

Road No. 193

No. of Case

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

Petition by J. M. Nagysal,
On South line of Sec. 18 & 19 SR 6E.
Filed June 1st 1901

~~Plaintiff~~

vs

10 o'clock A.M. Dec. 7th 1901
was the time appointed for
O.P. Chisholm to appear and
state damages as pertains to the
Right of Way herein described
Geo. E. Davis Chairman

Action for Viewers Report
accepted, and ordered
surveyed, by order of
board. Geo. E. Davis
Chairman
Dec. 7. 1901.

Road established and ordered
funded. March 5th 1902
Geo. E. Davis
Chairman

Attorney for Defendant

Notice of arriving ends
to J. M. Whagy July 18th 01

copy road
No 193

July 30

F I L E D

July 18th 1901
G. W. Blankenship
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 Districts No. 4 & 5, 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 a point on the south line of Section 18, T. 2 S. R. 6 E. where the same is crossed by the county road on the East side of Bozeman Creek, thence East along the south line of Sections 18, and 17, said T. & R. following the said section line as near as practicable, and intersecting with the Bozeman, and Chestnut Road, near the S.E. Corner of said Section 17. The land owners on the south of the above described section line are, Sanford Ruffner, J.M. Kagg, John Bering and Hans Bering. On the north side of the above line a street has been platted along Electric Height add. and Belamy Place. The road is needed as an outlet for settlers and will be a cutoff for East and west travel.

NAMES:

- 1 A. N. Taylor
- 2 John Howard
- 3 A. B. Brown
- 4 W. H. Bates
- 5 C. H. Stewart

Road Dist. No. 5

NAMES:

- 1 J. M. Kagg
- 2 E. F. Kidd
- 3 Sanford Ruffner
- 4 H. C. Bering
- 5 W. J. Smith

NAMES:

- 6 W. H. of Bozeman
- 7 J. B. Brown
- 8 Harry Wood
- 9 Jacob Carlson
- 10 Geo. B. Carlson

East of Bozeman

NAMES:

- 6 F. J. Biell
- 7 Geo. R. Nichols
- 8 E. D. Johnson
- 9 John B. Bering
- 10 H. B. Coleman

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 A. N. Taylor et al

of Road District No. 3

The petition above referred to, petitions that a Road be established, commencing at a point on the North line of Sec. 18 T. 5, S. 8 E., where the same is crossed by the County Road on the East side of Bogman Creek, thence East along the South line of Sec. 18, & 17 said T. & R. following the said Section line as near as practicable and intersecting with the Bogman and Chestnut Road near the S. E. corner of said sec. 17.

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 hereby appoint:

M. Shupe
E. A. Rouse
Chas. Ruffner

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 9 day of July 1901.

NOTICE OF PETITION FOR OPENING 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 Clerk of the Board of Commissioners of Gallatin County State aforesaid, Said petition praying that a new road be laid out and 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 a point on the South line of Sec. 18 Twp, 2, S R, 6 E, where the same is crossed by the County Road on the East side of Bezezan Creek, thence East along the South line of Sections 18 & 17 said T. & R. following the said Sec. line as near as practicable and intersecting with the Bezezan and Chestnut Road near the S. E. corner of said Sec. 17.

Said proposed road will be viewed by viewers appointed by the Board of Commissioners, of Gallatin County, Mont., who will commence said view at the place of beginning of said proposed road to be established, on Tuesday the Thirtieth (30th) day of July A. D. 1901.

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

Very Respectfully

Copy posted at Recorder's office July 28th 1901.

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

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

E. J. Blankenship
County Clerk

being first duly sworn deposes and says, that as the

he received from

the County Clerk of said County, on the 13 day of July 1901 A. D.,

189. 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 he posted a copy of the annexed notice 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. J. Blankenship
C. M. Hooker
C. Surveyor

STATE OF MONTANA,)

County of Gallatin.

ss.

John M. Kagi being first duly sworn, deposes and says, that as the
 person authorized by the County Clerk and Register of *said County, by attached letter,* 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 *15th* 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 at the terminus, and one at or
 near the center.

John M. Kagi

and further deponeth sayeth not.

Subscribed and sworn to before me this

15th day of *July*, A. D. *1901*.

John T. Bogert
 Notary Public
 In and for Gallatin County,
 Montana.

Warrant for Road Viewers.

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

Mr. C. M. Thorpe, E. A. Rouse & Chas. Ruffner

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 A. W. Taylor and others, described as follows, to-wit:

Beginning at a point on the South line of Sec. 18 Twp. 2, S R. 6 E, where
the same is crossed by the County Road on the East side of Bozeman
Creek, thence East along the South line of Sec. 18, & 17 said T. & R. fol-
lowing the said Section line as near as practicable and intersecting
with the Bozeman and Chestnut Road near the S. E. corner of said sec. 17.

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 9
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. Blankenship
County Clerk,

By A. 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.

E. A. Russell

Subscribed and sworn to before me this 30th 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.

C. M. Hooper

Subscribed and sworn to before me this 29th day
of July 1901.

E. V. Blankenship co. clk.
By L. P. Buzard Dep.

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 193.

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

We, the undersigned Road Viewers, consisting of E. A. Rover and C. M. Hooper two of the viewers appointed by the Board of County Commissioners (Chas. Ruffner the other viewer not being present.)

appointed to view a proposed road running from a point on the south line of Section 18 T.2S. R.6E, where the same is crossed by the County Road on the east side of Bozeman Creek, to a point in the Bozeman and Chestnut Road near the S.E. corner of Sec. 17 as described in the annexed petition, say, That on the 30th day of July A. D., 1921 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 description of the center line is as follows to wit:
 Beginning at a point on the south line of Sec. 18 T.2S. R.6E. where the same is crossed by the County Road on the east side of Bozeman Creek, thence east along the south line of Section 18, and 17, said T. & R. following said section line except at the gulch a short distance east of the S. 1/4 S.E. cor. of Sec. 17, where the road leaves the line running to the south along the west side of said gulch on a grade not exceeding 8%, and crossing said gulch, and running northeasterly to said section line, thence east along said section line to a point a short distance west of the S.E. Cor. of said Sec. 17, thence northeasterly along a short ridge to the bottom of the gulch north of said S.E. corner, thence southeasterly along the side hill and intersecting with the Bozeman and Chestnut Road, on the line between Sections 16, and 21, said T. & R.

The line of the proposed road is defined by the U.S. Gov. corners, and by mounds of stone where the proposed road does not follow the section lines.

The grades of the proposed road will not exceed 10% when properly graded.

The ground is dry and suitable for road building.

The description of the land and names of the owners are as follows N.E. 1/4 of Sec. 19 owned by Samuel Ruffner, N.W. 1/4 of Sec. 20 J. M. Kozz owner.

The W. 1/2 of N.E. 1/4 Sec 20 owned by Hans Bernig
" E 1/2 " " " " " " " " " " John Bernig
" S.W. 1/4 " Sec. 16 owned by Darby Taylor.

along the south side of Sec. 17 a 1/2 street has been
platted in Western Union and Bellamy additions.

The S.E. 1/4 of S.E. 1/4 of Sec. 18, owned by owner unknown

The probable cost of constructing a passable road is as
follows for grading \$110.00
for bridges and culverts, 140.00
total cost. 250.00

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

Sanford Ruffum, J. M. Kagy, Hans Bering,
Darby Taylor, John Bering consents
provided a catch pens is constructed for his use,

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

Col. O. P. Chisholm who owns Bellamy Place
consents for the road to run along the south
line of his property but is not willing for the
road to cross the S.E. corner without compensation

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:

All land owners are benefited fully equal to the
damages.

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

We find the road is needed as an outlet for settlers,
also as a cross road from the Boyman Creek Road,
to the Boyman and Chesnut Road.

We believe said road _____ to be practical and _____ of public utility and
necessity and do _____ recommend the establishment of the same.

Dated July 30

A. D., 1890

E. J. Rouse
C. M. Hooper

Road Viewers.

FILED

April 1st 1902
E. P. Blankenship
By A. B. England, Dep.

BOZEMAN, MONTANA, Apr. 1, 1902

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

Gentlemen:-

As ordered I have surveyed
the J. M. Nagy Road No. 193 All angle points-
and U.S. Gov. Corners along said road are marked
with Iron monuments. I have also set four
stakes. All land owners along the road should
move fences.

I will file a map of said survey later.

Respectfully
C. M. Thorpe
Co. Surveyor

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 North line of the N.E. 1/4 of Sec 19 T. 2 S. R. 6 E. from the County Road East. as viewed and surveyed by E. A. Rouss C. M. Thork + Chas Ruffen on the 30th day of July 1901 And hereby agree to place my fences on said lines without charge to the County.

Signed Sanford Ruffen

Dated at this day of 1901

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through or along the S.W. Corner of the S.W. 1/4 of Sec 16 T. 2 S. R. 6 E. as viewed and surveyed by E. A. Rouss and C. M. Thork, on the 30th day of July 1901 And hereby agree to place my fences on said lines without charge to the County.

Signed W. D. Baylors

Dated at Boyman this 30th 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 North line of the N.W. 1/4 of Sec 20 T. 2 S. R. 4 E. as viewed and surveyed by C. M. Thork C. Ruffen + E. Rouss on the 30th day of July 1901 And hereby agree to place my fences on said lines without charge to the County.

Signed J. M. Kazy

Dated at this day of 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 North line of the N.E. 1/4 of Sec 20 T. 2 S. R. 6 E. when 60 ft. at the gulch and said with line where it may be necessary to cross said line to obtain a suitable grade. as viewed and surveyed by E. A. Rouss and C. M. Thork, on the 30th day of July 1901 And hereby agree to place my fences on said lines without charge to the County.

Signed H. C. Puring

Dated at Boyman, this 2nd day of August 1901

Wm. H. Bering, C. M. Thork Boyman

NOTICE OF OPENING PUBLIC ROAD.

 Notice is hereby given that after sixty days from the date of posting this notice, a public highway will be opened over the following route, to wit: Commencing (for a 60 ft. right of way) at a point on the South line of Sec. 18, Twp. 2, S R, 6 E., where the same is crossed by the County Road on the East side of Bozeman Creek, thence East along the South line of Sec. 18 and Sec. 17 said Twp. and R. following said Sec. line except at the gulch a short distance East of the S 1/4 Sec. corner of said Sec. 17 where the road leaves the line running to the South along the West side of said gulch on a grade not exceeding 8% and crossing said gulch and running Northeasterly to said Section line, thence East along said Sec line to a point a short distance West of the S.E. corner of said Sec. 17, thence Northeasterly along a short ridge to the bottom of the gulch North of said S.E. corner thence Southeasterly along the side hill and intersecting with the Bozeman and Chestnut Road, On the line between Sections 16 and 21 said Twp. and Range.

By order of the Board of County Commissioners of Gallatin County, Montana, Dated March 5th 1902.

E. L. Rankin
 Clerk.

Date of Posting. April 1 1902.

State of Montana ,)

: SS.

County of Gallatin ,)) C. M. Thorpe, being first duly sworn deposes and says, that as the County Surveyor he received from the County Clerk of said County, on the 31 day of Mar. 1902 three copies of the above notice, and that on the 1 day of April he posted a copy of said notice, to-wit: One at Starting Point, over about midway way on said road. and one at the terminus and further deponeth sayeth not.

C. M. Thorpe

Subscribed and sworn to before me this ___ day of April A. D. 1902.

 County Clerk.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 53 Rec'd July 14, 1901

of Co Clerk Gallatin

Bozeman, Mont.

addressed to C. M. Sharp

City

W. B. Burkett, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 54 Rec'd July 14, 1901

of Co Clerk Gallatin

Bozeman, Mont.

addressed to Chas Ruffner

City

W. B. Burkett, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 55 Rec'd July 14, 1901

of Co Clerk Gallatin

Bozeman, Mont.

addressed to E. A. Raus

City

W. B. Burkett, P. M.

Form 1548.
REGISTRY RETURN RECEIPT sent JUL 16 1901, 1901

Reg. No. 53 from Post Office at Bozeman, Mont.

*Reg. Letter } Addressed to C. M. Harper
 Reg. Parcel } City

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 } C. M. Harper
 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.

Form 1548.
REGISTRY RETURN RECEIPT sent JUL 16 1901, 1901

Reg. No. 55 from Post Office at Bozeman, Mont.

*Reg. Letter } Addressed to E. A. Rowe
 Reg. Parcel } City

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 } E. A. Rowe
 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.

Form 1548.
REGISTRY RETURN RECEIPT sent JUL 16 1901, 1901

Reg. No. 54 from Post Office at Bozeman, Mont.

*Reg. Letter } Addressed to Chas Ruffner
 Reg. Parcel } City

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 } Charles S Ruffner
 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.

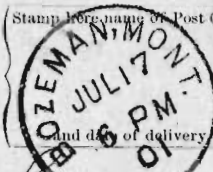
When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.
A penalty of \$300 is fixed by law for using this card for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

Post Office Department,

OFFICIAL BUSINESS.

POST OFFICE AT

Stamp here name of Post Office



RETURN TO:

Name of Sender, *Co Clerk*

Street and Number, }
or Post Office Box. }

Post Office at

Bozeman, Mont.

County of _____, 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

Stamp here name of Post Office



RETURN TO:

Name of Sender, *Co Clerk*

Street and Number, }
or Post Office Box. }

Post Office at

Bozeman, Mont.

County of _____, State of _____

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Post Office Department,

OFFICIAL BUSINESS.

POST OFFICE AT

Stamp here name of Post Office



RETURN TO:

Name of Sender, *Co Clerk*

Street and Number, }
or Post Office Box. }

Post Office at

Bozeman, Mont.

County of _____, State of _____

