

TR 72 Sec 10

No. 227

PETITIONER,

Geo. Tallentire et al

Petition filed July 8 1903

Viewers appointed Sept. 8th 1903

Report filed Sept 30 1903

Date of hearing _____ 190

Report approved Oct 1st 1903

Order of survey _____ 190

Surveyor's Report filed _____ 190

Declared County Road _____ 190

Report Approved
and Petition denied
By Order of the Board
This the 1st day of Oct.
A.D. 1903
Geo. E. Davis
Chairman

See Book 9 Commissioners' Proceedings,

pages 384, 399

Recorded, Road Book, pages _____

A. A. Amundson County Clerk

No 227
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. 4 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, ~~200~~²⁵ 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: The center line of the proposed road

is described as follows to-wit:— Beginning at a point in the East line of Section 10 T.2 S. R.7 E. near Nelson's house, where the County Road leaves said Section line running north easterly, thence north westerly through the S.E. 1/4, the N.E. 1/4 and the N.W. 1/4 of said Section 10, to the N.W. corner thereof, thence west 1/2 mile between Sections 4 and 9 to the 1/4 Section Corner between said sections.

(c) the S.E. 1/4 of Sec 10 is owned by Andrew Nelson the N.E. 1/4 of Sec 10 owned by John Wells, the N.W. 1/4 of Sec 10 owned by Bernard Warner. S.E. 1/4 Sec. 4 owned by Geo. Tallentire. Section 9 owned by Chas. ^{Horrell} Horrell. A. Nelson consents, Wells and Warner consent if road runs on line as near as practicable. Tallentire + Horrell consent. The road is needed as an outlet for timber and a road to timber and range.

NAMES:

- 1 _____
- 2 _____
- 3 _____
- 4 John Sager
- 5 Josef Nigmer
- 6 A. Nelson

NAMES:

- 6 _____
- 7 W. Hays
- 8 John W. Blodgett
- 9 J. P. ...
- 10 ...
- Thomas D. McKee

A. Nelson Consents, Wells and Worrel consent if road runs on lines as near as practicable, Tallentire & Worrel consent. The road is needed as an outlet for Settlers and a road to timber and range.

NAMES:

- 1
- 2
- 3
- 4 John Somerset
- 5 Josef Wagner
- 6 W. A. Phillips

NAMES:

- 6
- 7 J. W. Wynn
- 8 J. M. H. Gledhill
- 9 J. W. Harrison
- 10 Martin Barber
- Thomas D. McKee

Those who consent

- Geo Tallentire
 Edmund Wells +

Who do not consent

- James Hill
 John Hill
 Andrew Hill

Done by W. J. Bennett
 1870

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 *Geo. Tallantire et al* of Road District No. 5

The petition above referred to, petitions that a Road be established, commencing at a point in the East line of Sec. 10, T2 S, R7 E near Nelson's house where the Co. road leaves the sec. line running northeasterly, thence northwesterly through the S.E.⁴, the N.E.⁴, and the N.W.⁴ of said Sec. 10, to N.W. corner thereof thence West 1/2 mile between Sec 4²⁴⁹ to 4²⁵⁰ sec. corner between said sections

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

Yours, Very Respectfully,

J. A. Cameron
County Clerk and Recorder.

Dated at, Bozeman, Montana, this 8 day of Sept 1903

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

J. 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
Archie McDonald
Barney Warner

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 1903

Warrant for Road Viewers.

County Clerk's Office,
Gallatin County, Montana.

Copy

Mr. *C. M. Thorpe, Barney Kerner and Archie McDonald*

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 Geo. Tallentire and others, described as follows, to-wit:
 Commencing at a point in the East line of Sec. 10, T. 2. S. R. 7. E.,
 near Nelson's house where the County road leaves said Section
 line running Northeasterly, thence Northwesterly through the
 Southeast quarter, the Northeast quarter and the Northwest quarter
 of said Section 10, to the Northwest corner thereof, thence West
 1/2 mile between Sections 4 and 9 to the 1/4 Section corner betwe
 en said Sections.

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 29th
 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.

G. G. Cameron
County Clerk,

By _____ Deputy.

Boseman, Montana, Sept. 19, 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 Geo. Tallentire and others, will meet for such view on the 29th 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 in the East line of Sec. 10, T.2 S. R.7 E. near Nelson's house where the County Road leaves said Sec. line running Northeastly; thence Northwestly through the S.E. 1/4, the N.E. 1/4 and the N.W. 1/4 of said Sec. 10 to the N.W. Cor. thereof; thence West 1/2 mile between Sections 4 and 9 to the 1/4 Sec/ Cor. between said Sections.

You are requested to be present at such viewing.

C.M. Thorpe,

Archie McDonald,

Barnard Werner,

Viewers.

A copy of the above notice was sent on the 19th day of Sept to the following land owners along the line of said road:

Barnard Werner	.	Chestnut
Andrew Nelson,	.	
John Wells,	.	
Geo. Tallentire,	.	
Chas. Norrel	.	

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.

B. Y. Weaver

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

C. M. Thorpe

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.

C. M. Thorpe

Subscribed and sworn to before me this 26th day
of Sept. 1903

A. G. Carmichael
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.

Archie McDonald

Subscribed and sworn to before me this 29 day
of Sept. 1903

C. M. T. Luke

C. Surveyor.

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 227

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

We, the undersigned Road Viewers, consisting of Archie Mc Donald,
Barner Werner. + C.M. Wolfe, appointed by
your honorable body

appointed to view a proposed road running from a point in the east line
of Sec. 10 T.2S. R.7E. to the $\frac{1}{4}$ Sec. Cor. between 4, + 9,
to said T + R.

as described in the annexed petition, say, That on the 29 day of Sept.
A. D., 1923 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 40 feet.
We find that on the line as petitioned for which
runs diagonally through the land owned by
A. Nelson, John Wells, + B. Werner, that very heavy
damages are caused. Mr. Wells asking \$1,500.00 and
B. Werner \$2000. and Mr. Nelson \$1,000.00

We therefore viewed the road along section and
subdivisional lines, which we find to be practical as
follows: Beginning at a point in the east line of Sec. 10
T.2S. R.7E. near Nelson's house, where the County
road leaves said section line running N.E. by
thence north along the said east line of Sec. 10
except at hill near N.E. corner of south east quarter
of said Sec. 10 where we leave the section line to
obtain a suitable grade to said N.E. corner of S.E. $\frac{1}{4}$
of said Sec. 10 thence west to the center of said
Sec. 10 thence north along or near the N + S. $\frac{1}{4}$ Sec.
line of said section 10 to the $\frac{1}{4}$ Sec. Cor. of said Sec. 10
thence west along the section line between sections 3 + 10,
+ between 4 + 9, to foot of hill east of $\frac{1}{4}$ Sec. Cor. between
sections 4 + 9, thence S.W. by to west line of N.E. $\frac{1}{4}$ of
said Sec. 9. The length of the proposed road is
about $2\frac{1}{4}$ miles, the line is defined by the
U.S. Gov. lines + corners, the grades will equal 15% in places.
for description of land + names of owners see
accompanying map. The probable cost of constructing
the proposed road on the line as described above is \$267.00

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

Geo. Tallantire.

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

A. Nelson. claims \$120.00 damage, but will accept \$60.00 donating \$60.00
J. Wells claims \$150.00 damages. will donate 1/2, and accept \$75.00.
Barney Warner claims \$200.00 damage, will donate 1/2 and accept \$100.00

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:

I would recommend that the damages as claimed be allowed.
B. Werner

We believe the benefits fully equal the damages and would recommend that no damages be allowed.
Archie M. Donald
C. M. Thorpe.

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

We find that all land owners along the road are opposed to the road, with the exception of Geo. Tallantire, as they all including Mrs. Tallantire have a free passage way through fields to the public road. which is a much easier route than the line we viewed. We therefore do not believe the benefits to be derived would justify the expense. and would recommend that the petition be not granted.

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

Dated Sept 29

A. D., 18903

Archie M. Donald
Barney Werner
C. M. Thorpe

Road Viewers.

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 the S.E. 1/4 of Sec.
4 T. 2 S. R 7 E

Sec. _____, T. _____, R. _____
as viewed ~~and surveyed~~ by Archie Mc Donald, C.M. Hobbs
+ Barry Werner
on the 29 day of Sept. 1903. And hereby agree to
place my fences on said lines without charge to the County.

Signed George Tallentire
Dated at _____ this 29 day of Sept 1903

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 29 day of Sept
A. D. 1903, before me C. M. Surveyor.
in and for said County, came _____

who is personally known to me to be the person... described in and who signed the annexed consent
for right of way and acknowledged to me that ...he had executed the same freely and voluntarily,
for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C. M. Surveyor
C. M. Surveyor

REGISTRY RETURN RECEIPT.

Form No. 1548.

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

Registered (Letter) No. 607 from Bozeman, Mont.
(Parcel) (Office of origin.)

Addressed to Archie McDonald
(Name of addressee.)

Date 9-9, 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.

Archie McDonald
(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 Chester, Mont.
(Delivering office.)

Registered (Letter) No. 599 from Bozeman, Mont.
(Parcel) (Office of origin.)

Addressed to Barney Werner
(Name of addressee.)

Date 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.

B Werner
(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) No. 608 from Bozeman, Mont.
(Parcel) (Office of origin.)

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

Date 9-9, 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.

C. M. Thorpe
(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.

N. Range No. W. Me.

T. 2 S. R. 7 E.

4

3

2

GEO. TALLENTIRE.

MRS. MOLENBURG

ROAD AS VIEWED

FOR THE
TIMBERLINE

N.P.R.R.

BARNARD
WARNER

JOHN
WELLS

LINE OF
PETITION

9

10

11

A. NELSON

MRS. MOLENBURG

COUNTY ROAD FROM BRIDGER TO TIMBERLINE

16

15

14

