

No. ~~203~~ 205

PETITIONER,

J. E. Martin et al

Petition filed June 2d 1902

Viewer appointed June 4th 1902

Report filed Aug. 30th 1902

Date of hearing _____ 190...

Report approved Sept- 5th 1902

Order of survey Sept. 5th 1902

Surveyor's Report filed Oct. 6 1902

Declared County Road Oct. 6 1902

Declared County Road
Oct. 6, 1902 by
order of the Board
Geo. E. Davis
Chairman

See Book _____ Commissioners' Proceedings,
pages _____

Recorded, Road Book, pages _____

County Clerk

27-125

FILED

June 2, 1907
J. V. Blankenship
County Clerk.
By O. P. Morgan
Attest.

The court, court of the county of ...
said ...
county ...
of ...
...

CHANGE OF
PETITION FOR ROAD

TO THE HON. BOARD OF COUNTY COMMISSIONERS, of Gallatin County, Montana:

The Undersigned, ^{AND FREEHOLDERS} 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 ^{CHANGE OF} 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~~ ^{forty} 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 N. E. corner of the S. E. 1/4 of the N. E. 1/4 of sec. 24 T. 2S., R. 5 E., said point being in the center of the county road, thence, south 1/4 mile to the S. E. corner of said N. E. 1/4, thence west, 1/4 mile to the S. W. corner of said S. E. 1/4 of N. E. 1/4, said point being in the county road, to be the terminus of the proposed change.

The county road as now traveled from the above starting point, to said terminus, to be vacated and discontinued, whenever the proposed change shall be open for travel. Also the county road from the above described terminus, to be changed to a width of forty feet, instead of sixty ft. for a distance of 1/4 mile south from said point. ^{thence west 1/4 mile to the center of sec. 25.} The object of the proposed change being to place the road on better ground.

The land over which the proposed change passes belongs to James B. Martin, who consents to said change.

*James B. Martin
Board Member
Gallatin County*

NAMES:

- 1 *Geo. W. Standers*
- 2 *J. J. Toole*
- 3 *T. Z. Bensch*
- 4 *R. S. Dawber*
- 5 *Louis Koeniger*
Peter Koch

NAMES:

- 6 *C. E. Hoy*
- 7 *J. J. Toole*
- 8 *Geo. W. Nicholas*
- 9 *C. W. Hoffmann*
- 10 *T. F. Steverson*

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. ~~J. L. PATTERSON,~~

Geo. E. Davis

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 *J. E. Martin and others,*

of Road District No. _____

The petition above referred to, petitions that a Road be established, commencing
featuring at the N.E. corner of the S.E. 1/4 of the N.E. 1/4 of Sec. 24,
T. 2, S. 2, E. 2, said point being in the center of of the County road, thence
South 1/4 mile to the S.E. corner of said N.E. 1/4 thence West 1/4 mile
to the S.W. corner of said S.E. 1/4 of N.E. 1/4, said point being in the
County road, to the terminus of the proposed change. The County road as
now traveled from the above starting point to said terminus, to be vacated
and discontinued, whenever the proposed change shall be open for
travel.

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 *4th* day of *June* 190*2*.

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

E. Brooks Martin

Henry Monforton

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

Yours, Very Respectfully,

Geo. E. Davis

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

Dated at Bozeman, Montana, this *4* day of *June* 190*2*.

Warrant for Road Viewers.

copy

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

Messrs *C. M. Thorne, C. Brock Martin & Henry Mumforton*

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

~~Chairman~~ of the Board of County Commissioners of Gallatin County, Montana, on the *4th* day of *June* 190*2*, to view and lay out a proposed road, as prayed for in the petition of *J. E. Martin* and others, described as follows, to-wit:

Beginning at the N.E. corner of the S.E. 1/4 of the N.E. 1/4 of Sec. 24, T 2, S R, S E, said point being in the center of of the County road, thence South 1/4 mile to the S.E. corner of said N.E. 1/4 thence West 1/4 mile to the S.W. corner of said S.E. 1/4 of N.E. 1/4, said point being in the County road, to the terminus of the proposed change. The County road as now traveled from the above starting point to said terminus, to be vacated and discontinued, whenever the proposed change shall be open for travel.

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 *19th* day of *August* 190*2*, commencing at the place designated in said petition as the starting point of the road sought to be *at 8 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 *6th* day of *August* 190*2*.

E. D. 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.

Henry Morfitt

Subscribed and sworn to before me this 19 day
of Aug 1902

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.

C.M. Thorpe

Subscribed and sworn to before me this 18th day
of August 1902

E.V. Blankenship, Co. Clerk
By S.P. Buzard, Deputy

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 205

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

We, the undersigned Road Viewers, consisting of H. Manfrolon, & C. M. Thayer, two of the viewers appointed by the Board of County Commissioners, (E. Brooks Martin the other viewer not being present) appointed to view a proposed ^{change of} road running from the N.E. corner of the S.E. 1/4 of the N.E. 1/4 of Sec 24 T. 2 S. R. 5 E. to the S.W. corner of said S.E. 1/4 of N.E. 1/4 of Sec 24 as described in the annexed petition, say, That on the 19 day of Aug. A. D., 1902 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 40 feet.
 The description of the center line is as follows to wit:— Beginning at the N.E. corner of the S.E. 1/4 of N.E. 1/4 of Sec. 24 T. 2 S. R. 5 E., said point being in the center of the County road, thence south 1/4 mile to the S.E. corner of said N.E. 1/4, thence west 1/4 mile to the S.W. corner of said S.E. 1/4 of N.E. 1/4 said point being in the center of the County road.
 The County road as now traveled from the above described starting point, to the terminus of the proposed change to be vacated and discontinued whenever the proposed change shall be open for travel, also the County road from the terminus of the above described change, to be changed to a width of 40 feet instead of 60, for a distance of over 1/2 mile south from said point, thence west 1/4 mile to the center of section 25 T. 2 S. R. 5 E.
 The line of the road is defined by the U.S. Gov corners, the ground over which the proposed change passes is level and better for road building than the old road. For names of land owners see sketch.
 The probable cost of constructing the said road is \$40.00 there will be no expense to the County however, as Mr. Jas. E. Martin has agreed to do all the work required to place the road in good condition for travel.

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

James E. Martin, Sanford Ruffner.

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:

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. 19 A. D., 1890

C. M. G. Hooper
Henry Monfortore } Road Viewers.

BOZEMAN, MONTANA,

Oct 6

190

To the Honorable Board of County
Commissioners of Gallatin County
Montana

Gentlemen: -

As ordered I have surveyed
the change of road as petitioned for by
J. E. Martin, ^{No 205} all corners along the line
of road are marked with iron or stone
monuments.

Respectfully,
C. M. Thorpe
Co. Surveyor

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 20 feet for a Right of Way for a County Road, through or along the East side of S.E. 1/4 of N.E. 1/4 of Sec. 24, T. 2 S., R. 5 E. and 40 feet the center line of which is the south line of said S.E. 1/4 of N.E. 1/4 of said Sec. 24, T. 2 S., R. 5 E. as viewed and surveyed by H. Montforton & C.M. Hooper on the 19th day of Aug. 1902 And hereby agree to place my fences on said lines without charge to the County.

Also to do the necessary grading, and to build all culverts that may be required to place the proposed change in good condition for travel, and as may be required by the Board of County Commissioners of said County, said County to furnish all lumber which may be required for said culverts.

Signed J.E. Martin

Dated at Bozeman this 20 day of August 1902

ACKNOWLEDGEMENT.

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

On this 20 day of Aug

A. D. 1902, before me

County Surveyor,

in and for said County, came

J.E. Martin

who is personally known to me to be the person described in and who signed the annexed consent for right of way and acknowledged to me that he had executed the same freely and voluntarily, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C.M. Hooper

County Surveyor.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 20 feet for a Right of Way
for a County Road, through or along the West side of S.W. 1/4 of N.W. 1/4
of Sec. 19 T.2 S. R.6 E.

Sec. _____, T. _____, R. _____
as viewed and surveyed by H. Montfortain + C.M. Thorpe
on the 19th day of Aug. 1902—And hereby agree to
place my fences on said lines without charge to the County.

Signed Sanford Ruffner

Dated at Bozeman this 19 day of Aug 1902

ACKNOWLEDGEMENT.

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

On this 19th day of Aug.

A. D. 1902, before me C.M. Thorpe

in and for said County, came Sanford Ruffner

who is personally known to me to be the person described in and who signed the annexed consent
for right of way and acknowledged to me that he had executed the same freely and voluntarily,
for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C.M. Thorpe
County Surveyor.

FILED

Oct 6-02
Ed Blankenship
By L. P. Buzard
Deputy

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

J.E. Martin Change of Road No. 205, Sec P. 127 & 128 Vol 13

Very Respectfully,

C.M. Wolfe
County Surveyor.

FILED

JAN 16 1904

CLERK

Bozeman

NOTICE OF PETITION FOR CHANGE OF PUBLIC ROAD,

NOTICE IS hereby given that twelve resident tax-payers of Road Dist. No. 4 of Gallatin County, State of Montana, have filed a petition in writing with the Clerk of the Board of County Commissioners of the County of Gallatin, State of Montana,

Said petition praying that a change be made in a public road.

A description of the proposed change is as follows, to-wit:-

Beginning at the N.E. corner of the S.E. 1/4 of the N.E. 1/4 of Section 24, T 2, S R, 5 E, said point being in the center of the County Road, thence South 1/4 mile to the S.E. corner of said N.E. 1/4, thence West 1/4 mile to the S.W. corner of said S.E. 1/4 of N.E. 1/4, said point being in the County road, to be the terminus of the proposed change. The County road as now traveled from the above starting point to said terminus, to be vacated and discontinued whenever the proposed change shall be made and the new road open for travel. Also the County Road from the above described terminus, to be changed to a width of forty feet instead of 60 feet, for a distance of 1 mile South from said point.

Said proposed road will be viewed by viewers appointed by 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 changed, on Tuesday the Nineteenth (19th) day of August A.D. 1902, said viewing to commence at Eight (8) O'Clock A.M. of said day.

Very Respectfully

E.D. Baukenship
County Clerk, Gallatin County,
State of Montana.

NOTICE OF PETITION FOR CHANGE OF PUBLIC ROAD.

NOTICE IS hereby given that twelve resident tax-payers of Road Dist. No. 4 of Gallatin County, State of Montana, have filed a petition in writing with the Clerk of the Board of County Commissioners of the County of Gallatin, State of Montana,

Said petition praying that a change be made in a public road.

A description of the proposed change is as follows, to-wit:-

Beginning at the N.E. corner of the S.E. 1/4 of the N.E. 1/4 of Section 24, T 2, S R, 5 E, said point being in the center of the County Road, thence South 1/4 mile to the S.E. corner of said N.E. 1/4, thence West 1/4 mile to the S.W. corner of said S.E. 1/4 of N.E. 1/4, said point being in the County road, to be the terminus of the proposed change. The County road as now traveled from the above starting point to said terminus, to be vacated and discontinued whenever the proposed change shall be made and the new road open for travel. Also the County Road from the above described terminus, to be changed to a width of forty feet instead of 60 feet, for a distance of 1 mile South from said point.

Said proposed road will be viewed by viewers appointed by 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 changed, on Tuesday the Nineteenth (19th) day of August A.D. 1902, said viewing to commence at Eight (8) O'clock A.M. of said day.

Very Respectfully

E. D. Blankenship
County Clerk, Gallatin County,
State of Montana.

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

J. E. Martin

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

..... he received from
the County Clerk of said County, on the 18th day of July A. D.,
1902, three copies of the annexed notice, and that on the 19th day of July 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 the beginning, one at or near the center and
one at the terminus.

and further deponeth sayeth not.

Subscribed and sworn to before me this 19th day of July A. D. 1902

*Copy posted at Recorder's Office
July 17th 1902.*

J. E. Martin
E. D. Blankenship
County Clerk

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 209 Rec'd AUG 7 1902, 190
of Co. Clerk
Bozeman, Mont.
addressed to Mr. Henry Morganston
Bozeman, Mont.
L. L. KIRK, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 210 Rec'd AUG 7 1902, 190
of Co. Clerk
Bozeman, Mont.
addressed to Mr. E. Broox Martin
Bozeman, Mont.
L. L. KIRK, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 211 Rec'd AUG 7 1902, 190
of Co. Clerk
Bozeman, Mont.
addressed to Mr. C. M. Thorpe
Bozeman, Mont.
L. L. KIRK, P. M.

Form 1548.
REGISTRY RETURN RECEIPT sent AUG 7 1902, 1902

Reg. No. 211 from Post Office at Bozeman, Mont.

*Reg. Letter / Reg. Parcel Addressed to Mr. C. M. Thorpe
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. } C. M. Thorpe

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 AUG 7 1902, 1902

Reg. No. 209 from Post Office at Bozeman, Mont.

*Reg. Letter / Reg. Parcel Addressed to Mr. Henry Monforton
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. } Henry Monforton

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 Bozeman, Mont.

RETURN TO:

Name of Sender, Co. Clerk

Street and Number, }
 or Post Office Box. } Bozeman, Mont.

Post Office at _____

County of _____ State of _____

Bozeman, Mont. AUG 9 1902 2:30 PM

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T. R. S. R. S. E.

J. L. PATTERSON

JAMES E. MARTIN,
J. BERTIN'S
FROM 60 TO 40 WING TO 87

JAMES CHANGED
TO BE

VACATED

CHANGE
STUFF
WEEK

PROPOSED

J. E. MARTIN

E. MARTIN

J. MARDIS
ESTATE.

R 6 E

T. R. S.