

T13R5E

Order of Survey

No. 211

PETITIONER,

M. J. Pennell et al

Petition filed July 18 1902

Viewers appointed July 18th 1902  
" notified Sept. 17th

Report filed Oct 6 1902

Date of hearing Nov. 3, 1902

Viewers Report approved Dec. 2d 1902

Order of survey 190

Surveyor's Report filed 190

Declared County Road 190

Road ordered opened  
and surveyed by  
order of the Board  
Geo. E. Davis Chairman  
Dec. 2d 1902.

See Book - 9 - Commissioners' Proceedings,  
pages 286.

Recorded, Road Book, pages

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. 9, 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, <sup>20</sup>~~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:*

(a) The general route of the proposed road is as follows:

Commencing at a point on the Section line between Sections 21 and 22, in Township One (1) South of Range Five (5) East, where the Bozeman and Belgrade road leaves said Section line, thence running North along said Section line between Sections 21, 22, 15, and 16 to the Northeast corner of said Section 16; thence West one-half (1/2) mile along the said line between Sections 9 and 16; Thence North through the center of Sections 4 and 9 along the center line thereof to the Flannery and Belgrade road, all of said Sections being in said Township One (1), South of Range Five (5) East.

(b) The owners of the land over which said proposed road will pass, if established, are as follows:— Mrs. \_\_\_\_\_ Jones, Thomas Jones, J. H. Wells, \_\_\_\_\_ Border, P. Toohy, Charles Backes, and James Arnold.

(d) That J. H. Wells, \_\_\_\_\_ Border, P. Toohy and Charles Backes, the said owners consent thereto.

(e) That James Arnold, Thomas Jones, and Mrs. \_\_\_\_\_ Jones, do not consent.

(f) The probable cost of the right of way is estimated at from Five to Seven Hundred Dollars.

(g) The necessity for and advantages of the proposed road are as follows:— An outlet for the parties named, living along the route of said proposed road and also affording a direct route

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:

(a) The general route of the proposed road is as follows:

Commencing at a point on the Section line between Sections 21 and 22, in Township One (1) South of Range Five (5) East, where the Bozeman and Belgrade road leaves said Section line, thence running North along said Section line between Sections 21, 22, 15, and 16 to the Northeast corner of said Section 16; thence West one-half (1/2) mile along the said line between Sections 9 and 16; Thence North through the center of Sections 4 and 9 along the center line thereof to the Flannery and Belgrade road, all of said Sections being in said Township One (1), South or Range Five (5) East.

(b) The owners of the land over which said proposed road will pass, if established, are as follows:— Mrs. \_\_\_\_\_ Jones, Thomas Jones, J. H. Wells, \_\_\_\_\_ Border, P. Toohy, Charles Backes, and James Arnold.

(d) That J. H. Wells, \_\_\_\_\_ Border, P. Toohy and Charles Backes, the said owners consent thereto.

(e) That James Arnold, Thomas Jones, and Mrs. \_\_\_\_\_ Jones, do not consent.

(f) The probable cost of the right of way is estimated at from Five to Seven Hundred Dollars.

(g) The necessity for and advantages of the proposed road are as follows:— An outlet for the parties named, living along the route of said proposed road and also affording a direct route for people living North of said proposed road to the said Bozeman and Belgrade road.

Attached hereto is a diagram showing the said proposed road with the property owners.



FBI

July 18, 1902  
D. W. Starkweather

By J. P. Morgan  
Deputy

700 211

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. Penwell and others  
of Road District No 4

The petition above referred to, petitions that a Road be established, commencing  
at a point on the Section line between Sections 21 and 22,  
Township One (1), South of Range Five (5) East, where the Rosebud and  
Bellevue road leaves said Section line, thence running north along said  
Section line between Sections 21, 22, 15, and 16 to the northeast corner  
of said Section 16 thence east one half (1/2) mile along the said line  
between Sections 9 and 16 thence north through the center of Sections 4  
and 9 along the center line thereof to the Flannery and Bellevue road,  
all of said sections being in said Township One (1), South of Range Five  
(5) East.

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:

C. M. Thorpe  
David T. Powell  
Frances Titus

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 sixteen, or more, 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 Section line between Sections 21 and 22, in Township One (1) South of Range Five (5) East, where the Beaman and Belgrade road leaves said Section line, thence running North along said Section line between Sections 21, 22, 15, and 16 to the Northeast corner of said Section 16; thence West one half (1/2) mile along the said line between Sections 9 and 16; thence North through the center of Sections 4 and 9 along the center line thereof to the Flannery and Belgrade road, all of said sections being in said Township One (1), South of Range Five (5) East.

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 (30th) day of September A. D. 1902. Said viewing to commence at ten (10) O'Clock A. M. of said day.

Very Respectfully

*E. V. Blankenship*  
County Clerk, Gallatin County,  
Montana.

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

*J. P. Gordon*

being first duly sworn deposes and says, that as the

..... he received from  
the County Clerk of said County, on the 12th day of September A. D.,

1902, three copies of the annexed notice, and that on the 16 day of Sept 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 the other  
at the point of termination

and further deponeth sayeth not.

Subscribed and sworn to before me this 20 day of Sept A. D., 1902

*J. P. Gordon*  
*E. V. Blankenship* *clerk*  
*Ray S. P. Byard* *Dep. Clerk*



*copy*

# Warrant for Road Viewers.

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

*Mrs. B. M. Hopkins, Surveyor David T. Powell & Francis Titus*

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 1902, to view and lay out a proposed road, as prayed for in the petition of M. W. Powell and others, described as follows, to-wit:

Commencing at a point on the Section line between Sections 21 and 22, in Township One (1) South of Range Five (5) East, where the Bozeman and Belgrade road leaves said Section line, thence running North along said Section line between Sections 21, 22, 15, and 16 to the Northeast corner of said Section 16; thence West One Half (1/2) mile along the said line between Sections 9 and 16; thence North through the center of Sections 4 and 9 along the center line thereof to the Flannery and Belgrade road, all of said Sections being in said Township One (1), South of Range Five (5) East.

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 30th day of September 1902, 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 17th day of September 1902

*E. L. 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 29th day  
of September 1902

*E. V. Blankenship* Clerk  
By *L. P. Bugard*

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.

*Archie Mc Donald*

Subscribed and sworn to before me this 30th day  
of Sept 1902

*C. M. Thorpe*  
County 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.

*J. M. Titus*

Subscribed and sworn to before me this 30<sup>th</sup> day  
of Sept 1902

*W. W. ...*  
County Clerk

This must be returned to the County Clerk after execution.

will

1902

Bozeman Mont  
Oct 24<sup>th</sup>

Mr C. M. Skorp

I do not think that  
Mr Tooley ought to  
be allowed any  
damages

*J. M. Titus*

## REPORT OF ROAD VIEWERS.

ROAD NO. 211

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

We, the undersigned Road Viewers, consisting of C. M. Hooper, F. M. Titus,  
and Archie Mc Donald. Appointed by the  
Board of County Commissioners.

appointed to view a proposed road running from a point in Bozeman + Belgrade  
Road where the same leaves the section line between sections 21 + 22  
T. 15. R. 5 E.  
to a point in the Flannery and Belgrade road where the same is  
crossed by the N. + S. center line of 1/4 said T. + R.  
as described in the annexed petition, say, That on the 30<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  
and adjourned on account of storm, to 9.30 A.M. Oct. 2 1902. at which time we assembled  
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:—  
Commencing at a point in the Bozeman and Belgrade  
road where said road leaves the section line  
between sections 21 + 22 T. 15. R. 5 E,  
on the north side of the N.P. Ry. Co's right of way  
thence East 20 feet, thence north parallel with  
said section line to a point 20 feet east of the  
1/4 section corner between sections 15 + 16 said T. + R.,  
thence West 20 to said 1/4 sec. corner, thence  
north along the section line between sections  
15 and 16 to the northwest corner of said section  
16; thence west 1/2 mile along the line between  
sections 9 and 16 to the 1/4 sec. corner between said  
sections; thence north through the center of  
sections 9 and 4 said T. + R. to the Flannery and  
Belgrade Road;

The line of the proposed road is defined by the  
U.S. Gov. corners. When the same are not obliterated,  
a survey would be necessary before moving any fences.  
The object of locating the road all on the east  
side of the section line from the starting point  
to the 1/4 section corner between sections 15 + 16  
instead of on the line as petitioned for is to avoid  
moving a ditch and fences.

The land over which the proposed road passes is  
is nearly level and suitable for road building

The length of the proposed road is about  $3\frac{1}{4}$  miles  
For names of landowners along the proposed road  
see annexed map.

The probable cost of constructing the road is as  
follows.

For 9 cuttings, (rounds,) 3000 ft lumber,	\$45.00
1 - 14 ft. bridge on stone abutments,	75.00
3 - 18 " bridges " " "	300.00
1 - 12 " pipe culvert	17.00
Grading	100.00
Total	567.00

The above bridges need not be built at once as  
good crossings could be made by grading the banks.

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

G. Border,

C. Beckers,

J.H. Wells.

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

Mrs. <sup>Mary M.</sup> Jones claims \$800, as damages the County  
to build fence, does not want the road.  
Patrick Tanky claims damages for fence  
and \$20<sup>00</sup> per acre for land, amounting for fence \$125<sup>00</sup>  
and for 3.6 acres of land at \$20<sup>00</sup> per acre \$72<sup>00</sup>  
Total \$197<sup>00</sup>

James Arnold claims \$500, as used 1/2 mile of 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 in excess of benefits  
to Mrs. Mary M. Jones \$250<sup>00</sup>  
to James Arnold, \$500<sup>00</sup> and fence \$60<sup>00</sup>

We believe the benefits to Patrick Tanky resulting from the proposed road will fully equal the damages, and would recommend that his claim for damages be not allowed

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 Oct 2 A. D., 1890

C.M. Wolfe  
H. M. Jones  
Archie W. Donald

Road Viewers.

Bozeman, Montana, Dec. 9, 1890

**Received** of

The County Clerk, of Gallatin County,

Road — Fund warrant of Gallatin County, No. 162

for \$560<sup>00</sup>

in favor of J. W. Arnold Sr.

for damages on road No 211

for fencing

J. W. Arnold



## CHAS. A. BACKES.

WHOLESALE AND RETAIL DEALER IN

**S**taple and Fancy Groceries,  
Tobaccos,  
Cigars and Confectionery.

BOZEMAN, MONTANA, *July 19* 1902

To the Honorable Board of County  
Commissioners We will replace any  
money expended for reviewing  
Wells Road. that runs by our Ranches  
Whatever you think is right we  
will pay

*J. W. Wells*  
*Chas. A. Backes*

# County Clerk and Recorder

OF GALLATIN COUNTY, MONTANA.

BOZEMAN, MONTANA, Nov. 15th 1909,

*Bozeman*

Mr. James Arnold, sr., Patrick Tohey, and Mrs. Mary M. Jones,

Bozeman, Mont.,

Dear Sir:-You are hereby notified to appear before the Board of County Commissioners, at the County Clerk's Office, in Bozeman Montana, Two (2) O'Clock P.M. Tuesday the Second (2nd) day of December A.D. 1909, and state your cause for damages in the matter of a road as petitioned for by W. W. Pettell, et al.

By order of the Board of County Commissioners of Gallatin County, Mont., November 3rd 1909.

Dated at Bozeman, Mont., this the 15th day of November A.D. 1909.

*E. V. Blankenship*  
Clerk

*W. W. Pettell*

BOZEMAN, MONTANA, Jan. 17 1903

To the Honorable Board of County Commissioners  
of Gallatin County Montana.

Gentlemen:

As ordered by your honorable  
body I have surveyed the road petitioned for by  
M. W. Purwell Et al Road No. 211, and have set  
iron monuments at all angle points along the  
line of said road. A map of said survey will be  
filed 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 East and north sides of the N.E. 1/4 of Sec. 16 T. 1 S. R. 5 E.

as viewed ~~and surveyed~~ by F. M. Pitrus, Archie Mc Donald, + C. M. Thorne on the 2nd day of Oct. 1902. And hereby agree to place my fences on said lines without charge to the County.

Signed Chas. L. Border

Dated at \_\_\_\_\_ this 2nd day of Oct 1902

**ACKNOWLEDGEMENT.**

STATE OF MONTANA, }  
County of Gallatin, } ss. On this 2nd day of Oct  
A. D. 1902, before me County Surveyor.  
in and for said County, came Chas. L. Border

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. Thorne  
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 N. 1/2 of N.W. 1/4 of Sec. 15 T. 1 S. R. 5 E, and 40 feet off the West side of S.W. 1/4 of said Sec. 15

as viewed and surveyed by C.M. Thoppe, Archie McDonald, & F.M. Tibus on the 2nd day of Oct, 1902. And hereby agree to place my fences on said lines without charge to the County.

Signed J.H. Wells

Dated at Bigfork this 6th day of Oct, 1902

ACKNOWLEDGEMENT.

STATE OF MONTANA, } ss. County of Gallatin, On this 6th day of Oct, A. D. 1902, before me C.M. Thoppe in and for said County, came J.H. Wells.

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. Thoppe 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 East side of the West 1/2 of sec. 7 T. 1 S, R. 5 E,

as viewed and surveyed by C. M. Thorpe, Archie Mc Donald, & F. M. Titus on the 2nd day of Oct. 1902. And hereby agree to place my fences on said lines without charge to the County.

Signed Chas A Backus.

Dated at Bogert this 6 day of Oct 1902

ACKNOWLEDGEMENT.

STATE OF MONTANA, } ss. On this 6th day of Oct. County of Gallatin, } County Surveyor A. D. 1902, before me Chas A Backus in and for said County, came

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



# 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 40 ft., right of way) at a point in the Bozeman and Belgrade road, where said road leaves the section line between Sections 21 & 22 T 1, S R, 5 E, on the North side of the N.P. Ry., Cos, right of way, thence East 20 ft, thence North parallel with said Sec. line to a point 20ft E. of the 1/4 Sec. cor. between Secs, 15 & 16 said T & R, thence West 20ft to said 1/4 Sec, cor, thence North along the Sec. line between Secs, 15 & 16 to the N. West cor, of said Sec. 16, thence W. 1/2 mile along the line between Secs, 9 & 16 to the 1/4 Sec. cor, between said Secs, thence North through the center of Secs, 9 & 4, said T. & R. to the Flannery and Belgrade road.

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

Dated December 2nd 1902. ###

*E. L. Dukenship*  
Clerk,

By \_\_\_\_\_ Deputy.

Date of Posting January 6 and 7 1903. ###

State of Montana, )  
County of Gallatin. ) ss.

*C. M. Hoover* being first duly sworn, deposes and says, that as the  
County Surveyor he received from

the County Clerk of said County, on the 5<sup>th</sup> day of January, A. D.

1903, three copies of the annexed notice, and that on the 6<sup>th</sup> day of Jan. 1903,

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, one near the Center, and one at the terminus of the proposed road.

and further deponent sayeth not.

Subscribed and sworn to before me this 2<sup>d</sup> day of Feb. A. D. 1903

*A. A. Cameron*  
County Clerk

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel No. 510 Rec'd SEP 17 1902, 190

of Co. Clerk

Bozeman, Mont.

addressed to Francie Titus  
Bozeman, Mont.

I. L. KIRK., P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel No. 506 Rec'd SEP 17 1902, 190

of Co. Clerk

addressed to M. C. M. Thorpe

I. L. KIRK., P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel No. 507 Rec'd SEP 17 1902, 190

of Co. Clerk

Bozeman, Mont.

addressed to David J. Powell, Esq.

I. L. KIRK., P. M.