

No. of ^{ROAD} Case 196

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

POTTER ROAD.

Plaintiff

vs

Defendant

Action for *Viewers Report accepted*

*and road ordered opened
Board. Surveyed by
order of board. Dec. 6, 1901.*

Geo E Davis, Chairman

*Road ordered opened
and established by
order of Board* Attorney for Plaintiff

Geo E Davis Chairman

March 5 1902

Attorney for Defendant

Patton Ross no 196

F I L L E D

James B. H. 1911
County Clerk

FOR ROAD

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. 2, 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:

Commencing at the north west corner of Sec 2, T-1 N, R 3 E, and running south two miles, to the south west corner of Sec 11

NAMES :

- 1 Ellen E. Potter
- 2 John Derrwolf
- 3 Geo W. Luch
- 4 Joseph Leach
- 5 Robert Leach

NAMES :

- 6 Martin Leach
- 7 Thomas Gray
- 8 Alfred Leach
- 9 Jerry Westerman
- 10 Leavelle Walrath

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 *Ellen E. Potter et al*

of Road District No 2

The petition above referred to, petitions that a Road be established, commencing at the North West corner of Sec. 9, T. 14 S. R. 3 E., and running South two miles to the South West corner of Sec. 11.

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 *15th* 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, I hereby appoint:

C. M. Thorpe
J. B. Corry
H. B. Heiskell

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 *15* day of *July* 190*1*.

NOTICE OF PETITION FOR OPENING PUBLIC ROAD.

Notice is hereby given that ten residents of Road District No. 2 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:—Commencing at the Northwest corner of Sec. 1, S R 3 E, and running South Two miles to the Southwest corner of Sec. 11.

Said proposed road will be viewed by viewers appointed by the Board of Commissioners of Gallatin County, who will commence said view at the place of beginning of said road so proposed to be established, at TEN (10) O'Clock A.M. on Wednesday the Seventh (7th) day of August A.D. 1901.

Very Respectfully

E. L. Blankenship
Clerk.

Per. *O. P. Morgan*
Deputy.

STATE OF MONTANA, }
County of Gallatin } ss.

Wm Potter
Notices of petition for opening public road
being first duly sworn deposes and says, that as the he received from
the County Clerk of said County, on the *29th* day of *July* A. D.,
1901, three copies of the annexed notice, and that on the *24th* 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 starting point one at or near the center, and*
one at the terminus of said road

and further deponeth sayeth not.

Subscribed and sworn to before me this

Wm Potter
24th day of *July* A. D., *1901*



J. F. Ogle
Notary Public in & for
County Gallatin State of
Montana

NOTICE OF PETITION FOR OPENING PUBLIC ROAD.

Notice is hereby given that ten residents of Road District No. 2 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:—Commencing at the Northwest corner of Sec. T 1, S R 3 E, and running South Two miles to the Southwest corner of Sec. 11.

Said proposed road will be viewed by viewers appointed by the Board of Commissioners of Gallatin County, who will commence said view at the place of beginning of said road so proposed to be established, at TEN (10) O'Clock A.M. on Wednesday the Seventh (7th) day of August A.D. 1901.

Notice posted at Recorder's Office July 16, 1901

Very Respectfully

E. J. Blankenship
Clerk.

Per. A. P. Morgan
Deputy

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

E. J. Blankenship
County Clerk of said County

being first duly sworn deposes and says, that as the

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 _____ 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 furnished a copy of the annexed notice at

the front door of the Recorder's Office on

the 16th day of July 1901

and further deponeth sayeth not.

E. J. Blankenship

Subscribed and sworn to before me this 30th day of August A. D. 1901

C. M. Thorne

C. Surveyor

Warrant for Road Viewers.

Copy

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

Messrs *C. M. Thorpe, J. B. Corry & A. B. Hiskell*

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 *15th* day of *July* 1901, to view and lay out a proposed road, as prayed for in the petition of *Ellen E. Potter* and others, described as follows, to-wit:

Commencing at the North West corner of Sec. 2 T 1, S R, 3 E., and running South two miles to the South West corner of Sec. 11.

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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 *7th* day of *August* 1901, commencing at the place designated in said petition as the starting point of the road sought to be *at 10 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 *24th* day of *July* 1901

E. J. 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.

J. B. Connie

Subscribed and sworn to before me this 7th day
of Aug. 1901

C. M. Hooper
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.

Bruce Whiskell

Subscribed and sworn to before me this 7th day
of Aug 1901

C. M. Hooper
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. Hoover

Subscribed and sworn to before me this 29th day

of July 1901

C. J. Blankenship
Co. Clerk

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 196

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

We, the undersigned Road Viewers, consisting of C.M. Shoppe, H.B. Hershell
and J.B. Corvick. appointed by the Board of County
 Commissioners.

~~appointed~~ to view a proposed road running from the N.W. Corner of Sec. 2 T. 1 S.
R. 3 E.
 to the S.W. Corner of Sec. 11 Range T & R
 as described in the annexed petition, say, That on the 7 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 ft.
 The center line of the proposed road is described as follows
 to wit: Beginning at the N.W. Corner of Sec. 2 T. 1 S.
R. 3 E. thence south 2 miles to the S.W. Corner of Sec. 11
Range T & R. Except at the bluff east of Mr. Patterson's
 house where the road is to leave the line running to the east of said
 line, & following along or near where the road is now traveled.
 The grades will not exceed 8 or 10% the ground over
 which the proposed road passes is suitable for road building.

The owners of the land along the proposed road are:
W.G. J. Co. N.E. 1/4 of Sec. 3 T. 1 S, R. 3 E.
 " " " N.E. 1/4 of S.E. 1/4 Sec. 3. " "
 " " " N.W. 1/4 of Sec 11 T. 1 S, R. 3 E.
Henry Reselle S.E. 1/4 of S.E. 1/4 of Sec. 3 T. 1 S, R. 3 E
Mr. Patterson Sec. 10 " "
D. Patterson N.W. 1/4 of Sec. 2. " "
Geo. Leach S.W. 1/4 " " " "
John Yerwolf S.W. 1/4 " 11. " "

The road is now opened and traveled, all fences having
 been set back except Mr. Patterson's. To put the road on the
 line as described, and build culverts, & grade where
 required, would need about \$6000 of expense.

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

Henry Ferrell Geo Leach John Verwolf.
The West Gallatin Tr. Co. Consent to give right of way
on the section line but not to give right of way for
log near Mr. Pattus house

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

David Petterson claims \$30 = for aere and
the expense of moving fence.

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 estimate the damages to David Petterson, in excess
of benefits at \$25 00

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

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

Dated Aug. 7 A. D., 1890/1,

J. B. Conroy
Baron Heiskell } Road Viewers.
C. M. Huber

BOZEMAN, MONTANA, Apr. 1 1902

To the Honorable Board of County Commissioners,
of Gallatin Co. Mont.

Gentlemen:-

As ordered I have surveyed
the Patten Road No. 196 all angle points and
U.S. Gov. Corners, are marked with iron monuments
I have also set out fence stakes.

The only fence to be moved is that of David Patterson,
at the gulch East of Patten's house the road was viewed
to have the line running to the East on land owned
by the W. G. S. Co. The Company however now gave
consent for the road only on the line, Mrs Patten also
gave consent at this point on the line. I surveyed
the road on the N. E. line and have staked out
the grading on a 10% grade this gives a
cut of about 10 feet, and a fill of nearly 10 feet.
I staked out a bridge 6 x 10 x 12,
on the road as viewed the hill would require
grading and would then have a bad turn at
the top. I will file a map later.

Respectfully,

C. M. Thorpe Co. Surveyor

Bozeman, Montana JAN 16 1904

To the Honorable Board of County Commissioners of

Gallatin County, Montana,

Gentlemen:-

I hereby report to your Honorable Body that on
JAN 16 1904 I filed in the office of the County Clerk
of Gallatin County, Montana, the Plat and Field Notes of

Pattu Road No. 196, See P. 97 Vol B. of Road Maps

Very Respectfully,

C. M. T. Hooper.

County Surveyor.

100

WEST GALLATIN IRRIGATION COMPANY (OF MONTANA.)

HENRY ALTENBRAND, PRES.
GARDNER COLBY, SEC'Y. & TREAS.
NO. 11 BROADWAY,
NEW YORK.



E. C. KINNEY,
GENERAL MANAGER.
MANHATTAN,
MONTANA.

BOZEMAN,
Manhattan, Montana, August 24th, 1901.

C.M. Thorpe Esq.
County Surveyor.

Dear Sir.

Herewith consent for the roads you ask for except the enlarged right of way in front of Wm. Potter. The proper place for the road is straight down the hill and a little work will make a good road there. I am willing that the road shall run where it is temporarily but must insist that it be built on the line in the near future, say within two years.

Very truly yours.

E. C. Kinney
General Manager.

Potter road.

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. 10 T. 15, R. 3 E.

as viewed and surveyed by C.M. Thorpe, H.B. Heiskill, & J.B. Corrie, on the 7th day of Aug. 1901 And hereby agree to place my fences on said lines without charge to the County.

Signed Ellen E. Potter

Dated at Manhattan Mont this 7th day of Aug. 1901

Mr Potter please sign & return to C.M. Thorpe

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 E. side of S.E. 1/4 of S.E. 1/4 of Sec. 3 T. 15, R. 3 E.

as viewed and surveyed by C.M. Thorpe, H.B. Heiskill & J.B. Corrie on the 7th day of Aug. 1901 And hereby agree to place my fences on said lines without charge to the County.

Signed Henry W. Sells

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 West side of the S.W. 1/4 of Sec 12 T. 15, R. 3 E.

as viewed and surveyed by J.B. Corrie, H.B. Heiskill & C.M. Thorpe on the 7th day of Aug. 1901 And hereby agree to place my fences on said lines without charge to the County.

Signed George H. Leach

Dated at Manhattan this 7 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 W. side of the S.W. 1/4 of Sec. 11, T. 1 S., R. 3 E. as viewed and surveyed by C.M. Thorpe, H.B. Hiskill + J.B. Corrie on the 7th day of Aug. 1901 And hereby agree to place my fences on said lines without charge to the County.

Signed John Kruevel

Dated at this day of 1901

M.G. S. Co

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 line of the N.W. 1/4 of Sec. 11 T. 1 S. R. 3 E. ~~also sufficient extra right of way at the bluff end of my pasture to allow the road to run along a road which it is now traversed~~ as viewed and surveyed by C.M. Thorpe J. B. Corrie + H.B. Hiskill, on the 7th day of Aug. 1901 And hereby agree to place my fences on said lines without charge to the County.

West Gallatin Irrigation Co

Signed by E. Kinney Genl Manager

Dated at Boxman this 24 day of August 1901

Please sign and return to me. C.M. Thorpe. A. Dunlap.

M.G. S. Co

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 the N.E. 1/4 of Sec. 3 T. 1 S. R. 3 E. and along the east side of the N.E. 1/4 of S.E. 1/4 of Sec. 3 T. 1 S. R. 3 E. as viewed and surveyed by C.M. Thorpe, J.B. Corrie, H.B. Hiskill, on the 7 day of Aug. 1901 And hereby agree to place my fences on said lines without charge to the County.

West Gallatin Irrigation Co

Signed by E. Kinney Genl Manager

Dated at Boxman this 24th day of August 1901

Please sign + return to me. C.M. Thorpe.

110198

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 The center line of a 60ft. right of way

at the N.W. corner of Sec. 2, T 1, S. R. 3 E, thence South 2 miles to the S.W. corner of Sec. 11 said T & R, Except at the Bluff East of Wm. Potter's house, where the road is to leave the line running to the East of said line & following along or near where the road is now traveled.

By order of the Board of County Commissioners of Gallatin County, Montana.

Dated March 5th A.D. 1902, #57

E. J. Blankenship
Clerk,

By _____ Deputy.

Date of Posting Mar 26 1902

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

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 30th day of March, A. D., 1902, three copies of the annexed notice, and that on the 26 day of March, 1902 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 Starting point, of the proposed road, one about midway on said road, and one at Ferris.

and further deponeth sayeth not.

Subscribed and sworn to before me this 31st day of March, A. D., 1902

C. M. Thorpe
E. J. Blankenship
County Clerk

T 1, S. R. 3 E, thence South 2 miles to the S.W. corner of Sec. 11 said T & R. Except at the Bluff East of Wm. Potter's house, where the road is to leave the line running to the East of said line & following along or near where the road is now traveled.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 99 Rec'd. JUL 24 1901, 190

of Geo Clark

Bozeman, Mont.

addressed to H. B. Huskill

Belgrade Mont

W. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 98 Rec'd. JUL 24 1901, 190

of Geo Clark

Bozeman, Mont.

addressed to J. B. Corrie

Belgrade Mont

W. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 97 Rec'd. JUL 24 1901, 190

of Geo Clark

Bozeman, Mont.

addressed to Geo Thayer

Belgrade Mont

W. B. Burkitt, P. M.