

Road No. 190

No. of Case

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

Petition by W. W. Wolverton
et al. from Sub. line of Sec.
23. Div. 2, S.R. 6 E.
Filed Dec. 6th 1899.

Plaintiff

vs

Defendant

Action for Nov. 14th 1901.

viewers Report
accepted, and Road
disallowed, by order of
the Board. Geo. E. Davis
Chairman Com. C.

Attorney for Plaintiff

Attorney for Defendant

Dr. Drive July 29th

Grand No 190

Notice of driving sent July 18th
to Dr J Grand Shaw

6
G. W. Blauvelt

LETTER ON FOR ROAD

The Honorable Board of County Commissioners of Gallatin County

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PETITION FOR ROAD.

To the Honorable Board of County Commissioners of Gallatin County,
Montana:

July the 18th 1888

The undersigned, your petitioners, citizens of the United States, respectfully show and represent that they are freeholders of Road District No. 5 the County of Gallatin, in the State of Montana, and taxable therein for road purposes; that they reside in the vicinity of the road hereinafter petitioned for; that the proposed road will be a public convenience, and we think the public good requires it.

Your petitioners respectfully ask your Honorable Body to lay out, locate and establish a County road sixty feet wide, in said road district, to be a public highway therein, 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:

To commence at a point where the county road as now located cross the North line of the south half of the N. E. 1/4 of sec. 23, township three T. 2, S. of Range 6, East - to run thence East on sub division line to N.P.R.R. four stones South Easterly to said east line of said sec. 23, thence South on said section line to the county road as now located and all other county roads between the two points to be discontinued

*The owners of land on said route are Mrs. Mabel Hall
W. Frankham
Mrs. A. Reynolds
W. W. Wooster*

NAMES:

- 1 *W. W. Wooster*
- 3 *W. Frankham*
- 5 *J. C. King*
- 7 *E. H. Mappitt*
- 9 *E. H. Moffett*
- Leslie M. Swerton*

NAMES:

- 2 *J. R. Hays*
- 4 *Jacob Carolus*
- 6 *Geo. B. Carolus*
- 8 *J. Bigelow*
- 10 *Lafayette Woodring*
- A. Bigelow*
- Malinda Lawrence*

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. J. D. 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 *W. W. Wooberton et al*

of Road District No. *5*

The petition above referred to, petitions that a Road be established, commencing at a point where the County Road as now located crosses the North line of the South half of the N. E. 1/4 of Sec. 22, Twp. 3, S. 2, R. 6 E. to run thence East on subdivision line to E. P. R. R. fence, thence South easterly to the said East line of said Sec. 22, thence South on said Sec. line to the County Road as now located and all other County Roads between the two points to be discontinued.

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 *9th* day of *July* 190*1*.

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 ~~we~~ hereby appoint:

C. M. Thorpe

Thos Lewis

Darby Taylor

to act in behalf of the Board of County Commissioners as viewers of the above petitioned Road

Yours, Very Respectfully,

J. D. Patterson

Chairman of the Board of County Commissioners, Gallatin County, Montana.

Dated at Bozeman, Montana, this *9* day of *July* 190*1*.

NOTICE OF PETITION TO CHANGE PUBLIC ROAD.

NOTICE is hereby given that several residents of Road District No. 5 of Gallatin County State of Montana, have filed a petition in writing with the Board of County Commissioners of Gallatin County Montana, Said petition praying that the County Road be changed. A description of the route of the Road which it is proposed to change is as follows, to-wit:-

Commencing at a point where the County Road as now located crosses the North line of the South half of the N.E. 1/4 of Sec. Twenty Three (23) Twp. 2, S R. 6 E, to run thence East on subdivision line to N.P.R.R. fence, thence Southeasterly to the said East line of said Sec. 23 thence South on said Sec. line to the County Road as now located and all other County Roads between the two points to be discontinued.

Said proposed road will be viewed by viewers appointed by the Board of Commissioners of Gallatin County, according to law, who will commence said view at the place of beginning of said proposed change to be made, on Monday the Twenty Ninth (29th) day of July A.D. 1901.

Said viewing to commence at Nine (9) O'Clock A.M. of said day.

Very Respectfully

I hereby certify that I posted a copy of the above notice at the front door of the Recorder's office on the 13th day of July A.D. 1901

E. P. Blankenship
Co. Clerk of Gallatin Co., Mont.,

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

H. J. Fransham being first duly sworn deposes and says, that as the he received from the County Clerk of said County, on the 14th day of July A. D., 1901, three copies of the annexed notice, and that on the 16 day of July 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 above near the center and one at the terminus.

and further deponeth sayeth not.

Subscribed and sworn to before me this 17 day of July A. D., 1901

H. J. Fransham
E. P. Blankenship Co. Clerk
By *O. P. Morgan* Deputy.

Warrant for Road Viewers.

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

Mr. C. M. Thorpe, Thos. Lewis, Warby Taylor

You are hereby notified that you were duly appointed Road Viewer by

~~Chairman~~ of the Board of County Commissioners of Gallatin County, Montana, on the 9
day of July 1901, to view and lay out a proposed road, as prayed for in the
petition of W. M. Moolverton and others, described as follows, to-wit:

Consisting at a point where the County Road as now located crosses the
North line of the South half of the N.E. 1/4 of Sec. 23, twenty three, Twp.
2, S. of R. 6 E. to run thence East on subdivision line to N.P.R.R. fence,
thence South easterly to the said East line of said Sec. 23, thence South
on said Sec. line to the County Road as now located and all other County
Roads between the two points to be discontinued.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with _____, who were duly appointed as

Viewers on said road by the Chairman of the Board of County Commissioners on the 29
day of July 1901, commencing at the place designated in said petition as the
starting point of the road sought to be at 9 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 9

day of July 1901.

E. V. Blaukenship
County Clerk,

By O. P. Morgan
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.

Thomas Lewis

Subscribed and sworn to before me this 24th day

of July 1901.

C. M. Hooper

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.

A. W. Taylor

Subscribed and sworn to before me this 29th day

of July 1901.

C. M. Hooper

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. Thorne

Subscribed and sworn to before me this 29th day

of July 1901

E. B. Blankenship, Co. Clerk
By L. P. Dwyer, Notary

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 190

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

We, the undersigned Road Viewers, consisting of Thomas Lewis,
A. D. Taylor, and C. M. Throck, appointed by the
 Board of County Commissioners on July 7th, 1901,

~~appointed~~ ^{change of} to view a proposed road running from a point where the county road as now
 located crosses the N. line of the S. 1/4 of Sec. 23, T. 2 S., R. 6 E.
 to a point on the east line of Sec. 23 T. 2 S. R. 6 E. where the same is
 crossed by said Road,
 as described in the annexed petition, say, That on the 29th day of July,

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 a point where the county road as now
 located, crosses the North line of the South half of the
 N.E. 1/4 of Sec. 23 T. 2 S. R. 6 E. thence East along
 said North line to a point 30 feet west of the westerly
 line of the right of way of the N.P. Ry. Co. thence
 South Easterly parallel to said right of way and 30 ft.
 distance therefrom to a point 30 feet west of the East
 line of said Sec. 23, thence south parallel with
 said section line to the County road as now located.
 The length of said change is 1/2 mile.

The line of the proposed change is marked by stakes, and by
 the fence on the westerly line of the N.P. Right of way.

The ground over which the proposed change passes is low
 level, and swampy.

The owners of the land are Mrs. A. Reynolds,
 and Mrs. M. Lawrence. All of whom consent.

The probable cost of constructing the proposed road,
 is as follows.

Clearing & grubbing	\$ 100.00
Grading & ditching, an average of 3 ft. with 16 ft. road bed.	800.00
cutberds	50.00
Total Cost	\$ 950.00

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

Mrs. A. Reynolds (see Suit Claim Ser.)

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:

The benefits fully equal the damages.

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

As this portion of the ^{old} road has been changed, and located along the bluff (but has not been constructed,) we believe that a much better road could be constructed along the bluff than along the line as indicated ^{for with his respect}. We would recommend that the same be constructed. (See Road Report) and that this petition be rejected.

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

Dated July 24

A. D., 1891

Thomas Lewis
A. W. Gray
C. M. Thomas

Road Viewers.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter { No. Rec'd. JUL 23 1901, 190
Parcel {
of Co Clerk Gallatin
Bozeman, Mont.
addressed to Mr Thos Lewis
Bozeman
W. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter { No. 84 Rec'd. , 190
Parcel {
of Co Clerk Gallatin
Bozeman, Mont.
addressed to Darby Taylor
Bozeman
W. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter { No. 85 Rec'd. , 190
Parcel {
of Co Clerk Gallatin
Bozeman, Mont.
addressed to C. M. Haspe
Bozeman
W. B. Burkitt, P. M.