

1900 opening road along 29th
Notices to be posted Sept
may 17th to H.C. Gault
Viewers notified may 17th
Notices of opening sent 4-16-1901

No. of ~~Case~~ Road 171

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

H.C. Gault

W. R. Johnson et al

Road in Sec. 32, Twp. 2. S. R. 5. E.

Notices sent to post, February 5, 1900

Plaintiff

Viewers report accepted and survey
ordered by order of the Board
Jan 4, 1900 - J. Patterson Chairman

Defendant

Surveyed Aug. 1st 1900

Road ~~ordered~~ ~~opened~~
Accepted for ~~the~~ ~~road~~
Accepted on 7th 1900

in ~~the~~ ~~road~~ ~~order~~
Jan 1900

Surveyors Report accepted
and Road ordered opened
by order of the Board
Sept 8th 1900
J. Patterson
Chairman

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

REVERSIBLE DOCUMENT ENVELOPE, No. 20,
Manufactured by Cincinnati Paper Novelty Company,
100 Walnut Street, Cincinnati, O.
Patented August 1, 1898.

PETITION FOR ROAD.

Honorable 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, 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) Commencing at the Southeast Corner of the Southwest quarter of the Northeast quarter of Section 32 in Tp. 2, South of Range, Five (5) East, thence running North on the line between the Southwest quarter and the Southeast quarter of the Northeast quarter of Section 32 in Tp. 2, S. R. 5 E, thence west on the line between the Southwest quarter and the Northwest quarter of the Northeast quarter of said Section 32, same Tp., and Range, and intersecting the Main Road.

(b) All in Sec. 32, Tp. 2, S. R. 5 E,

(c) H. O. Gaunt and F. C. Schultz.

(d) H. O. Gaunt consents, (e) F. C. Schultz does not consent.

(f) The probable cost of right-of-way (\$50.00)

(g) The old road is damaged by water-wash. The new road would be made on higher ground and would afford an outlet which would be less expensive to keep in repair.

It is hereby understood and agreed that the old road, which runs down Dry Creek, to where the proposed road is to intersect is to be discontinued.

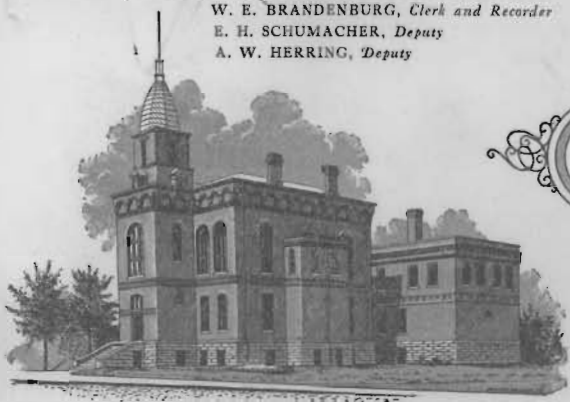
NAMES:

- 1 M. R. Johnson
- 2 J. H. Finch
- 3 W. H. Vadder
- 4 John J. Mortimer
- 5 C. H. Grotch
- Lewis D. Lay

NAMES:

- 6 Geo. Biggs
- 7 L. E. Lay
- 8 J. A. Patten
- 9 A. M. Condit
- 10 H. O. Gaunt
- J. M. Shulze
- Chas. B. Anderson

W. E. BRANDENBURG, Clerk and Recorder
E. H. SCHUMACHER, Deputy
A. W. HERRING, Deputy



County of Gallatin
State of Montana

Office of

County Clerk and Recorder

Bozeman, Montana, _____ 190_____

See commissioners proceedings
Volume 6 - Page - 234 for
road running from the SW corner the
SE 1/4 of NE 1/4 section 32 - N. 2 S. R. 5 E. running
due East 1/4 mile on line between sec. 32 and 33,
~~thence south~~

OFFICE OF
County Clerk and Recorder
OF GALLATIN COUNTY, MONTANA.

E. V. BLANKENSHIP,
COUNTY CLERK AND RECORDER.

BOZEMAN, MONTANA, February 5th 1900.

M. R. Johnson, Esq.,

Bozeman, Mont.,

Dear Sir:-Enclosed you will please find three copies of notices two of which are to be posted, one at the beginning and one at the terminus of the proposed road.

The third notice, to which the affidavit is attached, is to be sworn to by you after the notices are posted.

Please note in the body of the affidavit the day on which the notices are posted.

The affidavit may be signed in this office without having to pay a notarial fee

Yours Very Respectfully

E. V. Blankenship

P.S.

Upon comparing your description with a plat as to the line of the proposed road we find that it is in-complete. In the latter part of the description of the proposed road, it should have read as follows, to-wit: thence west on line between the Southwest quarter and the Northwest quarter of the Northeast quarter of Sec. 32 etc.

Owing to the omission your petition is invalid and I think it necessary to get up a new one.

Yours Respect.

E. V. B.

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 *M. R. Johnson Etal*

of Road District No. *4*

The petition above referred to, petitions that a Road be established, commencing at the S.E. corner of the S.W. quarter of the N.E. quarter of Sec. 32, Twp 2, S. R. 5 E, thence running North 1/4 mile thence West 1/4 mile to the established Road on Dry Creek. More particularly described in the Petition

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:

C. M. Thayer

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 *16* day of *May* 190*0*.

Warrant for Road Viewers.

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

Messrs J. A. Potter, B. P. Cobb, & C. M. Thorpe

You are hereby notified that you were duly appointed Road Viewer by Mr. J. L. Patterson
Chairman of the Board of County Commissioners of Gallatin County, Montana, on the 16th
day of May 1900, to view and lay out a proposed road, as prayed for in the
petition of J. M. P. Johnson and others, described as follows, to-wit:

Copy

Commencing at the Southwest corner of the South-
west quarter of the Northeast quarter of Section
32 in Township 2 South of Range Five (5)
East thence running North on the line
between the Southwest quarter and the South-
east quarter of the Northeast quarter of said
Section 32 thence West on the line between
the Southwest quarter and the Northwest quarter
of the Northeast quarter of Sec. 32 and intersecting
the main Road.

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 29th
day of May A. D. 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 17th
day of May 1900

J. E. Blankenship
County 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.

J. A. Potter

Subscribed and sworn to before me this 29th day
of May 1900

C. M. Thorpe

County 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.

B. P. Cobb

Subscribed and sworn to before me this 29th day
of May 1900

C. M. Thorpe

County 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.

REPORT OF ROAD VIEWERS.

ROAD NO. 171

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

We, the undersigned Road Viewers, consisting of J. A. Patten, B. P. Cobb, and C. M. Thorne, who were appointed by J. S. Patterson Chairman of the Board of County Commissioners

~~appointed~~ ^{change of} to view a proposed road running from the southeast corner of the south west 1/4 of the north east 1/4 of Section 32 T. 2 S. R. 5 E. to a point in the north line of said S.W. 1/4 of N.E. 1/4 where the same is crossed by the old road.

as described in the annexed petition, say, That on the 29th day of May 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 ^{change of} road, the description of the center line of the same, the length, how defined, the marks and ~~marks~~ grades, character of ground, description of the land and owners of the same, over which the proposed ^{change of} 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 east and north lines of ^{the said 40 feet right of way} is as follows to wit:—
Beginning at the southeast corner of the southwest quarter of the northeast quarter of Section 32, T. 2 S. R. 5 E. thence north on the line between the southwest quarter and the southeast quarter of the northeast quarter of said Section 32 to the N.E. corner of said S.W. 1/4 of N.E. 1/4, thence west on the line between the said S.W. 1/4 and the N.W. 1/4 of the N.E. 1/4 of said Section 32 said T. 2 S. R. 5 E. to the old road. ^{to the terminus of the proposed change to be made}

The length of the proposed change is nearly 1/2 mile.
A survey will be necessary to define the line of the road.
The ground over which the proposed road passes is nearly level, and is hard and rocky and suitable for road building.
The land over which the proposed change passes is the S.W. 1/4 of N.E. 1/4 of Sec 32 T. 2 S. R. 5 E. owned by H. O. Gant, who consents to give the full 40 feet right of way see his written consent hereto attached.
We find that proposed road opened and traveled, the same should have some work to put it in suitable condition for travel.

We estimate the cost for culverts at \$17.00
For grading 40.00
Total cost \$67.00

~~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 believe that a width of 40 feet is sufficient instead of 60 as petitioned for, and have so viewed it, and as Mr H.O. Gault has consented to give the full 40 feet we have so laid it out as described above. Mr. F.C. Schultz, the adjoining land owner not consenting to give the right of way but claiming damages amounting to \$300.00

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 29th A. D., 1900

J. A. Potter
B. P. Galt
C. M. Thorpe.

Road Viewers.

C. M. THORPE,

County Surveyor and Superintendent of Roads.

Sept. 5th, 1900.
BOZEMAN, MONTANA,

189

To the HONorable Board of County Commissioners of Gallatin
County, Montana.

Gentlemen:

As instructed by you I have surveyed the road between H. O. ~~Grant~~
Grant and F. Schultz. No. 171.

The proper subdivision brings the lines quite different
from the fences, as shown by the accompanying sketch.

Both land owners should be given notice to remove any portion
of thier fences which may be in the road.

I showed the lines and corners to Mr. Schultz who seemed
satisfied and I think will move his fences when notified.

All coners of the survey are marked with iron pipe monuments.

Respectfully,

C. M. Thorpe
.....

Co. Surveyor.

Report of Co. Surveyor,
on
the Gant Road,
No. 171.

FILED

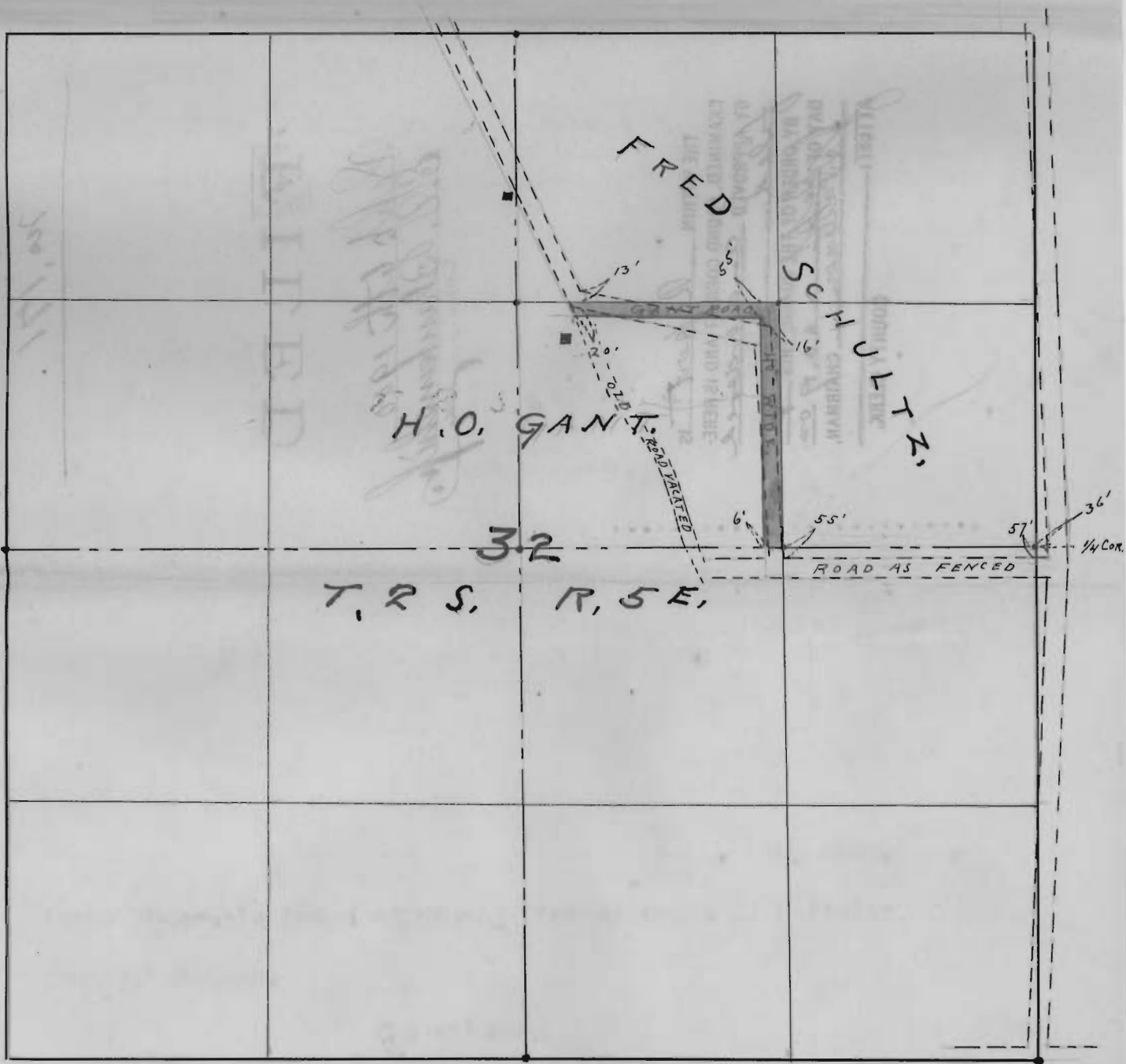
Sept 6th 1900
E. D. Blankenship,
Clerk

THE WITHIN Report IS
EXAMINED, FOUND CORRECT AND IS HERE-
BY APPROVED and ordered
filed.

BY ORDER OF THE BOARD, THIS 8
DAY OF Sept, A. D., 19 00

J. H. Hallen, CHAIRMAN,
ATTEST: _____ COUNTY CLERK.

SKETCH OF GANT ROAD.



To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 40 feet for a Right of Way, for a County Road, through or along the East & North sides of S.W. 1/4 of NE 1/4 Sec. 32, T. 2 S., R. 5 E., as viewed and surveyed by J. Q. Patten O. P. Cobb and C. M. Thurf on the 29th day of May, 1890 And hereby agree to place

my fences on said lines without charge to the County. this agreement shall only be good so long as all of the above described right of way shall be used as a County road. In case of a change of any portion of said right of way, all of this said right of way is described

Signed: J. Q. Patten O. P. Cobb and C. M. Thurf
Dated at this day of May, 1890
above shall revert to the owner of said S.W. 1/4 of NE 1/4 of Sec. 32 T. 2 S. R. 5 E.

Dated this 29th day May 1900. H O Gault

NOTICE OF PETITION FOR OPENING PUBLIC ROAD and DATE OF VIEWING THE SAME.

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: -Commencing at the Southeast Corner of the Southwest quarter of the Northeast quarter of Section 32 in Tp. 2 South of Range Five (5) East, thence running North on the line between the Southwest quarter and the Southeast quarter of the Northeast quarter of Section 32 in Tp. 2, S R, 5 E, thence West on the line between the Southwest quarter and the Northwest quarter of the Northeast quarter of said Section 32, same Tp and Range, and intersecting the main road.

Said 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 Tuesday the 29th day of May A. D. 1900.

Said viewing to commence at ten (10) O'Clock A.M. of said day.

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

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

H. O. Gant being first duly sworn deposes and says, that ~~as the~~ he received from

the County Clerk of said County, on the 17th day of May A. D., 1900, three copies of the annexed notice, and that on the 19 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.

Subscribed and sworn to before me this 21st day of May A. D., 1900
H. O. Gant
 a copy of the above notice posted at Recorder's office May 17th 1900
E. V. Blankenship Co. Clerk
O. P. Morgan Dep. Supervisor
 subscribed and sworn to before me this 14th day of June 1900
E. M. Throck Co. Supervisor

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:~~ ^{declared} Commencing at the South-east corner of the South-west quarter of the North-east quarter of Sec. 32, Tp. 2, S. R. 5 E thence North on the line between the South-west quarter and the South-east quarter of the North-east quarter of said Sec. 32 to the N.E. corner of said S.W. 1/4 of N.E. 1/4, thence West on the line between the said S.W. 1/4 and the N.W. 1/4 of the N.E. 1/4 of said Sec. 32, said Tp. 2, S. R. 5 E, the old road. The old road from the starting point to the terminus of the new road is hereby declared vacated and to be discontinued.

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

Dated Sept. 27th 1900. 189

E. V. Blankenship
Clerk,

By _____ Deputy.

Date of Posting April 189

State of Montana,)
):SS.
County of Gallatin,)

John W. Todd being first duly sworn deposes and says, that ~~as~~ he received from the County Clerk of said County on the 18th 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, and further deponent sayeth not.

John W. Todd

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

E. V. Blankenship
County Clerk.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered ^{Letter} Parcel { No. 171 Rec'd May 18 1900
of Es. Clark

Bozeman, Mont.
addressed to E. P. Cobb, Esq.
Bozeman, Mt.
W. B. Burkett P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered ^{Letter} Parcel { No. 170 Rec'd May 18 1900
of Es. Clark

Bozeman, Mont.
addressed to J. A. Patton, Esq.
Bozeman, Mt.
W. B. Burkett P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont

Registered ^{Letter} Parcel { No. 169 Rec'd May 18 1900
of Es. Clark

Bozeman, Mont.
addressed to C. M. Clark Esq.
Bozeman, Mt.
W. B. Burkett P. M.

Form 1548.
REGISTRY RETURN RECEIPT sent May 15, 1890

Reg. No. 171 from Post Office at Bozeman, Mont.

*Reg. Letter /
 Reg. Parcel / Addressed to B. P. Cobb Esq.
Bozeman

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. } B. P. Cobb

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 15, 1890

Reg. No. 172 from Post Office at Bozeman, Mont.

*Reg. Letter /
 Reg. Parcel / Addressed to J. A. Patten Esq.
Bozeman

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. A. Patten

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 15, 1890

Reg. No. 169 from Post Office at Bozeman, Mont.

*Reg. Letter /
 Reg. Parcel / Addressed to C. M. Thorpe Esq.
Bozeman

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. } C. M. Thorpe

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.