

T2SR 4E
10

No. 216

PETITIONER,

E. B. Kinney et al

Petition filed *May 2nd* 1903

Viewers appointed *May 4* 1903

Report filed *June 1* 1903

Date of hearing 190...

Report approved *June 3d* 1903

Order of survey *June 3d* 1903

Surveyor's Report filed *Jan 16* 1904

Declared County Road *March 7* 1904

*By order of Board viewers
Report is approved June 3d/1903
Geo. S. Davis Chairman*

See Book *9* Commissioners' Proceedings,

pages *320 + 328, 430*

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. _____; 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:

A The road to be located on the south line of section 6 T. 2. S. R. 4E. and to connect at each end with county roads already located. B One half the road to be on S. side, Sec 6, and one half on N side of Sec 7. 30 ft from each section
 C S.W. 1/4 Sec 6. owned by E. Kinnery. N.W. 1/4 Sec 7. Owned by West Gallatin Irrigation Co. The two quarter sections to the east are owned by Jan. P. Van Dyke
 D. E. Kinnery and the W. G. J. Co. will give the right of way. and it is understood from conversation that Van Dyke will give across his land. F. Do not know.
 G. The necessity for the road is to save a mile of travel between the Hallard settlement and the River and Bozeman points and to avoid a number of bad hills on the next road to the south a mile and a half away. The next east and west road is four miles to the north.

NAMES:

- 1 E. Kinnery
- 2 S. Whiteaker
- 3
- 4 Wm Lawrence
- 5 Wm Lawrence

NAMES:

- 6 Elmer Lawrence
- 7 J. D. Jones
- 8 George Lucas
- 9
- 10 Peter Fresh

R F I L E D

Filed May 9 - 1953.

A. D. Johnson

County Clerk.

By H. P. Martin

Deputy.

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

Geo E Davis

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 *E. C. Kinney et al*

residents of Road District No. *8*

The petition above referred to, petitions that a Road be established, ~~commencing~~ *the road* to be located on the south line of section 6, T. 2. S. R. 4 E. and to connect at each end with county roads already located.

You are hereby notified to appoint three Viewers to view the above proposed Road.

Yours, Very Respectfully,

A. A. Cameron

County Clerk and Recorder.

Dated at, Bozeman, Montana, this *4* day of *May* 190*3*

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

Charles Cameron

John Weidenaar

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 *May* 190*3*.

Warrant for Road Viewers.

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

Mr. *O. M. Thorpe*

You are hereby notified that you were duly appointed Road Viewer by **Geo. E. Davis** Chairman of the Board of County Commissioners of Gallatin County, Montana, on the **4th** day of **May** 190**3**, to view and lay out a proposed road, as prayed for in the petition of **E. C. Kinney et al** and others, described as follows, to-wit:
the road to be located on the south line of section six (6) in Township two (2) south of range four (4) east and to connect at each end with County roads already established

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *John Weidenaar and Chas Cameron* who were duly appointed as Viewers on said road by the Chairman of the Board of County Commissioners on the ~~4th~~ **27th** day of **May** 190**3**, commencing at the place designated in said petition as the starting point of the road sought to be *opened* 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 **5th** day of **May** 190**3**.

A. A. Cameron
County Clerk,

By _____ Deputy.

Warrant for Road Viewers.

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

Mr. C.M. Thorpe, Chas. Cameron & John Weidenaar.

You are hereby notified that you were duly appointed Road Viewer by Geo. E. Davis
Chairman of the Board of County Commissioners of Gallatin County, Montana, on the 4th
day of May 1903, to view and lay out a proposed road, as prayed for in the
petition of E.C. Kinney and others, described as follows, to-wit:
The road to be located on the south line of Sec. 6, T. 2. S. R. 4. E.
and to connect at each end with county roads already located.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with yourselves, who were duly appointed as
Viewers on said road by the Chairman of the Board of County Commissioners on the 27th
day of May 1903, commencing at the place designated in said petition as the
starting point of the road sought to be opened 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.

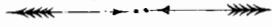
Roads shall, in all cases, when practical, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand, at my office this 5th
day of May 1903.

Chas. Cameron
County Clerk,

By _____ Deputy.

Certificate of Appointment.



Office of COUNTY CLERK,
Gallatin County, Montana. } SS.

I, A. A. Cameron County Clerk in and for said County,
do hereby certify that on the 4th day of May A. D., ~~1899~~ 1903
said day being one of the days of the Special
term of the Board of Commissioners of said Gallatin County, an order was made and duly entered of
record appointing C. M. Thorpe to the office of
Road Viewer in and for said County.

In Witness whereof, I have hereunto set my hand and the Seal of said
County, at my office in the City of Bozeman, this 5th
day of May A. D., ~~1899~~ 1903
A. A. Cameron
County Clerk.

OATH OF ROAD VIEWERS.—Bozeman Chronicle Print.

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.

A. A. Cameron

Subscribed and sworn to before me this 27th day
of May 1903.

C. M. Thorpe

C. Cameron

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. Thrope

Subscribed and sworn to before me this *23rd* day
of *May* 1903

A. A. Cameron.

By *H. R. Martin*
Deputy.

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.

John Weidenauer

Subscribed and sworn to before me this *27th* day
of *May* 1903

C. M. Thrope
County Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO 216,

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

We, the undersigned Road Viewers, consisting of John Weidenaar,
B. M. Thorne and Chas. D. Cameron, appointed
 by the Board of County Commissioners
 on May 4th 1903

appointed to view a proposed road running from The Godfrey Canyon Road
along the south line of Sec. 6 T. 2 S. R. 4 E.
 to the Whitaker Road near the S.E. Corner of said
Sec. 6
 as described in the annexed petition, say, That on the 27th day of May
 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:

We recommend that the width be 40 feet instead
of 60 feet as petitioned for.

The description of the center line is as follows
 to wit:— Beginning at a point in the Godfrey Canyon
 Road where the same is crossed by the south
 line of Section 6 T. 2 S. R. 4 E. a short distance
 East of the S.W. Corner of said section 6, thence
 East along the south side of said Sec. 6
 to the S.E. Corner of said section 6, thence
 north easterly about 50 feet to the intersection
 with the County Road known as the Whitaker
 Road.

The length of the proposed road is one mile
 The line of the road is marked by the U.S. Gov.
 corners. The ground over which the proposed
 road passes is suitable for road building
 with easy grades.

For the description of the land and names
 of owners see accompanying sketch.

The probable cost of constructing the proposed
 road is for bridge at W. G. J. Pos Canal \$40.00
 1 Culvert 1 X 2 X 16 10.00
 Grading 10.00
 Total Cost. \$60.00

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

E. C. Kinney, W. G. J. Co.

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

Jan P. Vandysken claims for fence \$150.00

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 recommend that Jan P. Vandysken be allowed his claim of \$150.00 as he has a road to his land and the road cuts through the land owned by him

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

The proposed road would be a saving in distance and avoid bad hills on the Virginia City Road.

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

Dated May 27 A. D., 1893.

C. M. Hoover
Chas. D. Cameron
John Weidenauer } Road Viewers.

Bozeman, Montana, July 18th 1903



The County Clerk, of Gallatin County,

Road Fund warrant of Gallatin County, No. 281.

for \$ 150.⁰⁰ in favor of Jan P. Van Dyken

for Damages Road # 216, allowed by Board, Journ. 9, page 328

P J Van Dyken

Manhattan

Mont, July 18. 03

Dear Sir

I like that you would let
the boy have that money to
buy what is coming to me
from the road Please give
it to him

Yours Truly

J. P. van Hooker

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

The E. C. Kinney Road No. 216, Sec 12, 118 Vol. B.

Very Respectfully,

C. M. Thorpe
County Surveyor.

519

216

By
C. M. Thorpe
County Clerk
JAN 16 1904

FILED

COUNTY CLERK

TO BE FILED IN THE OFFICE OF THE COUNTY CLERK OF GALLATIN COUNTY, MONTANA, ON THE 16TH DAY OF JANUARY, 1904.

POST AT MAIL

POST AT MAIL

C. M. Thorpe,
CIVIL ENGINEER AND SURVEYOR.
OFFICE: CITY HALL.

COUNTY SURVEYOR.
U. S. DEPUTY MINERAL SURVEYOR.

Bozeman, Montana, Jan. 4 1903

To the honorable board of County Commissioners
Gentlemen:

As ordered I have
surveyed and staked out the E.C. Kivney
Road No. 216 all U.S. corners are
marked with iron or stone monuments.
The maps of said road will be filed herewith.
Respectfully,
C.M. Thorpe

BOZEMAN, MONT. _____ 190__

A copy of the notice hereto attached was sent, on May 7th
to the following property owners:-

E.C.Kinney,	Bozeman,
W.I.In. Co. E.C.Kinney Agt.	•
Jan P. Van Dyken,	•

BOZEMAN, MONT.

May 7,

1903.

Dear Sir,

You are hereby notified that we, C.M. Thorpe, Charles Cameron and John Weideman, Road Viewers appointed by the Board of County Commissioners of the County of Gallatin, State of Montana, to view and mark out a proposed new road, as prayed for in the petition of E.C. Kinney et al., will meet for such viewing on the 27th day of May, 1903, at 10 o'clock A.M. at the point designated in said petition as the starting point of said road, which is described as follows, to wit:-

A. The road to be located on the South line of Section 6 T.2 S. R.4 E. and to connect at each end with County Roads already located.

B. One half the road to be on the South side, Section 6, and one half on North side of Section 7, 30 feet from each Section

C. S.W. 1/4 Section 6, owned by E.C. Kinney, N.W. 1/4 Section 7, Owned by West Gallatin Irrigation Co. The two quarter sections to the East are owned by Jan P. Van Dyken.

You are requested to be present at such viewing.

Respectfully,

C. M. Thorpe.

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 South Side of S.W. 1/4 of Sec 6 T2 S R 4 E

Sec. _____, T. _____, R. _____ as viewed and surveyed by John Weidmann & C.M. Thorpe & Chas Courson on the 27th day of May 1903. And hereby agree to place my fences on said lines without charge to the County.

Signed E.C. Kinney

Dated at _____ this 27 day of May 1903

ACKNOWLEDGEMENT.

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

On this 27th day of May

A. D. 1903, before me Co Surveyor
in and for said County, came E.C. Kinney

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
Co Surveyor

To the County of Gallatin, State of Montana :

I **Hereby Agree**, and consent to give 40 feet for a Right of Way
for a County Road, ~~through~~ or along the South line of the
S.E. 1/4 of Sec 6 T2S, R4E
20 ft each side of the line

Sec. _____, T. _____, R. _____
as viewed ~~and surveyed~~ by John Weichsauer, C.M. Thob + Chas Cameron
on the 27th day of May 1903. And hereby agree to
place my fences on said lines ~~without charge to the County.~~ for the sum of \$1,500,

Signed J. P. van Dyke

Dated at _____ this 27 day of May 1903

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 27th day of May
A. D. 1903, before me County Surveyor
in and for said County, came J. P. van Dyke

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. Thob
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 at a point in the Godfrey Canyon road where the same is crossed by the South line of Section 6, T. 2. S. R. 4. E., a short distance East of the Southwest corner of said Section 6, thence East along the South side of said Section 6, to the Southeast corner of said Section 6, thence Northeasterly about 50 feet to the intersection of the County road known as the Whitenaker road

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

Dated December 26 1893

[Signature]
Clerk,

By _____
Deputy.

Date of Posting Dec. 28 1893

State of Montana,
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 27 day of Dec, A. D.

1903, three copies of the annexed notice, and that on the 28 day of Dec, 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 the starting point, over about midway
and one at the terminus

and further deponent sayeth not.

C. M. Thorpe

Subscribed and sworn to before me this 4 day of January, A. D. 1904

[Signature]
Co. Clerk

REGISTRY RETURN RECEIPT. Form No. 1548.

Received from the Postmaster at Bozeman, Mont. (Delivering office.)

Registered ^(Letter)~~(Parcel)~~ No. 279, from Bozeman, Mont. (Office of origin.)

Addressed to Mr. E. C. Finney (Name of addressee.)

Date 5-5, 1903 (Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt. _____ (Signature or name of addressee.)
 _____ (Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT. Form No. 1548.

Received from the Postmaster at Manhattan, Mont. (Delivering office.)

Registered ^(Letter)~~(Parcel)~~ No. 960, from Bozeman, Mont. (Office of origin.)

Addressed to John Weidenaar (Name of addressee.)

Date _____, 1903 (Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt. _____ (Signature or name of addressee.)
 _____ (Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT. Form No. 1548.

Received from the Postmaster at Belgrade, Mont. (Delivering office.)

Registered ^(Letter)~~(Parcel)~~ No. 959, from Bozeman, Mont. (Office of origin.)

Addressed to Chas. Cameron (Name of addressee.)

Date 5/17, 1903 (Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt. _____ (Signature or name of addressee.)
 _____ (Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT. Form No. 1548.

Received from the Postmaster at Bozeman, Mont. (Delivering office.)

Registered ^(Letter)~~(Parcel)~~ No. 967, from Bozeman, Mont. (Office of origin.)

Addressed to C. M. Thorpe, Esq. (Name of addressee.)

Date _____, 1903 (Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt. _____ (Signature or name of addressee.)
 _____ (Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

Township N

