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By John Christian

Filed May 12th 1900

No. ~~173~~ ROAD 173

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

Petition for Road By W. J.
Fransham et al
Sec 23, P. 2 S. R. 6 E.

Plaintiff

vs.

Action referred to
some future meeting of Board
June 8-1900 By order of Board
J. R. Patterson
Chairman

Defendant

Action for Viewers Report rejected
and change in Road not
granted
Oct 10-1900 By order of Board
J. R. Patterson

Attorney for Plaintiff

Attorney for Defendant

REVERENDIBLE DOCTORS' ENVELOPE, No. 20,
Manufactured by Cincinnati Paper Novelty Company,
108 Walnut Street, Cincinnati, O.

PETITION FOR ROAD.

To the Honorable Board of County Commissioners of Gallatin County
~~To the County Surveyor of Gallatin County, Montana.~~ 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 ^{change of road} the road hereafter petitioned for, is to be located, laid out and established, if this petition be granted. That the proposed ^{change of} road will be a public convenience, and, we think, the public good requires it.

Your petitioners do respectfully ask and petition that a ^{change in the} 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 ^{change of} road as follows, to-wit:

Beginning at a point on the North line of the S.1/2 of N.E.1/4 of
 Sec. 23 Tp. 2. S. R. 6. E. Said point being where said line is crossed

by the County Road as changed and laid out on June 10th 1897.
 (See Sheet 4. Tp. 2. S. R. 6. E. Vol. B. of Roadmaps of Gallatin County)
 thence East along said North line crossing the N.P. Ry track and
 the East Gallatin River, to the foot of the bluff, thence south-
 easterly along the foot of the bluff by the most practicable
 route, to a point in the Rocky Canyon Road on the east side of
 said East Gallatin River, the same being Station 283 plus 10 of
 the survey of said road as made September 26th to 30th 1892, see
 page 123 Vol. A. Platbook of Roads. The portion of the Rocky
 Canyon Road from the above desc ribed starting point to the ter-
 minus of the proposed change to be vacated and discontinued when-
 ever this petition shall be granted and the proposed change open-
 ed for travel. The lands over which the proposed change will pass
 are as follows, the S.1/2 of N.E.1/4 of said Sec. 23 is owned by
 Mrs A. Reynolds. The N.1/2 of said N.E.1/4 is owned by Mrs G.M. Hall

The S.W.1/4 of the N.W.1/4 of Sec. 24 is owned by the N.P. Coal Co/
 The S.W.1/4 of said Sec. 24 is owned by Mrs L.A. Fransham. The W.1/2
 of S.E.1/4 of said Sec. 24 is owned by C.F. Fransham. All of whom
 give consent to give the right of way. The proposed change will
 make a much better road as the material is more suitable for
 roadbuilding.

NAMES:		NAMES:	
1	John Boucher	6	J. W. Jones
2	A. Reynolds	7	L. B. Christman
3	Woolverton W. W.	8	E. P. Rouse

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 J. Frausham, J. C. M. Carthy
et al of Road District No. 50

The petition above referred to, petitions that a Road be established, commencing at a point
on the North line of the S 1/2 of N. E. 1/4 of
Sec. 23 T. 2, S. R. 6 E.

More particularly described in the pe-
tition.

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 1906.

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:

W. W. Wolverton
A. D. Taylor
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 1906.

- Copy

Warrant for Road Viewers.

County Clerk's Office,
Gallatin County, Montana.

Messrs C. M. Thorpe W. W. Robertson & A. D. Taylor

You are hereby notified that you were duly appointed Road Viewer by Wm 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 Wm J. Dransham and others, described as follows, to wit:

Beginning at a point on the North line
of the S. 1/2 of the N.E. 1/4 of Sec. 23, T. 2 N.,
R. 6 E. — thence East along said line
crossing the R.R. track to the foot of the
Bluff, thence along said Bluff to
the Bozeman and Chestnut 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 15th
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 3rd
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.

C. M. Thorpe

Subscribed and sworn to before me this 15th day

of May 1890

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. D. Taylor

Subscribed and sworn to before me this 15th day

of May 1890

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.

W W Woolverton

Subscribed and sworn to before me this 15th day

of May 1890

C. M. Thorpe

Co. Surveyor

This must be returned to the County Clerk after execution.

Mrs. L. A. Frausham

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.W. 1/4 of Sec. 24, T 25 R 6 E., along the bluff East of the Gallatin River, as viewed and surveyed by W. H. Wauverton A.S. Taylor and C. M. Thorpe on the 15th day of May, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: *L. A. Frausham*

Dated at Bozeman this 16th day of May 1890.

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 north side of S 1/4 of NE 1/4 Sec. 23, T. 2 S. R. 6 E., from the County road East to west end of N.W. 1/4 right of way through S.E. 1/4 along the N.W. 1/4 side of said right of way 330 ft. as viewed and surveyed by Dr. W. Woolvater, A. S. Taylor, and C. M. Thorpe

on the 15th day of May, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: [Signature]

Dated at 15 this 15th day of May, 1890.

Northern Pacific Railway Company.

Office of the Division Superintendent.

Livingston, June 11th, 1900.

Road Crossing at Gordon:

Mr C. M. Thorpe,
Bozeman, Montana.

Dear Sir:--


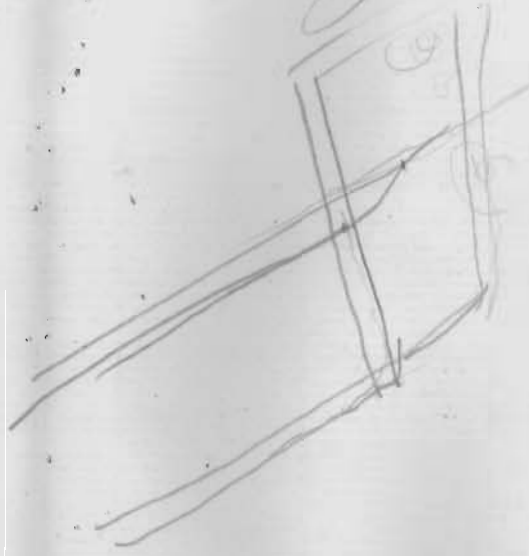
Your letter of May 16th in regard to road crossing at
Gordon.

The crossing you speak of requires four cattle guards and is frequently blocked by long trains, so that it will be necessary to cut crossing when meeting trains at this point. If this is done view will be obscured and crossing will be a dangerous one.

We will not consent to putting in crossing at point you mention, especially as a safer crossing can just as well be put in.

Yours truly,

295.


Superintendent.


REPORT OF ROAD VIEWERS.

ROAD NO. _____

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

We, the undersigned Road Viewers, consisting of W. W. Woulverton,
A. D. Taylor, and C. M. Thorpe, who were appointed
 on the 3rd day of May 1900 by J. L. Patterson
 chairman of the Board of County Commissioners
 appointed to view a proposed ^{change of} road running from a point on the north line of the
 S. 1/2 of N.E. 1/4 of Sec. 23 T. 2 S. R. 6 E. Said point being where
 said line is crossed by the County Road as changed on June 10, 1897
 to a point in the Rocky Canyon Road. The same being sta 283+10 of
 the survey of said road as shown Sept. 26 to 30th of 1892
 as described in the annexed petition, say, That on the 25th 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 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 60 feet.
 The description of the center line of the proposed change of road is as follows to wit:— Beginning at a point on the north line of the S. 1/2 of N.E. 1/4 of Sec. 23 T. 2 S. R. 6 E. Said point being where said line is crossed by the County Road as changed and laid out on June 10th 1897. (See Sheet 4 T. 2 S. R. 6 E. Vol. B. of Road maps of Gallatin County) Thence East along said north line to the westerly line of the right of way of the N.P.Ry. Thence South Easterly along said westerly line of said right of way 330 feet. Thence in an Easterly direction crossing the N.P.Ry track about 260 feet N.W. from the switch at the upper end of the Gordon Hill track, and extending to the foot of the Bluff along the Easterly side of the East Gallatin River. Thence South Easterly along said bluff keeping near the foot of the same to a point in the Rocky Canyon Road on the East side of said East Gallatin River, the same being Station 283+10 of the survey of said road as made September 26 to 30th 1892. See page 123 Vol. "A" Plot Book of Roads. The portion of the Rocky Canyon Road from the above described starting point to the terminus of the proposed change to be vacated and discontinued whenever the proposed change shall be granted and the proposed change opened for travel. The length of the proposed change is nearly 1/4 miles being ^{about 600 feet shorter than the old road} we marked the line of the proposed change by blazing trees and fence posts

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

Mrs. A. Reynolds. Mrs. G.M. Hall has given
consent (see Road to Gordon's track opened
June 10th 1897) Mrs. L. A. Frousham.

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

C.F. Frousham, claims damages amounting
to the cost of fencing both sides of the road through
his land probably cost. \$100⁰⁰

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:

As the change will not benefit C.F. Frousham
we recommend that he be allowed \$100⁰⁰ to cover the
cost of fencing.

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

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 18 _____ A. D., 1890

Signatures: }
W. W. Woodchester }
A. H. Taylor } Road Viewers.
C. M. Thorne }

The grade will be no greater than on the old road
 the road can be constructed on an even grade along
 the foot of the bluff having the same fall as the
 Creek. The position of the proposed change from the
 starting point to the Railroad is about the same as the
 through material about the same as when the road
 is now traveled. From the Railroad to the
 terminus the material is rocky and gravelly
 much better than when the road is now
 traveled. The proposed change will have a S.W.
 exposure while the old road slopes toward the N.E.
 The lands over which the proposed change will pass
 are as follows, the S. 1/2 of N.E. 1/4 of Sec. 23 said T. & R.
 owned by Mrs. A. Reynolds. The N. 1/2 of said N.E. 1/4
 is owned by Mrs. S. M. Hall who has given the right
 of way and built the fence along the north side of
 the same (see road to Gordon's track laid out
 June 10th 1897). The S.W. 1/4 of N.W. 1/4 of Sec. 24 said
 T. & R. owned by the N.P. Coal Co.
 The S.W. 1/4 of said Sec. 24 owned by Mrs. L. A. Frankham.
 The W. 1/2 of S.E. 1/4 of said Section 24 owned by
 C. F. Frankham.

The probable cost of constructing the proposed change
 is as follows.

For Clearing	\$150.00
For 1 - 32 ft. A. truss, 1 cattle pass, and 5 culverts	325.00
For Grading	1325.00
For Rock work and riprapping.	400.00
Total Cost.	\$2200.00

REPORT OF BOARD MEMBERS

Northern Pacific Railway Company.

Office of the Division Superintendent.

Livingston, Mont. May 18th, 1900.

Rocky Canyon Road:

Mr C. M. Thorpe,
County Surveyor,
Bozeman, Montana.

Dear Sir:--

Your letter of May 16th. Will look matter up.

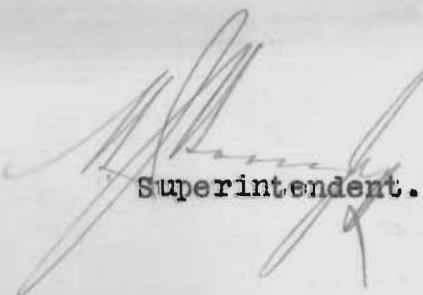
Do not see why you have picked out Main track and passing track both for this road, when crossing could be made on Main track ~~MM~~ alone, I think, quite as easily.

Will look matter up and write you again, but will, in case you wish to close up the present road and open up one nearer Gordon, grant permission to do this.

Do nothing in regard to grading road on our right of way until proper lease has been executed.

Yours truly,

"Dict. H. J. H."


Superintendent.

NOTICE OF PETITION FOR OPENING PUBLIC ROAD.

Notice is hereby given that twelve residents of Road Dist. No. 5, 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 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 on the North line of the S. 1/2 of the N.E. 1/4 of Sec. 33, Tp 2, S R, 6 E. Vol. B. of Road Maps of Gallatin Co thence East along said North line crossing the N.P. Ry., Track and the East Gallatin River, to the foot of the bluff, thence South Easterly along the foot of the bluff by the most practicable route, to a point in the Rocky Canon Road on the East side of said East Gallatin River, the same being station 283 plus 10 of the survey of said Road, as made Sept. 26th to 30th 1892. Old Road to be vacated and discontinued when this petition shall be granted.

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 15th day of May A.D. 1900, said viewing to commence at 10 O'Clock A.M. of said day.

E. U. Blankenship
County Clerk of Gallatin County,
State of Montana.

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

J. B. Christian 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 4th day of May 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 5th day of May A. D., 1900
J. B. Christian
E. U. Blankenship Co. Clk.
O. P. Morgan Secy.

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

E. U. Blankenship,
COUNTY CLERK AND RECORDER.

BOZEMAN, MONTANA, June 4th 1900

I, hereby certify that I posted a copy of the annexed Notice, at the Recorder's Office May 3rd 1900.
E. U. Blankenship
County Clerk.

Subscribed and sworn to before me this 4th day of June A. D. 1900.

C. M. Thorne
Co. Surveyor

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel { No. 95 Rec'd May 3 1900
of County Clerk Gallatin Co.
Bozeman, Mont.
addressed to W. W. Woolverton Esq.
Bozeman, Mont.
W. B. Bursket P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel { No. 94 Rec'd May 3 1900
of County Clerk Gallatin Co.
Bozeman, Mont.
addressed to A. D. Taylor, Esq.
Bozeman, Mont.
W. B. Bursket P. M.

Form 1548.

REGISTRY RETURN RECEIPT sent May 3 1890

Reg. No. 94 from Post Office at Bozeman, Mont.

Reg. Letter Parcel { Addressed to A. D. Taylor, Esq.
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.

A. D. Taylor

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.