

Road Petition. Sec 137. 28938

No. of Case By John Kiefer et al
No 187

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

Petition filed Dec 1st 1900

No 187

Plaintiff

vs.

Viewers report accepted

mch 4th 1901 By order of Court
J. C. Patterson

Defendant

Action for

Comm. p. 109

Attorney for Plaintiff

Attorney for Defendant

SECTION FOR ROAD

The proposed
Kiefer's corner
on the exact line
Chas. Holmes road
North of a gate.
owner

F I L E D

Dec 14 1909
C. H. [Signature]
County Clerk

PETITION FOR ROAD

TO THE HON. BOARD OF COUNTY COMMISSIONERS, 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 is 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, to 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 the S.W. corner of the E 1/2 of the N.W. 1/4 of Sec. 13 T. 2 S. R. 5 E. thence N. 1/2 mile to the N.W. corner of the said E 1/2 of N.W. 1/4.

The proposed road will be a direct North and South road from John Kiefer's corner to the Huffine lane, across the Experiment Station farm on the exact line now occupied by a private road which connects with the Chas. Holmes road on the South by a gate, and the Huffine lane on the North by a gate.

The owner of this land is the United States Experiment Station of Montana.

Do not know whether owner will object to the establishment of this road, or not.

The value of the right of way is \$65.00 per acre, actual measurement. Cost of fencing, 60¢ per rod.

The establishment of this road will open up a more direct route of travel for the farmers of the South-west end of the valley. The road will be dry at all seasons of the year. It is simply an opening to travel, of what was for twenty years a public highway. No one will be injured by its establishment, and the farming community in general will be benefitted.

NAMES:

- 1 John Kiefer
- 2 J. J. Stucky
- 3 J. A. Patten
- 4 B. E. Hoy
- 5 V. B. McComb

NAMES:

- 6 Charles Holmes
- 7 G. E. McKinney
- 8 Mrs. A. K. Stanton
- 9 A. B. Blackwood
- 10 George E. ...

11 Frank Henshall
12 W. S. Burzard
13 J. W. Overstreet
14 Geo. W. Henders
15 J. W. Todd
16 J. E. Cudney
17 D. O. Hallam
18 S. G. Kratten
19 Wm Hill
20 G. W. Anderson
21 J. W. Williams
22 G. Jay
23 W. H. Hunsford
24 J. D. Lurg
25 Perry Linney
26 A. Badgley
27

28 J. A. McEwen
29 Thos. Matthews
30 Wm. H. M. Ellis
31 Thos. J. Fowler
32 B. P. Stanton
33 E. Owenhome
34 Shas. B. Swan
35 B. P. Cobb
36 S. N. Cowan
37 Sage Williams
38 John Mitchell
39 R. J. Busch
40 Joseph Sawyer
41 G. Stusky
42
43

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 John Kiefer et al
of Road District No 4

The petition above referred to, petitions that a Road be established, commencing
Commencing at the S.W. corner of the E. 1/2 of the N.W. 1/4 of Sec. 13, Twp
3 S, R 5, E, thence North 1/2 mile to the N.W. corner of the said E. 1/2 of
N. 4. 1/4.
The proposed road will be a direct East and South road from John
Kiefer's corner to the Raffine lane, across the Experiment Station farm.

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 7th 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:

Chas E Hoy
Wm. L. McDonnell

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 FOR OPENING PUBLIC ROAD.

Notice is hereby given that forty one residents of Gallatin County, of which number there are at least twenty who are residents of Road District No. 4, of said County, State of Montana, have filed a petition in writing with the Clerk of the Board of 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 the S.W. corner of the E 1/2 of the N.W. 1/4 of Sec. 13 Twp 2, S R, 5 E. thence North 1/2 mile to the N.W. corner of the said E. 1/2 of N.W. 1/4.

The proposed road will be a direct North and South road from John Kiefer's corner to the Huffine Lane, across the Experiment Station farm.

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 Saturday the Twenty-Third (23rd) day of February A. D. 1901. Said viewing to commence at Nine (9) 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.

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

John Kiefer

being first duly sworn deposes and says, that ~~under~~

he received from

the County Clerk of said County, on the *8th* day of *February* A. D.,

1901, three copies of the annexed notice, and that on the *8th* 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 terminating point*

and further deponeth sayeth not.

Subscribed and sworn to before me this

9th day of *February* A. D., *1901*

John Kiefer
E. V. Blankenship
County Clerk.

Warrant for Road Viewers.

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

Messrs C. M. Thorne, Chas. E. Hoy &
Wm. G. W. Donnelly

You are hereby notified that you were duly appointed Road Viewer by Jur J. L. Patterson
Chairman of the Board of County Commissioners of Gallatin County, Montana, on the 5th
day of February 1901, to view and lay out a proposed road, as prayed for in the
petition of John Kiefer and others, described as follows, to-wit:

Commencing at the S.W. corner of the E. 1/2 of the N.W. 1/4 of Sec. 15 Twp
2 N., R. 5 E., thence North 1/2 mile to the N.W. corner of the said E. 1/2 of
N.W. 1/4.

The proposed road will be a direct North and South road from John
Kiefer's corner to the Hiffine line, across the Experiment Station farm.

(Copied)

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 23rd
day of February 1901, commencing at the place designated in said petition as the
starting point of the road sought to be at 9⁰⁰ 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 5th
day of February 1901.

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 23rd day
of Feb. 1901

C. 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.

Wm. L. Mc Donnell

Subscribed and sworn to before me this 23rd day
of Feb. 1901

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.

B. E. Hay
23^d

Subscribed and sworn to before me this _____ day
of *Feb* _____ 1901

E. M. Thorpe
Co. Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. _____

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

We, the undersigned Road Viewers, consisting of Chas. E. Hoy,
Wm. L. Mc Donald, and C. M. Huffer who
 were appointed by J. L. Patterson chairman of
 the Board of County Commissioners.

appointed to view a proposed road running from the S.W. Corner of the E. 1/2 of
N.W. 1/4 of Sec. 13 T. 2 S. R. 5 E.
 to the N.W. Corner thereof.

as described in the annexed petition, say, That on the 23^d day of Feb,
 A. D., 1901 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 60 feet.
the description of the center line is as follows
to-wit: Beginning at the S.W. Corner of the
East 1/2 of the N.W. 1/4, of Section 13, T. 2 S. R. 5 E.,
thence North 1/2 mile to the N.W. Corner of
the said E. 1/2 of N.W. 1/4. The land over which
the proposed road passes is level and suitable
for road building, and is owned by the
United States Experiment Station of Montana
No. expense will be required for constructing
the proposed road.

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:

The United States Experiment Station of Montana, no damages stated, are very much opposed to the road, and will fight it to the end.

.....
.....

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:

We believe the damages to the U. S. Experiment Station of Montana in excess of benefits to be \$1,000.00

.....
.....

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

As a former petition asking for a road on the section line $\frac{1}{4}$ mile to the west of the road as proposed by this petition has been favorably reported upon, and as said road will be a direct N. and S. road. We believe it would be a greater public benefit than the road as asked for by this petition. Also as the Experiment Station have agreed to construct and maintain the road around their farm provided the former petition be granted, we recommend that this petition be not granted.

We believe said road not to be practical and not of public utility and necessity and do not recommend the establishment of the same.

Dated Feb. 23 A. D., 1890

Wm. L. McDaniel }
C. M. Thorpe } Road Viewers.
C. E. Hoy }

Notice is hereby given that the Board of Public Works of the County of Gallatin, State of Montana, have filed a petition for the purpose of opening a public road.

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

I, hereby certify that I posted a copy of the attached notice at the front door of the Clerk and Recorder's office on Thursday the 7th day of February A.D. 1901.

IN WITNESS WHEREOF, I hereunto set my hand.

E. O. Blankenship
County Clerk.

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

C. M. Hooper
Co. Surveyor

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 161 Rec'd Feb 9, 190/
of Co Clerk Gallatin Co
Bozeman, Mont.
addressed to Wm Mc Donnell
Bozeman Mont
W.B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 162 Rec'd Feb 9, 190/
of Co Clerk Gallatin Co
Bozeman, Mont.
addressed to Charles E. Hoy
Bozeman Mont
W.B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 163 Rec'd Feb 9, 190/
of Co Clerk Gallatin Co
Bozeman, Mont.
addressed to C. M. Sharpe
Bozeman Mont
W.B. Burkitt, P. M.

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

RETURN TO:

Name of Sender, Co. Clerk

Street and Number, }
or Post Office Box. }

Post Office at _____

County of _____



Boreman, Mont.

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

RETURN TO:

Name of Sender, Co. Clerk

Street and Number, }
or Post Office Box. }

Post Office at _____

County of _____

Stamp here name of Post office



and date of delivery

Boreman, Mont.

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

RETURN TO:

Name of Sender, Co. Clerk

Street and Number, }
or Post Office Box. }

Post Office at _____

County of _____

Stamp here name of Post office



and date of delivery

Boreman, Mont.

Form 1548.
REGISTRY RETURN RECEIPT sent Feb. 9 - 1901, 189

Reg. No. 161 from Post Office at Bozeman, Mont.

*Reg. Letter /
 Reg. Parcel / Addressed to W. L. M. S. Donnell
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.

Wm L M S Donnell

* Erase letter or parcel according to which is sent.

Form 1548.
REGISTRY RETURN RECEIPT sent Feb. 9 - 1901, 189

Reg. No. 163 from Post Office at Bozeman, Mont.

*Reg. Letter /
 Reg. Parcel / Addressed to C. M. Thorspe
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.

C. M. Thorspe

* Erase letter or parcel according to which is sent.

Form 1548.
REGISTRY RETURN RECEIPT sent Feb. 9 - 1901, 189

Reg. No. 162 from Post Office at Bozeman, Mont.

*Reg. Letter /
 Reg. Parcel / Addressed to Chas. E. Hoy
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.

C. E. Hoy

* Erase letter or parcel according to which is sent.

