

TIGRAE

No. 226

PETITIONER,

Martin Leach et al

Petition filed July 7 1903

Viewers appointed Rept. 8th 1903

Report filed Sept 30 1903

Date of hearing _____ 1903

Report approved Oct. 1st 1903

Order of survey " " 1903

Surveyor's Report filed June 6" 1904

Declared County Road Aug. 9, 1904

By Order of the Board

This the 9th day of

Aug. 1904

Geo. E. Davis

Chairman

See Book 9 Commissioners' Proceedings,

pages 383, 399, 452, 509,

Recorded, Road Book, pages _____

J. A. Cameron County Clerk

206

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~~ ^{Free Holders} of Road District No. 2, in the County of Gallatin State of Montana, where the road hereafter petitioned for, is to be located, laid out and established, if this petition be granted; that the proposed road is a public convenience, and, we think, the public good requires it.

Your petitioners do respectfully ask and petition that a County Road, sixty feet 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) Beginning at a point where the road now established, known as the Holgate road, crosses the south line of the Northeast quarter of Section 8, then running West to the Southwest corner of the Northwest quarter of Sec 8 and there intersect with the Davidson road.

Allan T. S. R. 4 E

(b) Along the South line of the North one half of Sec 8, T. 1 S. R. 4 E a fraction over one half mile.

(c) The State of Montana.

(d) The State Board of Land Commissioners have give written consent for the change.

(e) _____

(f) nothing.

(g) Less expense for the County to maintain the proposed road and of advantage to the public at large.

NAMES:

- 1 Martin Seael
- 2 A. J. Walrath
- 3 J. Alfred
- 4 Geo. K. Smith
- 5 J. H. ...

NAMES:

- 6 ...
- 7 ...
- 8 ...
- 9 ...
- 10 ...

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 *Martin Leach et al*

of Road District No. *2*.

The petition above referred to, petitions that a Road be established, commencing at a
point where the road now estab-
lished, known as the Stollgate road
crosses the south line of the NE 1/4 of
Sec 8, thence running west to the S corner
of the NW 1/4 of Sec 8, and intersect with the
Daviston road, all in T. 1, R. 4 E.

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

Yours, Very Respectfully,

J. Q. Cameron

County Clerk and Recorder.

Dated at, Bozeman, Montana, this *8* day of *Sept* 190*3*

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

J. Q. Cameron
MR. E. ~~V.~~ BLANKENSHIP,
County Clerk, Gallatin County, Montana.

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

C. W. Thorpe
Alf. Sales
W. S. Irwin

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

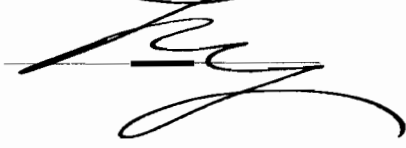
Yours, Very Respectfully,

Geo. E. Davis

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

Dated at Bozeman, Montana, this *8* day of *Sept.* 190*3*.

Warrant for Road Viewers.



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

Mr. *C. M. Thorpe, C. A. Sales and W. S. Erwin*

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 8th day of September 1903, to view and lay out a proposed road, as prayed for in the petition of Martin Leach and others, described as follows, to-wit:

Commencing at a point where the road now established, known as the Holgate road, crosses the South line of the Northeast quarter of Section 8, thence running West to the Southwest corner of the Northwest quarter of Section 8, and there intersect with the Davidson road. All in T. 1. S. R. 4. E.

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 September 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 16th day of September 1903.

A. G. Cameron
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.

E. M. Thorne

Subscribed and sworn to before me this *26th* day
of *September* 190*3*

T. G. Cameron
Co. Clerk

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.

E. A. Sales

Subscribed and sworn to before me this *28th* day
of *Sept.* 190*3*

E. M. Thorne
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.

W. S. Ewin

Subscribed and sworn to before me this 28 day
of Sept. 1903

G. M. Thayer

C. Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 226

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

We, the undersigned Road Viewers, consisting of W.S. Ervin, C.A. Sales, and C.M. Hooper, appointed by your honorable body on the 8th day of Sept. 1903

appointed to view a proposed ^{change of} road running from a point on the Halgate road where the same is crossed by the line of the N.E. 1/4 of Sec. 8 T. 1 S. R. 4 E. thence west to the Davidson Road, as described in the annexed petition, say, That on the 28th day of Sept.

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 ^{South} 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 60 feet.

The description of the South line of said right of way is as follows to wit:—Beginning at a point where the established road known as the "Halgate Road" crosses the South line of the North East quarter of Section 8 T. 1 S. R. 4 E. thence west along said South line and the South line of the N.W. 1/4 of said Sec. 8, to the West line of the same, at which point it intersects with the county road known as the "Davidson Road." The portion of the old road running from the above described starting northwesterly to the N.W. corner of said Section 8 to be vacated and discontinued whenever the proposed change shall be granted. The length of the proposed change is about 2900 feet. The location of the road is defined by the E. & W. 1/4 Section line of said Sec. 8.

The road passes over level ground which is fully as good as the old road, and saves the crossing of a large dike.

The N. 1/2 of Sec. 8 is State land the N.E. 1/4 being leased by James Halgate, and the N.W. 1/4 by Chas. T. White.

The S.W. 1/4 of said Section is owned by W.W. Davidson, and the S.E. 1/4 by Chas. Halgate.

There will be no expense to the County for constructing the road as Mr. Chas. T. White as agreed in writing to make the change as good as the old road and to change the dike from along the north side of the above

described E & W. 1/4 section line of said Sec. 8 is wholly
north of the 60 foot right of way, which we consider
necessary.

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

The State Board of Land Commissioners have given their consent for the change to Mr. White. Mr. Chas. T. White & Mr. James Hulgat also agree to the change.

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

~~_____~~

4. The estimate of damages in excess of benefits to the owner of any land over which it is proposed to run the highway, as follows:

~~_____~~

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

Mr. Chas. Hulgat objects to the change, as it increases the distance to be traveled, but as the law requires that all roads shall be laid out on sections or subdivision lines when practicable, and as the ground over which the proposed change passes is equally as good as the old road, and as the change will be made without expense to the county, we believe the only thing for us to do is to recommend the granting of the petition.

We believe said road change of _____ to be practical and _____ of public utility and necessity and do _____ recommend the establishment of the same, and the vacation of the portion of the old road through the N 1/2 of said Sec 8.

Dated Sept. 28

A. D., 18903

G. A. Sales
W. S. Erwin,
C. M. Thorpe.

Road Viewers.

Bozeman, Montana, Sept. 15th, 1903

Dear Sir:-

You are hereby notified that we, the undersigned 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 Martin Leach and others will meet for such view on the 20th day of Sept. 1903, at 10 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:-

Beginning at a point where the road now established, known as the "Holgate Road" crosses the South line of the Northeast 1/4 of Sec. 8; thence running West to the Southwest Corner of the Northwest 1/4 of Sec. 8, and there intersect with the Davidson Road. All in ~~SECTION 8~~ T. 1 S., R. 4 E.

You are requested to be present at such viewing.

C.M. Thorpe,

C.A. Sales,

W.S. Erwin,

Viewers.

A copy of the above notice was sent on the 15th, day of Sept. to the following land owners along the line of the above proposed new road:

| | |
|---------------|---------|
| M. Johnson, | Bozeman |
| W.H. Preston, | " |
| Chas. Holgate | " |

Sept. 28th 1903

to the honorable Board of
County Commission of Gallatin
County Montana,

Gentlemen:-

I hereby agree to give

60 feet for a County ^{road} along the

South line of the N.W. 1/4 of Sec. 8

T. 15 R. 4 E. as reviewed by N.S. Erwin,

Chas. T. White, and C.M. Thayer. on the 28th

day Sept. 1903, and agree to place

my fence on said line. I also agree

to do all work on the proposed change

necessary to make the same as good

as was the old road, and to change

the ditch from where it now runs

to wholly north of the proposed road,

all without expense to the County.

provided the old road shall be vacated

and discontinued whenever the

proposed change shall be ready for trial.

ACKNOWLEDGEMENT.

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

On this 28 day of Sept.

A. D. 1903, before me

County Surveyor

in and for said County, came

Chas. T. White

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. Thayer

County Surveyor

C. M. THORPE,
COUNTY SURVEYOR,
BOZEMAN, MONTANA.

BOZEMAN, MONTANA. JUN 6 1904 190

To The Honorable Board of County Commissioners
Of Gallatin County, Montana.

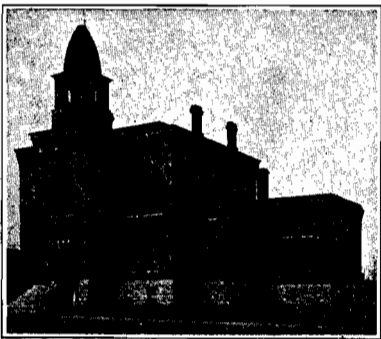
Gentlemen:-

As ordered I have surveyed the Martin Leach Change
the starting point & terminus
of Road No. 226. ~~All angle points~~ are marked with substantial iron
monuments and stakes set 30 feet each side of center line for
fences. Three Notices of Opening were posted along the line of
said road.

I request further time for filing map of above road.

Respectfully,

C. M. Thorpe



OFFICE IN CITY HALL

Bozeman, Montana, March 5, 1906.

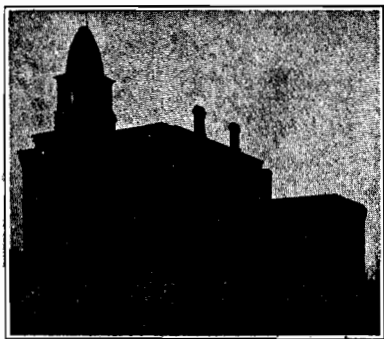
To the Honorable Board of County Commissioners of
Gallatin County, Montana,

Gentlemen:- I hereby certify to your Honorable Board,
that I have this day filed in the office of the County Clerk
of Gallatin County, Montana, the Plat and Field Notes of _____

"HOLGATE ROAD" No 226

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
of Gallatin County, Montana, the Plat and Field Notes of _____

"HOLGATE ROAD" No 226

Very respectfully

C. M. Thorpe
County Surveyor.

To the County of Gallatin, State of Montana:

I **Hereby Agree**, and consent to give 60 feet for a Right of Way for a County Road, ~~through or~~ along the South line of N.E. 1/4 of Sec 8 T. 15. R. 4 E. from the established County road west to S.W. Corner thereof so far as I am interested Sec. _____ T. _____ R. _____ as viewed ~~and surveyed~~ by W.S. Erwan, Alf Salus, & C.M. Thorpe on the 28th day of Sept. 1903. And hereby agree to place my fences on said lines without charge to the County.

Signed James Holgate

Dated at _____ this 28 day of Sept 1903

ACKNOWLEDGEMENT.

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

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

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 the point where the road now established, known as the Holgate road, crosses the South line of the N.W. 1/4 of Section 8, T. 1. S. R. 4. E., thence running West to the S.W. corner of the N.W. 1/4 of said Section 8, to intersect with the Davidson road.

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

Dated May 5th, 1904

A. A. Cameron
Clerk,

By Deputy.

Date of Posting May 9 1904 189

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 5th day of May, A. D. 1904, three copies of the annexed notice, and that on the 9th day of May, 1904, 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 about midway, and one at the terminus.

and further deponent sayeth not.

C. M. Thorpe

Subscribed and sworn to before me this 6 day of June, A. D. 1904

A. A. Cameron
Clerk

REGISTRY RETURN RECEIPT.

Form No. 1548.

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

Registered (Letter) No. 604 from Bozeman, Mont.
(Office of origin)

Addressed to W. S. Erwin
(Name of addressee.)

Date _____, 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.

W S Erwin
(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) No. 605 from Bozeman, Mont.
(Office of origin)

Addressed to C. A. Sales
(Name of addressee.)

Date _____, 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.

C A Sales
(Signature or name of addressee.)

Mrs C A Sales
(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) No. 609 from Bozeman, Mont.
(Office of origin)

Addressed to C. M. Thoyse
(Name of addressee.)

Date _____, 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.

C M Thoyse
(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.

18

W.

Range No.

No 228

T. 1 S. R. 4 E.

