

T 13 R 5E

No. 208

PETITIONER,

*M. H. Spain & A. Caldwell et al*

Petition filed *May 9th* 1902

Viewers appointed *July 19th* 1902

Report filed *October 6* 1902

Date of hearing ..... 190

Report <sup>not</sup> approved *Oct. 6* 1902

Order of survey ..... 190

Surveyor's Report filed ..... 190

Declared County Road ..... 190

*By order of the Board  
Geo. E. Davis  
Chairman*

See Book ..... Commissioners' Proceedings,

pages .....

Recorded, Road Book, pages .....

County Clerk

FILLED

May 24th 1903  
E. W. Benkenchick  
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. 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~~ <sup>2 rods</sup> 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:

A— Commencing at a point on the County road leading from Bozeman to Belgrad a few rods north of the North west corner of Sec 17-51 S.R. 5. E. Thence South 1/2 mile on Sec line between Sec 17+18 51 S.R. 5. E. Thence west 1/4 mile on line between C. H. Sprague & Kleinschmidt Thence South 1/2 mile on line between C. H. Sprague & Kleinschmidt to intersect with County Road running East and West on South lines of Sec 17+18 51 S.R. 5. E.

- B— Our lands of Sec 17+18 51 S.R. 5. E
- C— A Bertleson C. H. Sprague & Kleinschmidt
- D— Bertleson & Sprague consent Kleinschmidt not seen live in Helena Mont
- E— Nothing

G— This road is demanded on account of there not being a road going South for a distance of 3 miles and then being a great deal of travel in that direction especially in Spring season.

NAMES:

- 1 W. A. Spain
- 2 J. W. Perkins
- 3 C. H. McDonald
- 4 B. A. Clapton
- 5 H. W. Skoime

NAMES:

- 6 J. B. Moore
- 7 A. H. Blithorn
- 8 M. W. Powell
- 9 Robert Ritchie
- 10 R. V. Spain

W. A. Caldwell

A - Commencing at a point on the County road leading from Bozeman to Belgrad a few rods north of the North west corner of Sec 17-51 S. R. 5. E. Thence South  $\frac{1}{2}$  mile on Sec line between Sec 17+18 51 S R 5. E Thence west  $\frac{1}{4}$  mile on line between C. H. Sprague + Kleinschmidt Thence South  $\frac{1}{2}$  mile on line between C. H. Sprague + Kleinschmidt to intersect with County road running East and West on South lines of Sec 17+18 51 S R. 5. E.

B - Our lands of Sec 17+18 51 S R 5 E

C - A Bertleson C. H. Sprague + Kleinschmidt

D - Bertleson + Sprague consent Kleinschmidt  
Not seen live in Helena Mont

F - Nothing

G - This road is demanded on account of there not being a road going South for a distance of 3 miles and then being a great deal of travel in that direction especially in Driety Season

NAMES :

- 1 W. A. Spain
- 2 J. W. Perkins
- 3 C. H. McDonald
- 4 B. A. Clapton
- 5 J. W. Spaine

NAMES :

- 6 J. E. Moore
- 7 A. H. Clifton
- 8 M. W. Pennell
- 9 [unclear]
- 10 R. V. Spain

- W. A. Caldwell  
 L. J. Lohr  
 G. I. Hogle  
 Jas. McFarland  
 J. H. Border  
 C. L. Davis

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 M. A. Spain & others  
of Road District No. 3

The petition above referred to, petitions that a Road be established, ~~commencing~~

~~at a point on the County Road leading from Loggans to Pel-~~  
~~grade a few rods North of the North west corner of Sec. 17, T 1, S 4, R 5 E,~~  
~~thence South 1/2 mile on Sec. line between sections 17 & 18, T 1, S 4, R 5 E,~~  
~~thence West 1/4 mile on line between C. H. Sprague & Kleinschmidt thence~~  
~~South 1/2 mile on line between C. H. Sprague & Kleinschmidt to intersect~~  
~~with County Road running East and West on South line of sections 17 &~~  
~~18, T 1, S 4, R 5 E.~~

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

19th day of July 1902

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:

E. M. Thorpe  
Thomas Jones  
Patrick Toohy

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

19 day of July 1902

NOTICE OF PETITION, FOR OPENING PUBLIC ROAD.

NOTICE is hereby given that several resident tax payers of ROAD DISTRICT NO. 3, 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.

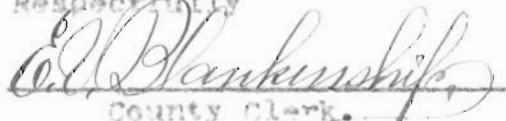
Said petition praying that a new road be laid out and established.

A description of the route of the road which it is proposed to lay out and establish is as follows, to-wit:—Commencing at a point on the County Road leading from Bozeman to Belgrade a few rods North of the NW North West corner of Sec. 17—T 1, S R, 5 E, thence run South 1/2 mile on Sec. line between Sec. 17 & 18 T 1, S R, 5 E, thence West 1/2 mile on line between C. H. Sprague & Kleinschmidt, thence South 1/2 mile on line between C. H. Sprague and Kleinschmidt to intersect with the County Road running East and West on South line of Sec. 17 & 18, T 1, S R, 5 E.

Said 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 established, on Tuesday the Ninth (9th) day of September A. D. 1902.

Said viewing to commence at 10 O'Clock A. M. of said day.

Very Respectfully

  
County Clerk.

NOTICE OF PETITION, FOR OPENING PUBLIC ROAD.

NOTICE is hereby given that several resident tax payers of ROAD DISTRICT NO. 3, 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 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:—Commencing at a point on the County Road leading from Rezenan to Belgrade a few rods North of the NW North West corner of Sec. 17-T 1, S R, 5 E, thence run South 1/2 mile on Sec. line between Sec. 17 & 18 T 1, S R, 5 E, thence West 1/4 mile on line between C. H. Sprague & Kleinschmidt, thence South 1/2 mile on line between C. H. Sprague and Kleinschmidt to intersect with the County Road running East and West on South line of Sec. 17 & 18, T 1, S R, 5 E.

Said 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 established, on Tuesday the Ninth (9th) day of September A. D. 1902.

Said viewing to commence at 10 O'Clock A.M. of said day.

Very Respectfully

*E. D. Blankenship*  
County Clerk.

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

*W. A. Caldwell*

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

he received from

the County Clerk of said County, on the *28th* day of *August* A. D.,

*1902*, three copies of the annexed notice, and that on the *29th* day of *Aug.* ~~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 point of termination*

and further deponeth sayeth not.

Subscribed and sworn to before me this *30th* day of *August* A. D. *1902*

*W. A. Caldwell*  
*E. D. Blankenship*  
County Clerk.

# Warrant for Road Viewers.

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

Messrs *Wm. Thomas Jones & Patrick Toohy*

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 *19th* day of *July* 190*2*, to view and lay out a proposed road, as prayed for in the petition of *M. H. Spain* and others, described as follows, to-wit:

Commencing at a point on the County Road leading from Bozeman to Belgrade a few rods North of the North west corner of Sec. 17, T 1, S R, 5 E, thence South 1/2 mile on Sec. line between Sections 17 & 18 T 1, S R, 5 E, thence West 1/4 mile on line between C. H. Sprague & Kleinschmidt thence South 1/2 mile on line between C. H. Sprague & Kleinschmidt to intersect with County Road running East and West on South line of Sections 17 & 18, T 1, S R, 5 E.

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 *9th* day of *September* 190*2*, 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 *28th* day of *August* 190*2*.

*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.

*C. M. Thorpe*

Subscribed and sworn to before me this 8<sup>th</sup> day  
of Sept. 1902

*E. V. Blankenship, Clerk*  
By *L. O. Buzard, Def.*

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.

*W. H. L. Lohrey*

Subscribed and sworn to before me this 9<sup>th</sup> day  
of Sept 1902

*C. M. Thorpe*  
County Surveyor

This must be returned to the County Clerk after execution.

## REPORT OF ROAD VIEWERS.

ROAD NO. 208

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

We, the undersigned Road Viewers, consisting of Patrick Pooker, and C. M. Thorpe two of the viewers appointed by the Board of County Commissioners on July 19, 1902 (Thomas Jones the other viewer appointed not being present) appointed to view a proposed road running from a point in the Bozeman and Belgrade road a few rods north of the N.W. Corner of Sec. 17 T. 15. R. 5 E. to the S.W. Cor. of S.E. 1/4 of S.E. 1/4 of Sec. 18 T. 15. R. 5 E. as described in the annexed petition, say, That on the 9<sup>th</sup> day of Sept. 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 33 feet, the description of the center line is described as follows to wit:— Beginning at a point in the Bozeman and Belgrade Road a short distance north of the north west corner of Section 17 T. 15. R. 5 E. thence south along the section <sup>line</sup> to the 1/4 Section Corner between Sections 17 + 18, said T. + R. thence west 1/4 mile to the N.W. Corner of the E. 1/2 of S.E. 1/4 of said Section 18, thence south 1/2 mile along the west line of said E. 1/2 to the County Road along the south line of said Section 18. the terminus as described in petition. The length of the proposed road 1 1/4 miles. The line of the road is defined by the section and subdivision lines.

The ground over which the proposed road passes is level and suitable for road building.

For names of land owners see accompanying sketch. The probable cost of constructing the proposed road is \$100 ~~or~~

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

.....  
.....  
.....

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

F. Maxwell claims \$250.00 damages  
W. H. Preston claims 125.00 "  
Klein-schmidt has been written to but not heard from

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:

To Frank Maxwell 1/4 mile of new fence and moving 1/2 mile of old fence \$46.00  
to W. H. Preston moving 3/4 mile of fence 75.00

5. The following facts, bearing upon the subject, which may be of importance to the Board:  
We find the need of the road to be as stated in the petition.

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

Dated Sept. 9

A. D., 1892

Edrick Lohry  
C. M. Thayer

Road Viewers.

Bye-bye Mont - Sep 28 1902

C M. Tracy

Dear Sir -

Call to see you to day but  
found you out of town  
I would want \$125 - or better  
than any thing to kitchen & feeding  
Would of liked to go from  
you

Respectfully  
Wm. A. Preston

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.  
Registered Letter Parcel No. 377 Rec'd AUG 29 1902, 190  
of Co. Clerk  
Bozeman, Mont.  
addressed to Thomas Jones, Esq.  
Bozeman, Mont.  
I. L. KIRK, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.  
Registered Letter Parcel No. 374 Rec'd AUG 29 1902, 190  
of Co. Clerk  
Bozeman, Mont.  
addressed to Patrick Toher, Esq.  
Bozeman, Mont.  
I. L. KIRK, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.  
Registered Letter Parcel No. 375 Rec'd AUG 29 1902, 190  
of Co. Clerk  
Bozeman, Mont.  
addressed to C. M. Thorpe, Esq.  
Bozeman, Mont.  
I. L. KIRK, P. M.

