

T15 R5E
S24 T4N R5E
No. 217

PETITIONER,

Pat Joohey et al

Petition filed May 2nd 1903

Viewers appointed May 4 1903

Report filed June 1 1903

Date of hearing July 6 - 2 P.M. 1903

Report approved July 6th 1903

Order of survey July 6th 1903

Surveyor's Report filed Oct 2 1903

Declared County Road 190

See Book 9 Commissioners' Proceedings,

pages 320, 327, 334, 397.

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. 3, 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, ~~four~~^{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:

- (a) Commencing at the center line of Section Four, T. 1 S., R. 5 E., on the Flannery-Belgrade road, one quarter of a mile north of the south line of said section and running south through Sections 9 and 21 to intersect with the Belgrade-Bozeman Road.
- (b) The lands over which road is to run are one quarter of a mile on the center line of Section (4), one mile on the center line of Section (9); one mile on the center line of Section 16 and 15 rods on the center line of Sec. 21.
- (c) The owners of the lands are as follows:— James Arnold in Section (4), Chas. Backus and Pat Toohey in Section 9; the NE 1/4 and the SW 1/4 of Section 16 are School lands leased by Chas. Bowder, the NW 1/4 of Sec. 16 is owned by Chas. Bowder, and the SE 1/4 of Sec. 16 and the NE 1/4 of Sec. 21 is owned by Thos. Jones; ~~the NW 1/4 of Sec. 21~~
- (d) Pat Toohey consents if the county pay him \$180, for fencing.
 Thos. Jones " " " " " " " " as per agreement.
 Chas. Backus consents, asking no damages.

(E) Chas. Border does not consent, over the NW 1/4 of Section 16, the rest of proposed road in Sec 16 & 21, being given by Thos Jones as per agreement. The NE 1/4 of Sec 16 is State land leased by Chas. Border and we do not know as to their consent.

(F) The probable cost of the right of way from Border, not considering the State in the matter, would be \$300.00

(G) It is a much shorter and more direct road than the one petitioned for by M. W. Penwell et al, easier to establish and maintain and more convenient for the people in the locality where the proposed road runs.

NAMES:

1

2

3

4

5

P. F. Jones
Thos Jones
Mrs Mary M Jones
J. M. Jones
J. M. Jones

NAMES:

6

7

8

9

10

W. Z. Miller
Gen. J. J. J. J.
C. H. J. J.
J. B. Weaver
A. J. Weaver

F. J. J. J.

FILED

May 2nd - 1903.

A. A. Cameron

County Clerk.

By *H. R. Martin*

Deputy.

6-28

1

1903

1

1903

R. Johnston

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 Pat Toohy, Thas. Jones ^{and} others,
residents of Road District No. 3

The petition above referred to, petitions that a Road be established, commencing at the center
line of Section 4, T. 1 S., R. 5 E. on the Flannery
Belgrade road 1/4 of a mile north of the south line
of said section and running south through
Sections 9, 16 & 21 to intersect with the
Belgrade-Bozeman road.

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 1903.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

A. A. Cameron
MR. E. V. BLANKENSHIP,
County Clerk, Gallatin County, Montana.

DEAR SIR:—In pursuance of the above notice, I hereby appoint:

C. M. Thorpe
Thomas Lewis
Henry Manforton

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 1903.

Warrant for Road Viewers.

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

Mr. *C. M. Thorpe*

You are hereby notified that you were duly appointed Road Viewer by *Jes. 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 *Patt Toohy, Thos Jones* and others, described as follows, to-wit: **Commencing at the center line of Section 4, Township 1 South, Range 5 East, on the Flannery-Belgrade Road one quarter of a mile north of the South line of said section and running south through Sections 9, 16, & 21 said township and range to intersect with the Belgrade-Bozeman road.**

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *Thomas Lewis and Henry Monforton*, who were duly appointed as Viewers on said road by the Chairman of the Board of County Commissioners on the *28th* 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. G. Cameron
County Clerk,

By _____ Deputy.

Warrant for Road Viewers.

County Clerk's Office,
Gallatin County, Montana.

Mr. C.M. Thorpe, Thos. Lewis & Henry Monforton.

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 Pat Tochey, Thos. Jones and others, described as follows, to-wit:

Commencing at the center line of Sec. 4, T. 1. S. R. 5. E., on the
Flannery-Belgrade road, 1/4 of a mile north of the south line of X
said section and running south through Sec. 9, 16 & 21 to intersect
with the Bozeman-Belgrade road.

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 28th
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.

W. 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., ~~189~~ 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., ~~189~~ 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.

C. M. Thorpe

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

A. A. Cameron.

By H. R. Martin
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 Manforter

Subscribed and sworn to before me this 28 day
of May 1903

C. M. Throfer
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.

Thomas Lewis

Subscribed and sworn to before me this 28th day
of May 1903

C. M. Throfer
Co. Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 217

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

We, the undersigned Road Viewers, consisting of Thomas Lewis, Henry Moulton,
and C. M. Thorpe, appointed by the Board of
 County Commissioners on May 24th 1903,

~~appointed~~ to view a proposed road running from the Flannery and Belgrade
Road

to the Boyeman and Belgrade road

as described in the annexed petition, say, That on the 28th day of May

A. D., 1903 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 forty feet.
 The description of the center line is as follows to wit:
 Commencing at a point on the center line of the
Flannery and Belgrade Road when the same is
 intersected by the north and south $\frac{1}{4}$ section line
 of Section 4 T. 1 S. R. 5 E. said point being $\frac{1}{4}$
 of a mile north of the south line of said section,
 thence south along the $\frac{1}{4}$ section line through Sec. 4
 and Sec. 9 said T. & R. to the south $\frac{1}{4}$ section corner
 of said Section 9, thence east along the south line
 of said Section 9, to the south East corner thereof,
 thence south along the section line between sections
 15 and 16, said T. & R. $\frac{1}{2}$ mile to the $\frac{1}{4}$ section corner
 between said sections 15 & 16, from this point the
 right of way to be wholly east of the section line (to avoid
 showing a delta) the west line of the 40 foot right of
 way is described as follows from the said $\frac{1}{4}$ section
 corner between sections 15 & 16, thence south between
 sections 15 and 16, and between 21 and 22,
 to the Boyeman and Belgrade Road on the north side
 of the N.P.R. Co's right of way.

The length of the proposed road is about $3\frac{1}{4}$ miles

The line of proposed road is defined by iron monuments
 the road having been surveyed in Jan. 1903.

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

For names of land owners see annexed map.

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 Arnold consent, as right of way has been previously secured. C. Bowler, C. Backes, & J.H. Wells, gave written consent when Road was viewed Oct, 1902 SW Road No. 211

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

Pat Turkey claims \$180.00 for road on his west line as petitioned for.
Mrs. Jones. does not want the road. claims \$1,000.00 and 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 believe the benefits to Patrick Turkey resulting from the proposed road will fully equal the damages. And would recommend that his claim be not allowed. We would recommend that Mrs. Mary Jones be allowed \$250.00

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

We viewed the road as described above, after looking over the route as described in the petition, and would recommend the change as we believe it will be of a greater public benefit than the line as petitioned for.

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

Dated June 1st A. D., 1903

Henry Monfortone }
C. M. Thorne } Road Viewers.
Thomas Lewis }

REPORT OF ROAD VIEWERS.

ROAD NO. 217.

Exhibit "D"

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

We, the undersigned Road Viewers, consisting of Thomas Lewis, Henry Monforton
and C. M. Thorne, appointed by the Board of County Commissioners on
May, 4, 1905

~~appointed~~ to view a proposed road running from the Flannery and Belgrade Road
to the Bozeman and Belgrade Road

as described in the annexed petition, say, That on the 28th day of May,
A. D., 1905 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 forty feet. The description
of the center line ^{is as follows to wit:} Commencing at a point on the center line
of the center line of the Flannery and Belgrade Road where the same is
intersected by the north and south Section 1/4, line of Section 4 T.
1 S. R. 5E., said point being 1/4 of a mile north of the south line
of said section, thence South along the 1/4 Section line through Sec-
tion 4 and ^{sec.} 9, said T. and R. to the South 1/4 Section Corner of said
Section 9, thence East along the South line of said Section 9, to the
South-east corner thereof, thence south along the Section line be-
tween Sections 15 and 16, said T. and R. 1/2 mile to the 1/4 Section
Corner between ^{said} Sections 15 and 16, from this point the right of way
to be wholly east of the Section line (to avoid moving a ditch) the
west line of the forty foot right of way is described as follows:-
From the said 1/4 Section Corner between Sections 15 and 16, thence
South between 15 and 16, and between 21 and 22, To the Bozeman and
Belgrade Road on the north side of the N.P. Ry. Co's. Right of Way.
The length of the proposed road is about 3 1/4 miles. The line of
the proposed road is defined by iron monuments, the road having been
surveyed in Jan. 1905. The land over which the proposed road ^{passes}
is nearly level and suitable for road building.

For names of land owners see annexed map.

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 Arnold consents, as Right of Way has been previously secured. C. Border, C. Backes, and J. H. Wells, gave written consent when ~~the~~ road was viewed Oct. 1902.

See Road No. 211.

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

Pat Toohey claims \$180.00 for road on his west line as petitioned for.

Mrs. Jones does not want the road. Claims \$1,000.00 and ~~finer 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 believe the benefits to Patrick Toohey resulting from the proposed road will fully equal ~~the~~ damages and would recommend that his claim be not allowed. We would recommend that Mrs. Mary Jones be allowed \$250.00.

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

We viewed the road as described above, after looking over the route as described in the petition, and would recommend the change as we believe it will be of a greater public benefit than the line as petitioned for.

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

Dated June, 1st, ¹⁹⁰³ A. D., 189~~5~~

Henry Monforton.

C. M. Thorne.

Thomas Lewis.

} Road Viewers.

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

Patrick Toohy et al No. 217 See Pages 191-192 Vol. B

Very Respectfully,

C. M. Hooper
County Surveyor.

Bozeman, Montana, March 5, 1906.

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

Gentlemen:-

I hereby certify to your Honorable Body that I have
this day filed in the office of the County Clerk of Gallatin
County, Montana, the Plat and Field Notes of OLD ROAD EST,

BY USE THROUGH SEC. 7, T. 3 S, R 4 E

Very respectfully,

C. M. Hooper
County Surveyor.

WIS
ST

Bozeman, Montana, March 15, 1906.

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

Gentlemen:-

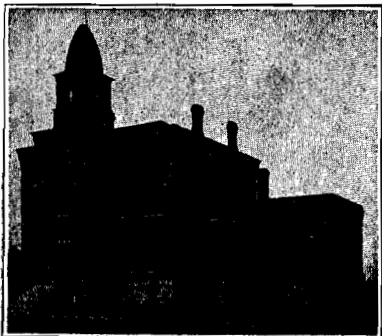
I hereby certify to your Honorable Body that I have
this day filed in the office of the County Clerk of Gallatin
County, Montana, the Plat and Field Notes of ALL ROADS NOT
PREVIOUSLY SURVEYED IN T.1S. R.5E,

Very respectfully,

C. M. Thorpe
County Surveyor.

By A. S. Thorpe,
Deputy

C. M. THORPE
COUNTY SURVEYOR GALLATIN COUNTY



OFFICE IN CITY HALL

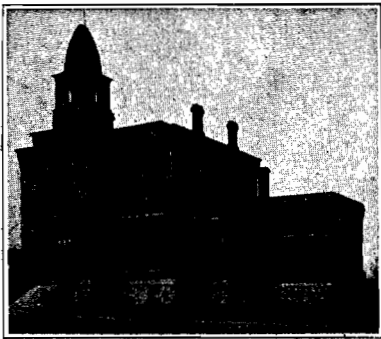
Bozeman, Montana, March 5, 1906.

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

Gentlemen:- I hereby certify to your Honorable Body
that I have this day filed in the office of the County Clerk, the
Plat and Field notes of "MADISON VALLEY ROAD" AS ORDERED BY MR. SAWYER

Very respectfully,

C. M. Thorpe
County Surveyor.



OFFICE IN CITY HALL

C. M. THORPE
COUNTY SURVEYOR GALLATIN COUNTY

Bozeman, Montana, March 5, 1906.

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

Gentlemen:- I hereby certify to your Honorable Body
that I have this day filed in the office of the County Clerk, the
Plat and Field Notes of PONY ROAD NEAR WILLOW CREEK
AS ORDERED BY MR. SAWYER

Very respectfully,

C. M. Thorpe
County Surveyor.

Bozeman, Montana, April 6th, 1903.

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

Gentlemen:-

In the matter of the Penwell et al road which was surveyed and ~~ordered~~ ordered opened December 2nd, 1902, I beg leave to present the following, hoping that you may reconsider you action. That the South end of said proposed road be changed so as to run as follows: Beginning at the North-west corner of the South East quarter of Section 16 T¹ S. R. 5E., and running South on the half section line to intersect with the Belgrade-Bozeman road.

If the change is approved by you, I will give a road twenty feet in width; beginning at the Northeast corner of the S. E. quarter of Section 16, T. 1 S. R. 5E., and running West to connect with the road as proposed, and also a right of way for County road, forty feet in width: Beginning at the said N. W. corner of the S. E. 1-4 of Sec. 16, T. 1 S. R. 5E., and running South to connect with the said Belgrade-Bozeman road.

PROVIDED:- That the County pay me for the expense of moving and building fences on the proposed change, viz-~~\$~~180.00 which is as cheap as the work can possibly be done, the ground being gravelly and rocky.

Thomas T. Jones.

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE
OF MONTANA, IN AND FOR THE COUNTY OF GALLATIN.

oooooooooooo

Gallatin County, *
Plaintiff. *
*
-vs- *
*
Mary Jones and Patrick Toohy, *
Defendants. *

C O M P L A I N T.

The plaintiff complains of the defendants and for cause of
action alleges:

FIRST, That the plaintiff is a municipal corporation and
a legal subdivision of the State of Montana, and the corporation for
which the property hereinafter described is sought to be condemned.

SECOND, That Mary . Jones, one of the ^{above named} defendants is the
owner of the North-west quarter of Section 22, Township One, south of
Range 5 East, in Gallatin County, Montana, a part of which said real
estate is sought to be condemned as hereinafter described. That
Patrick Toohy, the other ~~data~~ named defendant is the owner of the
East half of Section 9, Township One, south of Range 5 East, in the
said County of Gallatin, a part of which real estate ordered to be
condemned as hereinafter described.

THIRD, That on or about the second day of May, 1903, Pat-
rick Toohy and eleven other persons, all being free holders of the
road District No. 3, of Gallatin County, Montana, petitioned, in
writing, the Board of County Commissioners of said Gallatin County,
to lay out a new high-way in said road District. A copy of which
the said petition is hereto attached, marked Exhibit A. and made a
part hereof, and which said petition was filed with the County Clerk
of Gallatin County, Montana, on the 2d day of May, 1903 .

FOURTH, Thereafter on the 4th day of May, 1903, the Board

of County Commissioners of Gallatin County, Montana, appointed C. M. Thorpe, Thomas Lewis and Henry Monforton, being disinterested citizens of said County and not petitioners, to view the road on the 28th day of May, 1903.

FIFTH, That said viewers immediately thereafter qualified and upon the first day of June, 1903, made their report to the Board of County Commissioners of said Gallatin County, upon the said road petitioned for. A copy of which said report is hereto attached, marked Exhibit B. and made a part hereof.

SIXTH, That thereafter on the 3rd day of June, 1903, and after the filing of said viewers report, said Board fixed July 6, 1903 as the date of hearing said report and notified the defendants and other non-consenting land owners by registered mail, a copy of which said notices are hereto attached, marked Exhibit C. and C.1. and made a part hereof.

SEVENTH, That thereafter on the 6th day of July, 1903, being the day set for said hearing, the said Board of County Commissioners accepted and approved the said report of the said viewers and ordered said road surveyed as follows: to-wit

Commencing at a point on the center line of the Flannery and Belgrade Road where the same is intersected by the north and south $1/4$ Section line, of Section 4, T. L., S. R. 5E. said point being $1/4$ of a mile north of the south line of said Section, thence South along the $1/4$ Section line through Sections 4 and 9, said T. and R. to the south $1/4$ Section corner of said Section 9, thence east along the south line of said Section 9, to the south east corner thereof, thence south along the section line between sections 15 and 16, said T. and R. $1/2$ mile to the $1/4$ Section corner between said sections 15 and 16, from this point the Right of Way to be wholly east of the section line; the west line of the road is described as follows; from the said $1/4$ section corner between sections 15 and 16, thence south between sections 15 and 16 and between 21 and 22, to the Bozeman and Belgrade Road on the north side of the N.P. Ry. Co's Right of Way. The road to be 40 feet wide.

EIGHTH, That the above named defendant, Mary Jones, is the owner of the following described real estate sought to be condemned for said road: to-wit

A strip of ground 40 feet in width along the west side of the northwest quarter of Section 22, Township One, south of Range 5 East, in Gallatin County, Montana, extending from the north line of said quarter Section, south to the N.P. Ry. Co's Right of Way as shown on the map hereto attached and marked Exhibit D.

That Patrick Toohy is the owner of the following described real estate sought to be condemned for said road: to-wit

A strip of ground 20 feet in width along the west side of the East half of Section 9, from the north to the south lines of said Section 9, and also a strip of ground 20 feet wide along the south side of the south east quarter of said Section 9, next to the south line of said quarter Section and for the entire length of said quarter Section being in all 3.65 acres and as indicated on said map marked Exhibit D. hereto attached.

NINTH, That said viewers reported in favor of allowing the defendant Mary Jones Two hundred and fifty (\$250.00) dollars damages and a warrant was drawn on the road fund of Gallatin County, in favor of said Mary Jones for said amount and she was notified of the same.

TENTH, That more than 30 days elapsed after the defendant Mary Jones was notified of said award and said warrant being drawn in her favor and she refused to accept said warrant for said sum of \$250 and said Patrick Toohy refused and still refuses to consent to give such right of way and on the 12th day of September, 1903, said Board of County Commissioners by an order directed the County Attorney of said Gallatin County, to institute proceedings to procure the right of way from the defendants as hereinbefore described, as provided for in Title 7 Part 3 of the Code of Civil Procedure.

ELEVENTH, That the attached map shows the location, general route and termini of said road and also the land belonging to the defendants sought to be condemned being 1.97 Acres belonging to Mary Jones and 3.65 acres belonging to Patrick Toohy. Said map is marked Exhibit D. and made a part hereof.

TWELFTH, That said land sought to be condemned is necessary for such road.

WHEREFORE the plaintiff prays

FIRST, That a summons may issue as required by Section 2218, of the Code of Civil Procedure, requiring said defendants and each of them to appear before the Judge of said court at the time and place therein to be specified to show cause why the property described should not be condemned as herein ~~annexed~~ prayed for.

SECOND, That the Judge of said court make an order appointing three competent commissioners, residents of Gallatin County, State of Montana, to ascertain and determine the amount to be paid by the plaintiff to each owner or other persons interested in said property as damages and specify the time and place of the meeting of such commissioners and fix their compensation.

THIRD, That upon a final hearing and the payments having been made the court make an order of condemnation describing the property sought to be condemned and giving the purposes of such condemnation as required by law.

FOURTH, That the court make such other order in the premises as made by meet and necessary and that the plaintiff recover its costs at this action.

Attorney for plaintiff.

BOZEMAN, MONT., 190...

A copy of the notice hereto attached, was, on May 7th, 1903,
sent to the following property owners:-

James Arnold, Bozeman,

Chas. Backus, Bozeman,

Thos. Jones, Bozeman,

Chas. Border, Bozeman,

Pat Toohay, Bozeman.

BOZEMAN, MONT. May 7. 1903.

Mr. -----

Dear Sir:

You are hereby notified that we, C. M. Thorpe, Thomas Lewis and Henry Nonforton, 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 Pat. Toohy et.al., will meet for such view on the 28th day of May at 9 o'clock A.M. at the point designated in said petition as the starting point of said proposed road, which is described as follows, to wit:

Commencing at the center line of Section 4, Township 1 South of Range 5 East, on the Flannery Belgrade Road, one quarter of a mile North of the South line of said Section and running South through Sections 9, 10 and 21 to intersect with the Belgrade Bozeman Road.

The lands over which road is to run are one quarter of a mile on the center line of Section 4, one mile on the center line of Section 9, one mile on the center line of Section 10 and 15 rods on the center line of Section 21.

You are requested to be present at such viewing.

Respectfully:

C. M. Thorpe.

...Office of
County Clerk and Recorder,
Gallatin County, Montana.

ALLAN A. CAMERON, COUNTY CLERK AND RECORDER.

E. H. SCHUMACHER, } DEPUTIES
H. R. MARTIN, }

Copy.

BOZEMAN, MONT., July 8th, 1903. X30

Mailed July 8, 1903

Mrs Mary Jones
Bozeman, Mont.

Dear Madam:

You are hereby notified that at a meeting of the Board of County Commissioners held at Bozeman July 6th, 1903, the viewers report on the so-called Pat Toohy road was accepted.

The description of the road as recommended by the viewers is as follows

Commencing at a point on the center line of the Flannery and Belgrade road where the same is intersected by the North and South 1/4 section line of section 4, T.1.S.R.5.E., said point being 1/4 of a mile North of the South line of said section, thence South along the 1/4 section line through sections 4 and 9, said T. and R., to the South 1/4 section corner of said section 9, thence East along the South line of said section 9, to the Southeast corner thereof, thence South along the section line between sections 15 and 16, said T. and R., 1/2 mile to the 1/4 section corner between said sections 15 and 16, from this point the right of way to be wholly East of the section line (to avoid moving a ditch); the West line of the forty foot right of way is described as follows: from the said 1/4 section corner between sections 15 and 16, thence South between sections 15 and 16, and between 21 and 22, to the Bozeman and Belgrade road on the North side of the N.P. Ry. Co's right of way.

The width of the proposed road is 40 feet.

You are hereby notified that the viewers reported that you be allowed damages in the sum of Two Hundred and Fifty Dollars (\$250.00), and a warrant for that amount is drawn in your favor, which you may receive by calling at the County Clerk's office.

Very truly

A. A. Cameron
County Clerk.

Copy

Bozeman, Montana, June 4th, 1903

Mrs. Mary Jones

Bozeman, Mont

Dear

Madam

You are hereby notified that the road viewers appointed to view and report on the petition of Pat Toohy et al, for a road as follows: Commencing at the center line of Section 4, T.I.S.R. 5.E. ~~201~~ on the Flannery-Belgrade road, one quarter of a mile north of the south line of said section and running south through sections 9, 16 and 21 to intersect with the Belgrade-Bozeman road, have filed their report recommending that the route of the road petitioned for be changed so as to run on the following lines: Commencing at a point on the center line of the Flannery and Belgrade road where the same is intersected by the north and south 1/4 section line of section 4, T.I.S.R. 5.E., said point being 1/4 of a mile north of the south line of said section, thence south along the 1/4 section line through section 4 and section 9, said T. and R. to the south 1/4 section corner of said section 9, thence east along the south line of said section 9, to the southeast corner thereof, thence south along the section line between sections 15 and 16, said T. and R., 1/2 mile to the 1/4 section corner between said sections 15 and 16, from this point the right of way to be wholly east of the section line (to avoid moving a ditch), the west line of the 40 foot right of way is described as follows: -from the said 1/4 section corner between sections 15 and 16, thence south between sections 15 and 16, and between 21 and 22, to the Bozeman and Belgrade road on the north side of the N.P. Railway Co's right of way.

You are hereby notified that the said report is set for hearing on the 6th day of July, 1903, at 2.00 O'Clock, P.M. at the office of the County Clerk of Gallatin County, in the City of Bozeman Montana, at which time and place evidence and proof from all parties interested for and against the proposed new road will be heard.

By order of the Board of County Commissioners.

A.A. Cameron,
clerk.

Dated this 4th day of June, 1903.

Copy

Bozeman, Montana, June 4th, 1903

Mr Pat Toohy
Bozeman, Mont

Dear Sir

You are hereby notified that the road viewers appointed to view and report on the petition of Pat Toohy et al, for a road as follows: Commencing at the center line of Section 4, T.I.S.R. 5. E. ~~XXX~~ on the Flannery-Belgrade road, one quarter of a mile north of the south line of said section and running south through sections 9, 16 and 21 to intersect with the Belgrade-Bozeman road, have filed their report recommending that the route of the road petitioned for be changed so as to run on the following lines: Commencing at a point on the center line of the Flannery and Belgrade road where the same is intersected by the north and south 1/4 section line of section 4, T.I.S.R. 5. E., said point being 1/4 of a mile north of the south line of said section, thence south along the 1/4 section line through section 4 and section 9, said T. and R. to the south 1/4 section corner of said section 9, thence east along the south line of said section 9, to the southeast corner thereof, thence south along the section line between sections 15 and 16, said T. and R., 1/2 mile to the 1/4 section corner between said sections 15 and 16, from this point the right of way to be wholly east of the section line (to avoid moving a ditch), the west line of the 40 foot right of way is described as follows:—from the said 1/4 section corner between sections 15 and 16, thence south between sections 15 and 16, and between 21 and 22, to the Bozeman and Belgrade road on the north side of the N.P. Railway Co's right of way.

You are hereby notified that the said report is set for hearing on the 6th day of July, 1903, at 2.00 O'Clock, P.M. at the office of the County Clerk of Gallatin County, in the City of Bozeman Montana, at which time and place evidence and proof from all parties interested for and against the proposed new road will be heard.

By order of the Board of County Commissioners.

A.A. Cameron,
clerk.

Dated this 4th day of June, 1903.

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

COUNTY SURVEYOR.
U. S. DEPUTY MINERAL SURVEYOR.

Bozeman, Montana, Oct. 1 1903

to the honorable Board of County Commissioners
of Gallatin County Montana.

Gentlemen:-

I report to you that
Road No. 217 was surveyed in accordance
with your order, on Jan. 6 and 7, 1903,
I would respectfully ask further time for platting the
same in the Plat Book of Roads.

Respectfully,

C. M. Thorpe,
Co Surveyor.

BOZEMAN, MONTANA.

Road No. 199 Wells Road March 3 1902

(3) Miss Jones Claim \$500. for 20 ft. Strife

(4) Mines allowed to Miss Jones for 24 acres
at \$35. per a. \$84.00 + 100 rods fence at
48c \$48.00 16080

(2) Road No 211 M.W. Parvill N^o 211 Sept 30 1902
Buckens Boulder & well.

(3) Miss Jones Claim 800. + fence
Pet. Peckey claim damage suffered
\$200. per acre amounting per fence \$125.00
for 36 a land at \$20.00 72.00
197.00

(4) We estimate damages
to Mrs Mary M. Jones \$250.
James Parvill 560.00

Office of
County Clerk and Recorder
Gallatin County, Montana.

ALLAN A. CAMERON, CLERK AND RECORDER.
E. H. SCHUMACHER, } DEPUTIES.
H. R. MARTIN, }

BOZEMAN, MONTANA,

Record No 217
(3) Pat Garber Claims \$150.00
Mrs Jones " 1000.00
(4) Pat Garber Beneficial - Damages
to Mrs Jones 250.00

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 East side of the S.E. 1/4 of S.E. 1/4
of Sec. 4 T. 1 S. R. 5 E. provided the right of way
for a County road decided to the County 1/2 mile west of
the above line be decided back Sec. 4 T. 1 S. R. 5 E.
as viewed ~~and surveyed~~ by Thomas Lewis H. Mounfortin & C.M. Thorpe
on the 28 day of May 1903 And hereby agree to
place my fences on said lines without charge to the County.

Signed James Arnold

Dated at _____ this 28 day of May 1903

ACKNOWLEDGEMENT.

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

On this 28th day of May

A. D. 1903, before me Co. Surveyor

in and for said County, came James Arnold

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 20 feet for a Right of Way
for a County Road, ~~through~~ or along the East line of Section 9
T. 1 S. R. 5 E. ~~or along the west line of the~~
~~E 1/2 of said Sec 9~~

Sec. _____, T. _____, R. _____
as viewed ~~and surveyed~~ by D. Lewis H. Monfalon & C. M. T. Hooper
on the 28th day of May 1903. And hereby agree to
place my fences on said lines without charge to the County.

Signed Pat Hooper

Dated at _____ this 28 day of May 1903

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 28th day of May
A. D. 1903, before me County Surveyor
in and for said County, came Pat Hooper

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. T. Hooper
County Surveyor

REGISTRY RETURN RECEIPT.

Form No. 2548.

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

Registered (Letter) No. 988 from Bozeman, Mont.
(Office of origin.)

Addressed to Mr. Patrick Toohy
(Name of addressee.)

Date MAY 18 1907, 190
(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.

P. Toohy
(Signature or name of addressee.)
P. Toohy
(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. 2548.

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

Registered (Letter) No. 989 from Bozeman, Mont.
(Office of origin.)

Addressed to Mr. Chas. Border
(Name of addressee.)

Date MAY 11 1907, 190
(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.

Chas. R. Border
(Signature or name of addressee.)
Chas. R. Border
(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. 2548.

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

Registered (Letter) No. 991 from Bozeman, Mont.
(Office of origin.)

Addressed to Mr. James Arnold
(Name of addressee.)

Date MAY 10 1907, 190
(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.

James Arnold
(Signature or name of addressee.)
Elle Arnold
(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. 2548.

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

Registered (Letter) No. 990 from Bozeman, Mont.
(Office of origin.)

Addressed to Mr. Thos. Jones
(Name of addressee.)

Date MAY 10 1907, 190
(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.

Thos Jones
(Signature or name of addressee.)
Thos Jones
(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. 992 from Bozeman, Mont.

(Office of origin.)

Addressed to Mr. Chas Backus

(Name of addressee.)

Date MAY 9 1903, 190

(Date of delivery.)

Chas a Backus

(Signature or name of addressee.)

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

(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. 1196 from Bozeman, Mont.

(Office of origin.)

Addressed to Mr. Patrick Toohy

(Name of addressee.)

Date 6-11, 1903

(Date of delivery.)

John Toohy

(Signature or name of addressee.)

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

Order Pat Toohy

(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. 961 from Bozeman, Mont.

(Office of origin.)

Addressed to C. M. Thorpe - Esq.

(Name of addressee.)

Date 6-11, 190

(Date of delivery.)

C. M. Thorpe

(Signature or name of addressee.)

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

(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. 962 from Bozeman, Mont.

(Office of origin.)

Addressed to Thomas Lewis, Esq.

(Name of addressee.)

Date MAY 6 1903, 190

(Date of delivery.)

Thomas Lewis

(Signature or name of addressee.)

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

(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. 67, from Bozeman, Mont.
(Office of origin.)

Addressed to Mrs. Mary Jones
(Name of addressee.)

Date 7/11, 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.

Mrs. Mary Jones
(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. 1197, from Bozeman, Mont.
(Office of origin.)

Addressed to Mrs. Mary Jones
(Name of addressee.)

Date NOV 9, 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.

Mary Jones
(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. 963, from Bozeman, Mont.
(Office of origin.)

Addressed to Henry Monforton, Esq.
(Name of addressee.)

Date MAY 7, 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.

Henry Monforton
(Signature or name of addressee.)

(Signature of addressee's agent.)

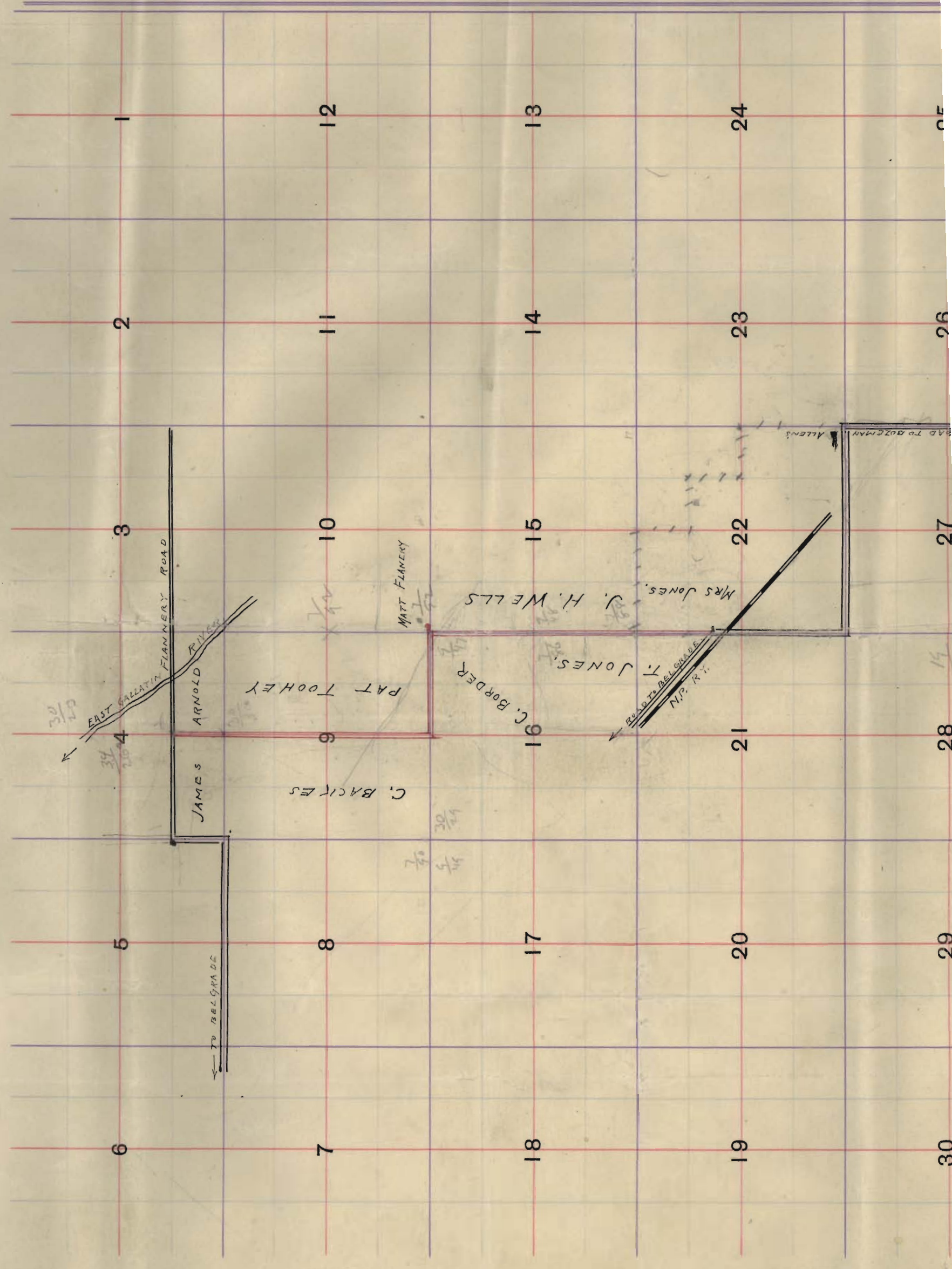
A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

Township No. 17 S.

Range No. 5 E

Mer.

ROAD DIST. No 3.



Mee