

Final notice of opening
sent to Geo. L. Dylor to
be posted, 4-16-1901.
Posted 4-18-1901.

No. of ^{ROAD} ~~Case~~ 186

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

Brock Road
in Sec. 33, T₁N, R₃E.
Notices to post sent Mch 15, 1900.

FILED ^{Plaintiff} _{vs} FILED

March 7th 1901
E. Blankenship
County Clerk

Defendant

Action for *Chen* Petition

for Change granted provided
the new road be made fully as
good as the old
By order of Board J. Patterson
May 4th 1900 *Chen*

Attorney for Plaintiff

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

HERBERT DOUGLASS KEVILOR, JR. 200.
Manufactured by Cincinnati Paper Novelty Company,
108 Walnut Street, Cincinnati, O.
Patented August 1, 1898.

change of
PETITION FOR ROAD.

To the ~~County~~ 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. 2, 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:

beginning at angle point no. 29 of the survey of the Camp Creek Road. see page 203. of vol. A Plat Book of Roads of Gallatin County, thence south westerly to the easterly side of the West Gallatin Irrigation Co's. Canal. in Sec. 33. T. 1 S. R. 3 E. thence southeasterly along the easterly side of said Canal to the head gate at Camp Creek. on Sec. 4 T. 2 S. R. 3 E. thence crossing the bridge at said head gate and running south westerly and intersecting with the survey of said Camp Creek road. near the south line of said section 4. the portion of the Camp Creek road between the above described starting point and terminus of the proposed change to be vacated and discontinued whenever this petition shall be granted. Sec. 33 T. 1 S. R. 3 E. is owned by the West Gallatin Irrigation Co. and Sec. 4. T. 2 S. R. 3 E. is owned by the state of Mont. the advantages of the proposed change is to save cutting the grain land in sec 4 in to.

NAMES:

- 1 L. B. Wisner
- 2 J. A. Smart
- 3 G. H. van den Hoek
- 4 James S. Whitcomb
- 5 J. P. van Dyken

NAMES:

- 6 J. P. van Dyken
- 7 John Brackman
- 8 P. Alberty
- 9 John Weidemann
- 10 Henry Haga

Notice of Petition for Opening Public Road

Notice is hereby given that ten residents of Road District No. 2 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 angle point No 29 of the survey of the Camp Creek Road. See page 203 of Vol. A, Plat Book of roads of Gallatin County, thence South Westerly to the Easterly side of the West Gallatin Irrigation Co's Canal in Sec. 33. T. 1 S. R. 3 E. thence Southeasterly along the easterly side of said canal to the head gate at Camp Creek. on Sec. 4 T. 2. S. R. 3. E. thence crossing the bridge at said head gate and running South Westerly and intersecting with the survey of said Camp Creek road, near the south line of said section 4.

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 the ^{Twenty} Fourth (24th) day of April A. D. 1900, said viewing to commence at Eleven (11) 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.

E. V. Blankenship
County Clerk

being first duly sworn deposes and says, that as the

he received from

the County Clerk of said County, on the _____ day of _____ A. D.

189 _____ three copies of the annexed notice, and that on the _____ day of _____ 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 front door of the Recorder's office at least ten days prior to Apr. 24th 1900,

and further deponeth sayeth not.

Subscribed and sworn to before me this 22nd day of March A. D. 1900

E. V. Blankenship

C. M. Thorpe

Co. Surveyor

THE COUNTY CLERK OF THE COUNTY OF GALLATIN, STATE OF MONTANA,
 HAS RECEIVED FROM THE COUNTY CLERK OF SAID COUNTY, ON THE 15th DAY OF MARCH, 1900, THREE COPIES OF THE ANNEXED NOTICE, AND THAT ON THE 22nd 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 ANNEXED DESCRIBED PROPOSED ROAD.

STATE OF MONTANA,
 County of Gallatin. } ss.

W. D. Brock

being first duly sworn deposes and says, that as the

he received from

the County Clerk of said County, on the 15th day of March 1900 A. D.,

three copies of the annexed notice, and that on the 22nd 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 annexed described proposed road.

and further deponeth sayeth not.

Subscribed and sworn to before me this 28th day of March 1900 A. D.

W. D. Brock
E. D. Blankenship
 County Clerk

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 J. R. Smart et al.
..... of road Dist. No 2

The petition above referred to petitions that a road be established, commencing at angle point No 290 of the Canyon Creek Road
thence running to the East Side of the West Gallatin
Iron Co's Canal, in Sec. 33 T 1, R 38, etc.

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 30th day of March 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
J. Widenaar
Wm Fitch

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 31 day of March 1900.

(copy of Warrant sent to viewers.)

WARRANT FOR ROAD VIEWERS.

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

Messrs *Wm Fitch, John Weidenaar & C. M. Thorpe*

You are hereby notified that you were duly appointed Road Viewer by *J. G. Patterson* Chairman of the Board of C. Commissioners of Gallatin County, Montana, on the *31st* day of *March* 1900, to view and lay out a proposed road, as prayed

for in the petition of *John Weidenaar* and others, described as follows, to-wit:
Beginning at angle point N 82 9 of the survey of the Camp Creek Road thence Southwesterly to the Easterly side of the West Gallatin Irrigation Co's Canal in Sec 33 T. 8 R. 3 E. thence Southwesterly along the Easterly side of said Canal to the head gate of Camp Creek, on Sec 4 T. 8 R. 3 E. thence crossing the bridge of said head gate and running Southwesterly and intersecting with the survey of said Sec 4. The portion of the old road between the starting and terminating points is to be vacated and discontinued.

You are hereby ordered to meet to be sworn according to law and assume the duties of your office, in company with *(names separately inserted here)*, who ~~was~~ ^{was} duly appointed as a Viewer on said road by the *Chairman (aforesaid)* ~~and by the County Surveyor, who is Chairman of said Board of Viewers,~~ on the *24th* day of *April* A. D. 1900, commencing at the place designated in said petition as the starting point of the road sought to be *set out at 11 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. V. 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.

John Weidenaar

Subscribed and sworn to before me this 24th day

of April 1890

C. M. Harper

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. M. Fitch

Subscribed and sworn to before me this 24th day

of April 1890

C. M. Harper

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. Thorne

Subscribed and sworn to before me this *21st* day

of *April* *1900*

E. D. Blankenship
County Clerk

Gallatin County
Montana

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. P

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

We, the undersigned Road Viewers, consisting of C.M. Thorpe, W.M. Fitch,
 and John Weidenaar. who were duly appointed
 by J.L. Patterson chairman of the ^{said} Board of
 County Commissioners, on March 31st 1900,
 appointed to view a proposed ^{change of} road running from angle point no. 29 of the
Camp Creek road survey.

to a point on the line of said road survey near the south line
of section 4 T.25, R.30E.
 as described in the annexed petition, say, That on the 24th 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 ^{and survey} 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 60 feet.
 After having viewed the proposed change we are of the
 opinion that it would better to start the proposed
 change at angle point no. 28 of the survey of
 the Camp Creek road, instead of at no. 29 as petitioned
 for, for the reason that it will make the road straighter
 and avoids cutting through fine farming land and
 will put the road on land ~~designated~~ for road building.

We therefore viewed and surveyed the road from angle
 point no. 28, the description of the center line of the
 proposed change is as follows, to-wit:

Beginning at angle point no. 28 of the survey of the
 Camp Creek Road. (See page 203 of vol. 9. Plat
 Book of Roads of Gallatin County Montana. thence
 S. 27 1/2° W. 404 feet, S. 27° 29' W. 358 ft.
 S. 31° 04' W. 383 ft., S. 16° 48' W. 267.5, ~~S. 15° 2' W. 570.5,~~
 From which angle point no. 29 of the old survey bears S. 63° W. 232.3 ft.
 thence S. 125° W. 570.5 ft. S. 155° 2' E. 94.2 ft. 1/2 pt. from which the N. 1/4 Sec. Cor.
 of Sec. 4 T. 25. R. 30 E. bears N. 66 1/4° E. 345 ft. thence S. 95° 4' W. 464 ft. S. 48° 02' E.
 337 ft. S. 10° 56' E. 361 ft., S. 9° 11' W. 338 ft., S. 17° 37' E. 182 ft.
 S. 44° 55' E. 380 ft., S. 30° 58' E. 708 ft. S. 25° 22' E. 353 ft. S. 32° 11' W. 126 ft.
 S. 14° 54' W. 545 ft. S. 29° 14' W. 496 ft. S. 20° 46' W. 452 ft.

S. 33° 13' W. 407 ft., S. 21° 4' W. 623 feet to a point on the south
 line of said section 4, said point being on the center line of the original
 survey of the Camp Creek road. the same being at station 437+32.2 of said survey
 and 412 feet west of the S. 1/4 Sec. of said section 4. the old road
 from the above described starting point to the terminus of the proposed change is
 748 feet longer than the old road.
 The length of the proposed change is 2 miles 187 ft.

The center line is marked by a post, marked and
2 pits at each angle point.

The grades are not over 5 ft. per 100 and are not
as steep as on the old road. The ground is
as good for a road as the time of the old survey
the road ^{proposed change} passes over a portion of section 33 T. 15. R. 3 E.
owned by the West Gallatin Irrigation Co. and through
section 4 T. 25. R. 3 E. which is state school land
and leased by W. D. Brook for a term of 5 years.

The probable cost of constructing the proposed change of road
is for grading \$25.00, for constructing a new bridge
over the West Gallatin Irrigation Company's canal at
the Camp Creek Head gate. \$60.00 provided the
W. Gal. Ir. Co. will consent. The bridge over this head gate
could be strengthened by additional stringers, and 800 feet
of 3 inch bridge floor. so that the same would make a substantial
bridge. Mr. Brook agrees to bring old plank from the Selis-
ville bridge for a new floor. The stringers could be
taken from where the old road crossed said canal.
The county has done no work on the road as originally
laid out. The probable cost of bridging the canal
and grading the road on line of the old survey
would probably cost \$100.00

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

West Salletin Irrigation Co owners of Sec 33
T. S. R. & E. It will be necessary for the Board to apply to
the State Board for right of way as provided in the state statute.
W. D. Brock who has a loan of said section 4
for 5 years.

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 to the change

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 proposed change, and vacation of the old road will be a benefit to all land owners.

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

We know of no objection to the proposed change. Mr. W. D. Brock agrees to make the proposed change possible, and as good for travel as the old road before closing the said old road.

We believe said road ^{change of} _____ to be practical and _____ of public utility and necessity and do _____ recommend the establishment of the same. and the vacation of the old road from its starting point to the terminus as above described
Dated 25th day of April A. D., 1900

W. M. Fitch
John Meidenaar
C. M. Thorpe
Road Viewers.

To the County of Gallatin, State of Montana:

I ^{so far as I am interested} hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through ~~or along~~ the Section 4, T 25. R 3 E., as viewed and surveyed by C.M. Thorpe W.M. Fitch and John Wideman, on the 24 & 25 day of April, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: W.D. Brock

Dated at this 25th day of April 1890

To the County of Gallatin, State of Montana:

We hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through ~~or along~~ the S. 1/4 of ^{side} ~~the~~ Sec. 33, T 15. R 3 E., ^{the same to be along the bank of the N.G.I. Co's canal, the old road to the west} as viewed and surveyed by C.M. Thorpe W.M. Fitch and J. Wideman, on the 24th day of Apr., 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: The West Gallatin Irrigation Co by E. Chimney Genl Manager

Dated at Bozeman this 30th day of April 1890

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 angle point No. 28 of the survey of the Camp Creek Road (per Plat book of Roads on file Vol. A, Pg. 203) thence S. 27-1/2° W. 404 ft. S. 47° 49' W. 358 ft. S. 31° 04' W. 388 ft. S. 16° 48' W. 267.5 from which angle point No. 29 of the old survey S. 6° 30' W. 232.3 ft. thence S. 12° 50' 570.5 ft., S. 15° 52' E. 942 ft. to a pt. from which the N. W. 1/4 Sec. cor. of Sec. 4 T 2, S R, 3 E, bears N. 66-1/4° E 345 ft. thence S. 9° 54' W. 464 ft., S. 40° 02' E. 337 ft. S. 10° 56' E. 361 ft., S. 9° 11' W. 338 ft. S. 17° 37' E. 182 ft. S. 44° 55' E. 380 ft. S. 30° 58' E. 708 ft. S. 25° 22' E. 353 ft. S. 34° 11' W. 126 ft. S. 14° 54' W. 545 ft. S. 29° 14' W. 496 ft. S. 20° 46' W. 452 ft. S. 33° 13' W. 407 ft. S. 21° 4' W. 623 ft. to a point on the South line of said Sec. 4, said point being on the center line of the original survey of the Camp-creek road, the same being at station 437 + 32.2 of said survey and 412 ft. W. of the S. 1/4 Sec. cor. of said Sec. 4.

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

Dated May 1st 1901

E. J. Blankenship
Clerk,

By _____ Deputy.

Date of Posting _____ 1901

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

George S. Taylor being first duly sworn deposes and says, that ~~as the~~ he received from

the County Clerk of said County, on the Seventeenth day of April A. D., 1901, three copies of the annexed notice, and that on the 18th day of April 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 commencing point - on or near the center of the route and one at the terminating point.



and further deponeth sayeth not.

Subscribed and sworn to before me this

18th day of April A. D., 1901
George S. Taylor

J. Hoyle

Notary Public in & for
County Gallatin State Montana

Form 1548.
REGISTRY RETURN RECEIPT sent Apr 9, 1900
 Reg. No. 23 from Post Office at Bozeman, Mont.
 *Reg. Letter | Addressed to Wm Fitch, Confidant
Salisbury, 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. Wm Fitch
 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 April 7, 1900, 189
 Reg. No. 19 from Post Office at Bozeman, Mont.
 *Reg. Letter | Addressed to John Widenaur
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.