson

Subscribed and sworn to before me this 27th day

of April 1890

E. M. D. Hooper

C. Sawyer

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 8

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

We, the undersigned Road Viewers, consisting of Thomas Lewis, Chas. Anderson,
and C.M. Thorpe, who were duly appointed by the
chairman of the board of County Commissioners on the
29th day of March, 1900

appointed to view a proposed road running from the $\frac{1}{4}$ section corner between
Sections 25 & 36 T. 2 S. R. 5 E.

to the corner to Sections 27, 28, 33 and 34 said township & Range
as described in the annexed petition, say, That on the 27th day of April

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:

The width of the proposed road is 40 feet.

The description of the center line is as follows to wit:—

Beginning at the $\frac{1}{4}$ section corner between Sections
25 and 36 T. 2 S. R. 5 E. thence west along the section
line between said Sections 25 and 36, and between
Sections 26 and 35, and between Sections 27 and
34, all in said township and range to the corner
to Sections 27, 28, 33 and 34.

The length of the proposed road is $2\frac{1}{2}$ miles.

The line of the road will be defined by the U.S. Gov. Corner,
as some of them have been obliterated, a survey will
be necessary to establish the line.

The ground over which the road passes is nearly
level, and is suitable for road building.

The proposed road will require for right of way a 20 foot
strip of land off the following described tracts of land:

along the south side of SW. $\frac{1}{4}$ of Sec. 25 and the south side
of the South $\frac{1}{2}$ of S.E. $\frac{1}{4}$ of Sec. 26 T. 2 S. R. 5 E. owned by J. L.
Patterson, along the south side of SW. $\frac{1}{4}$ of said Sec. 26
owned by Thomas Fowler, along the south side of Sec. 27
said $\frac{1}{2}$ R. owned by J. L. Bump, along the north side of
the NW. $\frac{1}{4}$ of Sec. 36 said $\frac{1}{2}$ R. owned by Mrs. M. Plaharty,
along the north side of Sec. 35 owned by Frank Hiskell,
along the north side of the NE. $\frac{1}{4}$ of Sec. 34 said $\frac{1}{2}$ R. owned by
Thomas Mathews, and along the north side of the NW. $\frac{1}{4}$ of
said Sec. 34 owned by J. L. Bump. all of whom consent
to give the right of way and we hereto attach their written
consent.

While the proposed road is now open and traveled it is not in a safe condition. The probable cost of putting the road in good condition is as follows for 22 culverts and 5 bridges requiring 14,000 ft 3M. of bridge lumber.

for grading and ditching.

Total Cost.

336.00
265.00
601.00

We find this road is used by a large load of County even in its bad condition. And if put in good condition would be more generally used.

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

See No 1.

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

All land owners consent.

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:

The road petitioned for has been an open traveled road for years. and thus are no damages claimed or allowed.

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

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

Dated Apr 28th

A. D., 1890

Thomas Lewis
B. M. [unclear]
Chas Anderson

} Road Viewers.

To the County of Gallatin, State of Montana:

I Herely Agree, and consent to give 20 feet for a Right of Way, for a County Road, through or along the south side of SW. 1/4 of Sec. 25, T. 2 S. R. 5 E., and along the south side of S. 1/2 of S. 1/4 of Sec. 26, T. 2 S. R. 5 E., as viewed and surveyed by C.M. Thorne, Thomas Lewis, and Chas. Anderson, on the 27th day of April, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: J.R. Patterson

Dated at Bozeman this 28 day of Apr 1890

To the County of Gallatin, State of Montana:

I Herely Agree, and consent to give 20 feet for a Right of Way, for a County Road, through or along the north side of Sec. 35, T. 2 S. R. 5 E., as viewed and surveyed by Thomas Lewis, Chas. Anderson, + C.M. Thorne, on the 27th day of April, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: Frank Heiskell

Dated at this 27th day of Apr 1890

To the County of Gallatin, State of Montana:

I Herely Agree, and consent to give 20 feet for a Right of Way, for a County Road, through or along the south side of SW. 1/4 Sec. 26, T. 2 S. R. 5 E., as viewed and surveyed by Thomas Lewis, Chas. Anderson + C.M. Thorne, on the 27th day of April, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: J. J. Thorne

Dated at this 27th day of April 1890

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 20 feet for a Right of Way, for a County Road, ~~through~~ or along the N. side of N.W. 1/4 of Sec. 36, T. 25 R. 5 E. as viewed and surveyed by Thomas Lewis, Chas. Anderson + C.M. Thorpe on the 27th day of April, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: Martha Flaherty

Dated at _____ this 27th day of April 1890

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 20 feet for a Right of Way, for a County Road, ~~through~~ or along the South side of N.E. 1/4 of Sec. 34, T. 25 R. 5 E. as viewed and surveyed by Thomas Lewis, Chas. Anderson + C.M. Thorpe on the 27th day of April, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: Thos Matthews

Dated at _____ this 10th day of May 1890

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 20 feet for a Right of Way, for a County Road, ~~through~~ or along the South side of Sec. 27, T. 25 R. 5 E., and along the North line of the N.W. 1/4 of the N.W. 1/4 of sec. 34 said T. + R. as viewed and surveyed by C.M. Thorpe, Thomas Lewis and Chas. Anderson on the 27th day of April, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: F. J. Bunde

Dated at Bozeman this 10 day of May 1890

C. M. THORPE,

County Surveyor and Superintendent of Roads.

BOZEMAN, MONTANA. Sept. 3, 1900. 189

To the Honorable Board of County Commissioners of Gallatin Co., Montana.

Gentlemen:

As instructed by you I have surveyed the T. J. Fowler Road No. 167 and have re-established all U.S. Gov. Corners which were obliterated, and have marked all Gov. Corners with iron pipe monuments. At the $\frac{1}{4}$ Sec. corners between sections 25 & 36 T. 2 S. R. 5 E., the same being the east end of the road. Mrs. M. Flaharty should move her fence 83.5 feet south. The fence on the north side of the road should be moved south 103.5 feet.

At the section corner $\frac{1}{2}$ mile west of the above $\frac{1}{4}$ Cor. Mrs. Flaharty's fence should be moved north 16 feet, on the remainder of the road. No change of fence would be necessary, except at the $\frac{1}{4}$ Sec. Cor. between sections 27, & 34, T. 2 S. R. 5 E. where F. L. Benepe should move the fence on the north side of the road north 5 feet.

The road is now open and traveled, the object of the survey being to establish the road on correct lines.

Respectfully,

C. M. Thorpe
.....

County Surveyor.

*By order of Board of Commissioners
C. M. Thorpe
County Surveyor*

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 Wm. H. Ellis and twelve other residents of road Dist. No. 5

The petition above referred to petitions that a road be established, commencing at the 1/4 Sec. corner between Sections 25 and 26 Twp. 2, S. R. 5 E. thence running west on section lines to the N.W. Cor. of Sec. 27 Twp. 2, S. R. 5 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 27th day of March A. D. 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

Wm. Hooper
Chas. Anderson
Thomas Lewis

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

Yours Very Respectfully

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

Dated at Bozeman, Montana, this 29 day of March 1900.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered ^{Letter} ~~Parcel~~ No. 26 Rec'd. Apr 9 1900
of County Clerk
Bozeman, Mont.
addressed to Chas. D. Anderson, Esq.
Bozeman Mont
W. T. B. Burkett P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered ^{Letter} ~~Parcel~~ No. 25 Rec'd. Apr 9 1900
of County Clerk
Bozeman, Mont.
addressed to Thos. Lewis
Bozeman, Mont.
W. T. B. Burkett P. M.

Form 1548.

REGISTRY RETURN RECEIPT sent Apr 9 1900

Reg. No. 25 from Post Office at Bozeman, Mont.

*Reg. Letter ~~Parcel~~ Addressed to Thos. Lewis
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.

Thomas Lewis

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.

Notice of Opening Public Road.

Notice is hereby given that after sixty days from the date of posting this notice, a public highway declared will be opened over the following route, to-wit: Commencing at the 1/4 Sec. corner between Sections 25 and 36 Tp. 2, S R. 5 E., thence West along the Section line between Sections 25 and 36 and between Sections 26 and 35 and between Sections 27 and 34 all in said Township and Range to the corner of Sections 27, 28, 33 and 34.

The above is a description of the center line of a 60 foot road-way. The length of the road is 2 and 1/2 miles.

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

Dated Sept. 8th 1900. 189.

E. D. Blankenship
Clerk,

By _____ Deputy.

Date of Posting _____ 189

State of Montana,)

:SS.

County of Gallatin,)

John W. Todd

being first duly sworn deposes and says, that ~~he~~ he received from the County Clerk of said County on the ^{19th} day of April A. D. 1901 three copies of the above and foregoing notice and that on the ^{19th} day of April A. D. 1901 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 One at or near the center and One at the point of termination, ^{within said} and further deponent sayeth not.

John W. Todd

Subscribed and sworn to before me this ^{19th} day of April A. D. 1901.

E. D. Blankenship
County Clerk & Recorder

NOTICE OF PETITION FOR OPENING PUBLIC ROAD.
#####

Notice is hereby given that thirteen residents of Road District No. 4 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 the 1/4 Sec., corner between Sections 25 and 36, Tp 2, S R, 5 E, thence West along the Section line between Sections 25 and 36 and between Sections 26 and 35 and between Sections 27 and 34, all in said Township and Range, to the corner of Sections 27, 28, 33 and 34.

Said proposed road will be viewed by 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 Friday the 27th day of April A. D. 1900. Said viewing to commence at ten (10) O'Clock A.M. of said day.

Very Respectfully

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

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

J. J. Fowler

being first duly sworn deposes and says, that as the he received from

the County Clerk of said County, on the 23rd day of March A. D. 1900, three copies of the annexed notice, and that on the 26 day of March 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 of the proposed road.

and further deponeth saith not.

Subscribed and sworn to before me this 27th day of March A. D. 1900

A copy of the above notice posted at Recorder's office March 23rd 1900
E. B. Blankenship
Co. Clerk

J. J. Fowler
E. B. Blankenship
County Clerk

Subscribed and sworn to before me this 4th day of June 1900
E. M. Harper Co. Surveyor