

: Road No 192 By
No. of Case J. M. Jones et al.

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

Dec. 6, 1901

The with in report
accepted and road
not allowed

Plaintiff

vs.

By order of board
Geo E Davis

Chairman

Defendant

Vol 9 Page 183

Action for

Attorney for Plaintiff

Attorney for Defendant

Henry Wheeler
Lewis H Kennedy
J. J. [unclear]

J. F. [unclear]
[unclear]

[unclear]
[unclear]

David M. Lowenthal

Book No 192

Aug 12

274

FILED

Jan 25th 1901
C. M. [unclear]
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. 7, 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 North west corner of Section 25 Township 5 N R 7 E
 & running South one mile between sections 25 & 26, to intersect the road running east & west.

We also pray that said east & west road known as the Redman road be declared vacated or abandoned for from the west corner of Sec 25 east one mile to County line

(g) Said road is given an open road for John Ferguson & others service route of proposed road also to provide an opening by which stock can be taken to the range land owned by Lowell Mc Jones & John Woosley. This gives right of way.

NAMES:

- 1 Lowell Mc Jones
- 2 Hermon T. ...
- 3 J. S. Woosley
- 4 ...
- 5 ...

NAMES:

- 6 Jones Woosley
- 7 ...
- 8 ...
- 9 ...
- 10 H. J. ...

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. J. PATTERSON, Do

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 Lowell M. Jones et al

of Road District No. 7

The petition above referred to, petitions that a Road be established, commencing 7 1/2 miles South one mile between Sections 25 & 26 to intersect the road running East & West. The East & West road shown as the Weichman Road to be declared vacated or abandoned from south-west corner of Sec. 25 East one mile, (or to County line).

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 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, ^{we} hereby appoint:

C. M. Thorpe
C. M. Morrison
J. J. Clarke

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

Yours, Very Respectfully,

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

Dated at Bozeman, Montana, this 9 day of July 1901.

NOTICE OF PETITION FOR OPENING PUBLIC ROAD.

NOTICE is hereby given that nineteen residents of Road District No. 7 of Gallatin County State of Montana, have filed a petition in writing with the Clerk of the Board of Commissioners of said County, and State,

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 North West corner of Section 25 Twp. 3, N, R. 7 E, and running South one mile between Sections 25 and 26 to intersect the road running East and West. We also pray that said East and West road, known as the Reichman Road, be declared vacated or abandoned from South West corner of Section 25 East one mile, or to County line.

Said proposed road will be viewed by viewers appointed by the Board of County Commissioners, who will condescend said view at the place of beginning of said road as proposed to be established. Said viewing to commence at Two (2) O'Clock P.M. on Monday the Twelfth (12) day of August A. D. 1901.

Very Respectfully

E. V. Blankenship

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

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

Lowell M Jones

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

..... he received from the County Clerk of said County, on the 20th day of July, A. D.,

1892, three copies of the annexed notice, and that on the 27 day of July, 1892 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 starting point, one at or near the center and one at the terminus of the road.

(Returned by mail.)

and further deponeth sayeth not.

Subscribed and sworn to before me this day of A. D., 189.....

NOTICE OF PETITION FOR OPENING PUBLIC ROAD.

NOTICE is hereby given that nineteen residents of Road District No. 7 of Gallatin County State of Montana, have filed a petition in writing with the Clerk of the Board of Commissioners of said County, and State.

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 North West corner of Section 25 Twp. 3, N, R, 7 E, and running South one mile between Sections 25 and 26 to intersect the road running East and West. We also pray that said East and West road, known as the Reichman Road, be declared vacated or abandoned from South West corner of Section 25 East one mile, or to County line.

Said proposed road will be viewed by viewers appointed by the Board of County Commissioners, who will commence said view at the place of beginning of said road so proposed to be established. Said viewing to commence at Two (2) O'Clock P.M. on Monday the Twelfth (12) day of August A. D. 1901.

Very Respectfully

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

Notice posted at Recorder's Office July 16, 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 16th day of July A. D., 1890, three copies of the annexed notice, and that on the day of 189 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 30th day of August A. D., 1901
E. V. Blankenship
C. M. Thobe
C. J. Sawyer

Warrant for Road Viewers.

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

Mr. *C. M. Phelps, C. M. Morrison & P. J. Clarke*

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 *9th*
day of *July* 190*1*, to view and lay out a proposed road, as prayed for in the
petition of *S. M. Jones* and others, described as follows, to-wit:

Beginning at the North West corner of Sec. 25 Twp., 3 N R. 7E, & running South one mile between Sections 25 & 26 to intersect the road running East & West. The East & West road known as the Reichman Road to be declared vacated or abandoned from South-west corner of Sec. 25 East one mile, (or to County line.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *each others* who were duly appointed as Viewers on said road by the Chairman of the Board of County Commissioners on the *12th* day of *August* 190*1*, commencing at the place designated in said petition as the starting point of the road sought to be *at 2 o'clock P.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 *24th* day of *July* 190*1*.

E. V. Blankenship
County Clerk

By *L. P. Buzard*
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. C. Morrison

Subscribed and sworn to before me this 12th day
of Aug. 1901.

C. M. Thorpe

C. Surwaford

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. Thorpe

Subscribed and sworn to before me this 5th day
of Aug. 1901.

E. O. Blankenship
Co. 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.

J. J. Clark

Subscribed and sworn to before me this 12 day
of Aug 1901.

C. M. Hofer

Co. Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO 192

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

We, the undersigned Road Viewers, consisting of F. J. Clark, C. M. C. Morrison,
 & C. M. Thorpe, appointed by the Board of County
 Commissioners on July 9th 1904

appointed to view a proposed road running from the N.W. Corner of Sec. 25 T. 3 N. R. 7 E.
to the S.W. Corner of said Section, and the vacation of the
to road along the S. line of said Sec 25
 as described in the annexed petition, say, That on the 12 day of Aug.
 A. D., 1904 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 ft.

The center line of said proposed road is described as follows
 to-wit: Beginning at the N.W. Cor. of Section 25, T. 3 N. R. 7 E.
thence south along the section line between sections 25 & 26,
to the S.W. Corner of section 26. Except at the bluff south
of Flathead creek, when it would be necessary to leave
said section line, to obtain a suitable grade up said bluff,
running southwest up a gulch and south easterly back to said sec. line.
 The length of the proposed road is one mile.

The line is defined by the U.S. Gov. Corners.

The grades would not exceed 8 or 10% when properly graded.
 The ground is suitable for a road except across the creek
bottom which is soft and swampy in places.

The land on the east side of said road is owned by L. M. Jones
 on the west by John S. Worsley.

The probable cost of constructing a road suitable for travel
 is as follows.

For 1. 24 foot bridge on log abutments & log stringers, and grading,	\$ 110.00
For 2 culverts, and grading swamps & bluff.	90.00
Total cost,	\$ 200.00

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

S. M. Jones + J. S. Worsley. Consent to give right of way on the line, but will not give extra right of way at the bluff. It is impractical to build the road without leaving the line at said bluff.

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

See above, no damages stated.

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 all land owners along the proposed road would be benefited equal to the damages.

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

We find that the settlers to be given an outlet by this road, have an outlet by way of the Richman Road or will have when it is constructed, which we believe should be done at once. We do not think the benefits to be derived from the proposed road would justify the expense of construction. Neither of the land owners are willing to give the extra right of way required at the bluff to make a suitable road. We find some opposition to the vacation of the road on the south line of sec. 25 as petitioned for.

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 Aug 12 A. D., 1890

J. J. Clark
C. M. C. [unclear]
C. M. [unclear] } Road Viewers.

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 West side of Sec. 25 T. 3 N. R. 7 E. and extra right of way at the creek crossing to allow a better bridge side if needed.

as viewed and surveyed by F. J. Clark - C. M. C. Morrison + C. M. Hoops

on the 12th day of Aug. 1901 And hereby agree to place

my fences on said lines without charge to the County.

Signed Lowell M. Jones

Dated at this 12 day of Aug 1901

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 East side of Sec. 26 T. 3 N. R. 7 E. and extra right of way at the creek crossing if needed for a suitable bridge side

as viewed and surveyed by F. J. Clark - C. M. C. Morrison + C. M. Hoops

on the 12th day of Aug. 1901 And hereby agree to place

my fences on said lines without charge to the County.

Signed J. S. Wesley

Dated at this 12th day of Aug 1901

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel } No. 109 Rec'd JUL 25 1901, 190
of Co Clerk
Bozeman, Mont.
addressed to F J Clarke
Sedan Mont
W. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel } No. 103 Rec'd JUL 25 1901, 190
of Co Clerk
Bozeman, Mont.
addressed to C. M. Sharpe
Bozeman
W. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel } No. 110 Rec'd JUL 25 1901, 190
of Co Clerk
Bozeman, Mont.
addressed to C. M. C. Morrison
Sedan Mont
W. B. Burkitt, P. M.