

No. of ~~Case~~ ROAD 185

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

Common Petition, to
vacate E. W. Road in
Sec. 13 T. 1 N. R. 4 E.

Plaintiff .

vs

Defendant .

Action for

Attorney for Plaintiff .

Attorney for Defendant .

Petition to locate
Road

FILED

June 26th 1900
E. C. Blauenship
COUNTY CLERK

To The Honorable Board of County Commissioners of Gallatin
County, Montana:-

The Petition of the undersigned respectfully
represent, that they are resident freeholders in road district
No. 3 in Gallatin County, Montana and reside in the immediate
neighborhood of the road hereinafter described.

That they hereby petition your Honorable Body to vacate that
certain Public Highway described as follows to wit:-

Commencing at the South-east corner of the North half of the
South-east quarter of Section 13, Township 1 North, Range 4
East in Gallatin County, Montana, thence running West one half
mile; said road being sixty feet in width-thirty feet on each
side of the quarter section line separating the North half
of the South-east quarter of said section from the South half
of the South-east quarter of said Section 13.

And your petitioners further represent that J.M. Moore and S.H.
Conrow are the owners of the adjoining land and all thereof
and that both of said parties consent to the vacating of said
road.

And your petitioners further represent and show that said road
is absolutely of no benefit to any one whatever; that it was
a part of a road heretofore vacated by the Hon. Board of County
Commissioners and that this portion of said road was not
vacated at the time the remaining portion was so vacated.

That the said road hereby petitioned to be vacated taps the
County road, known as the "Compromise Road" at the point first
above described and runs West one half mile and there ter-
minates and accommodates no one and cannot be used as a road
for any purpose whatever; that its continuance necessitates
the said J.M. Moore and S.H. Conrow keeping and maintaining
two fences along said road and said road if kept open only
operates as a trap or corral for stock and renders it diffi-

(See sketch)

cult to maintain fences sufficient to turn stock under such circumstances, while it serves no useful or beneficial purpose, whatever.

WHEREFORE your petitioners pray that said road above described be vacated.

Gas M Moore
C. Melton
J. C. Collins
William H Cox
J. S. Ballard
Thomson A. Street
L. Steub.

John-a. Moore
E. W. Pettit
R. A. Kunnell
W. H. Miller
Theo. Gerovais
J. H. Kennedy
J. A. Melton
S. N. Curran

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 ^{to vacate} ~~for~~ a County Road has been received in this office,
signed by S. A. Courrow et al

of Road District No. 3

The petition above referred to, petitions that a Road be ^{vacated & discontinued} ~~established~~, commencing

~~At~~ At the South-east corner of the North half of the South-east quarter
of Section 13, Township I, North, Range 4 East in Gallatin County Montana,
thence running West one half mile.

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 17th day of February 1901.

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. Thorpe

J. T. Ballou

P. S. Johnston

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 8 day of Feb 1901.

NOTICE OF PETITION TO VACATE A PUBLIC HIGHWAY.

NOTICE is hereby given that fifteen residents of Road District No. 3 of Gallatin County State of Montana have filed a petition in writing with the Clerk of the Board of County Commissioners of Gallatin County Montana. Said petition praying that a certain Highway be vacated.

A description of the route of the Highway which it is proposed to vacate and discontinue is as follows, to-wit:-

Commencing at the South-east corner of the North half of the South-east quarter of Section 13, Township 1 North, Range 4 East in Gallatin County Montana, thence running West one-half mile;

Said proposed discontinuance of public highway will be considered and the route of the same 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 highway so proposed to be discontinued, on Wednesday the Twenty-seventh (27th) day of February A. D. 1901. Said viewing to commence at Ten (10) O'Clock A.M. of said day.

Very Respectfully

E. I. Blankenship

County Clerk as Clerk of the Board of County Commissioners, Gallatin County Montana.

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

S. A. Courrow

being first duly sworn deposes and says, that ~~as the~~

he received from

the County Clerk of said County, on the 13th day of February A. D.,

1901, three copies of the annexed notice, and that on the 13th day of February 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 and one at the point of termination

and further deponeth sayeth not.

Subscribed and sworn to before me this 16th day of February A. D. 1901

S. H. Courrow
E. I. Blankenship
County Clerk.

NOTICE OF PETITION TO VACATE A PUBLIC HIGHWAY.

NOTICE is hereby given that fifteen residents of Road District No. 3 of Gallatin County State of Montana have filed a petition in writing with the Clerk of the Board of County Commissioners of Gallatin County Montana, said petition praying that a certain Highway be vacated.

A description of the route of the Highway which it is proposed to vacate and discontinue is as follows, to-wit:-

Commencing at the South-east corner of the North half of the South-east quarter of Section 13, Township 1 North, Range 4 East in Gallatin County Montana, thence running West one-half mile:

Said proposed discontinuance of public highway will be considered and the route of the same 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 highway so proposed to be discontinued, on Wednesday the Twenty-seventh (27th) day of February A.D. 1901, said viewing to commence at Ten (10) O'Clock A.M. of said day.

Very Respectfully

E. V. Blankenship
County Clerk as Clerk of the Board of County Commissioners, Gallatin County Montana.

*copy of
Notice Posted at this office
Feb. 7th 1901*

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

E. V. Blankenship being first duly sworn deposes and says, that as the
County Clerk 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 16th day of February 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 front door of the Recorder's office.

and further deponeth sayeth not.

Subscribed and sworn to before me this 4th day of Feb. A. D., 1901

E. V. Blankenship
C. M. Hooper
Co. Surveyor

Warrant for Road Viewers.

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

Messrs *L. M. Thayer, J. S. Ballard & B. Johnston*

You are hereby notified that you were duly appointed Road Viewer by *Mr. J. J. Pattison*
Chairman of the Board of County Commissioners of Gallatin County, Montana, on the *8th*
day of *February* 1901, to view and ~~lay out a proposed~~ ^{vacate a} road, as prayed for in the
petition of *S. H. Bourrow* and others, described as follows, to-wit:
~~At the South-east corner of the North half of the South-east quarter~~
~~of Section 13, Township I, North, Range 4 East in Gallatin County Montana,~~
~~thence running West one half mile.~~

copy

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with *each other*, who were duly appointed as
Viewers on said road by the Chairman of the Board of County Commissioners on the *27th*
day of *February* 1901, commencing at the place designated in said petition as the
starting point of the road sought to be ~~vacated~~ ^{vacate} ~~at 10 o'clock A.M.~~ ^{at 10 o'clock A.M.} and proceed to view ~~and to~~
~~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 may 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 ^{vacating} the highway, ~~if opened~~, and whether ^{vacating} 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 *16th*
day of *February* 1901

E. J. Blankenship
County Clerk

By _____ Deputy.

*Check warrants for two roads to be vacated
with in our registered letter.*

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.

R. Johnston

Subscribed and sworn to before me this 27th day
of Feb. 190 1

C. M. Thorpe
C. 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.

J. S. Ballard

Subscribed and sworn to before me this 27th day
of Feb. 190 1

C. M. Thorpe
C. 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. Hooper

Subscribed and sworn to before me this 26 day
of Feb'y 1901

E. W. Blankenship
O. P. Morgan

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

On vacation of Road
ROAD NO.....

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

We, the undersigned Road Viewers, consisting of P. S. Johnston,
J. S. Ballard, and C. M. Thorpe who were
appointed by J. L. Patterson Chairman
of the Board of County Commissioners,
appointed to view a proposed road running from the South-East corner of the
N. 1/2 of the S.E. 1/4 of Sec. 13 T. 1 N. R. 4 E. West 1/2 mile
to the S.W. corner of said N. 1/2 of S.E. 1/4
as described in the annexed petition, say, That on the 27th day of Feb.

A. D., 1901 we assembled at the place designated in the petition, as the starting point of such proposed
vacation of a
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 description of the center line of the road sought to be vacated is as follows to-wit:
Beginning at the South East corner of the North half of the South-East quarter of Section 13, Township 1 North, Range 4 in Gallatin Co. thence running west one half mile to the S.W. corner of said N. 1/2 of S.E. 1/4, of said Sec 13. The width of said road being 60 feet.
We find that the road sought to be vacated by this petition in connection with a portion of the Martin Road, is the only outlet for A. Burkart and August Lundell to the County Road. That it would be very difficult for them to obtain an outlet in any other direction.
We also find that a bridge over Thompson Creek has been built by the County.

We would therefore recommend that the petition to vacate be not granted, and that the width of the road be reduced from 60 feet to 40 feet, also that a gate at the East end of said road be allowed, said gate to be a substantial self opening gate, said gate to be constructed and maintained by the parties to be benefited thereby. The parties to be given an outlet by the above described road having agreed to said gate being constructed.

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 said road ^{recation of} ~~not~~ to be practical and ~~not~~ of public utility and necessity and do ^{not} ~~not~~ recommend the ^{granting} ~~establishment~~ of the same.

Dated Feb. 27 A. D., 1901

W. Johnston
J. S. Ballard
C. M. Thorpe. } Road Viewers.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. Rec'd FEB 16 1901, 190
of Geo. Clark Gallati Co
Bozeman, Mont.
addressed to J. S. Ballard
Bulgrade Mont
W. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 191 Rec'd FEB 16 1901, 190
of Geo. Clark
Bozeman, Mont.
addressed to P. S. Johnston
Bulgrade
W. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 192 Rec'd FEB 16 1901, 190
of Geo. Clark
Bozeman, Mont.
addressed to C. M. Sharpe
Bozeman Mont
W. B. Burkitt, P. M.

Form 1548.
REGISTRY RETURN RECEIPT sent FEB 16 1901, 189

Reg. No. 191 from Post Office at Donsman, Mont.

*Reg. Letter / ~~Reg. Parcel~~ Addressed to P. S. Johnston
Belgrade 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. } P. S. Johnston

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 FEB 16 1901, 189

Reg. No. 190 from Post Office at Donsman, Mont.

*Reg. Letter / ~~Reg. Parcel~~ Addressed to J. S. Ballard
Belgrade Mont

After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.

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(Sender's name on other side.)

SIGN ON DOTTED LINES TO THE RIGHT. } J. S. Ballard

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.

When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.
A penalty of \$300 is fixed by law for using this card for other than official business.

Post Office Department,

OFFICIAL BUSINESS.

POST OFFICE AT

State here name of Post Office
B
FEB 11
1911
6PM
and date of delivery
MON

RETURN TO:

Name of Sender,

Co Clerk

Street and Number, /
or Post Office Box, /

Post Office at

County of

Bozeman, Mont.
State of

When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.
A penalty of \$300 is fixed by law for using this card for other than official business.

Post Office Department,

OFFICIAL BUSINESS.

POST OFFICE AT

State here name of Post Office
B
FEB 11
1911
6PM
and date of delivery

RETURN TO:

Name of Sender,

Co Clerk

Street and Number, /
or Post Office Box, /

Post Office at

County of

Bozeman, Mont.
State of

Range No.

46.

~~47~~

~~48~~

Mer.

Martin Road Vacated

Compromise Road.

