

3546

No. 228

PETITIONER,

Pat Corcoran et al

Petition filed Sept 2 1903

Viewers appointed Sept 8th 1903

Report filed Nov 1 1903

Date of hearing 1903

Report ^{not} approved Nov. 2d 1903

Order of survey 1903

Surveyor's Report filed 1903

Declared County Road 1903

Petition rejected

By order of the Board
Nov. 2d 1903

Geo E Davis
Chairman

See Book 9 Commissioners' Proceedings,
pages 383 and 407

Recorded. Road Book, pages

G. A. Cameron County Clerk

No 227

PETITION FOR ROAD

TO THE HON. BOARD OF COUNTY COMMISSIONERS, of Gallatin County, Montana;

August 20th 1903

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, 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:

beginning at the north East corner of the north west quarter of section 9 on the county road that runs from Shears bridge to Spanish creek, runs west on section line half on each side of line B. Monforton owned north side. J. Coe own south to near the chartered land of Canal then runs joining the chartered land of Canal on south side all on Coe own to where the bridge is in said canal, canal company owned these lands for a distance of 80 rods more or less from the bridge it is to follow the wagon road or track true section 8. true section 7 to where the wagon road or track comes on the William Huff and Camp Camp Creek road section 7 is owned by John Mitchell section 8 is government and state land B. Walker claimed to have a home stead in there I don't no

NAMES:

- 1 Pat E. Georany
- 2 Cephas Duabuit
- 3 J. Duabuit
- 4 J. R. Duabuit
- 5 Arthur Massie
- 6 P. LeBeau

NAMES:

- 6 Fred Maryott
- 7 W. H. Hoff
- 8 W. C. Todd
- 9 H. Chambers
- 10 H. Sterling

Ernst L. ...
...

RECEIVED

SEP 1903

A. A. Dawson
Clerk

W. H. ...

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 Corcoran and others

of Road District No. 4

The petition above referred to, petitions that a Road be established, commencing at the N.E. corner of the N.W. 1/4 of Sec 9, on Co. road that runs from Shear's bridge to Spanish Creek, run west on Sec line 1/2 on each side of line, to bridge on Canal, and then to follow old wagon road through Sec 7 and 8 to Huff and Camp Creek Road

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:

B. M. Thorpe
Chas. Ancey
Chas. Overstreet

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.

Copy

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

Mr. *C. M. Sharpe, Cha. Lincoln and Chas. Overstreet*

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 Pat Corcoran and others, described as follows, to-wit:

Commencing at the Northeast corner of the Northwest quarter of
Section 9 on the County road that runs from Shed's bridge to
Spanish Creek, running West on Section line, 1/2 on each side of
line to chartered land of Canal Company, thence to bridge on
canal, from there to follow the old wagon track through Sections
7 and 8 to intersect with the Huff and Camp Creek 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 12th
day of October 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. A. Cameron
County Clerk,

By _____ Deputy.

Bozeman, 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 Pat Corcoran and others, will meet for such view on the 18th day of October 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:-

Commencing at the N.E. Cor. of the N.W. 1/4 of Sec. 9 on the County Road that runs from Shears Bridge to Spanish Creek, runs West on Sec. line, half on each side of line. R. Monforton owns North side, P. Corcoran owns South side, to near the Chartered land of the Canal; then runs joining the Chartered land of Canal on South side all on Corcoran, to where the Bridge is on said Canal, Canal Co. owns these lands for a distance of 80 rods more or less. From the Bridge it is to follow the wagon road or track through Sec. 8, Through Sec. 7 to where the wagon road or track comes on the William Huff and Camp Creek Road.

You are requested to be present at such viewing.

C.M. Thorpe,

Chas. Ancney,

Chas. Overstreet,

Viewers.

A copy of the notice hereto attached was sent on the 19th day of Sept. 1903, to the following owners of land along the line of said proposed road:

R. Hanforton, to B. Bosman,

P. Corcoran;

B. C. Kinney, Mgr. McCall's Co., Bosman,

John Mitchell, Bosman,

B. Walker,

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.

S. W. Overstreet

Subscribed and sworn to before me this 12th day
of Oct. 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 5th day
of October 1903

A. A. Cameron Co. Clerk
C. M. Thorpe Dep.

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.

Chas. J. Anceny

Subscribed and sworn to before me this 12th day
of Oct 1903.

C. M. Hooper
Co. Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 228

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

We, the undersigned Road Viewers, consisting of *Chas. L. Amsbury, Chas. Overstreet and C. M. Hooper*, appointed by your honorable body

~~appointed~~ to view a proposed road running from *the N.E. corner of the N.W. 1/4 of Sec. 9 T. 3 S. R. 4 E. Westward* to *the Wm Huff & Camp Creek Road.*

as described in the annexed petition, say, That on the *12th* day of *Oct.*

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 60 feet.

The description of the center line is as follows to wit:— Beginning at the N.E. corner of the N.W. 1/4 of Sec. 9 T. 3 S. R. 4 E. thence West along the north line of said section to the right of way of the West Gallatin Irrigation Company's Canal, thence Southwesterly along said right of way to the bridge over said canal, thence along the road as traveled, to the fork of the gulch Northwest from Walker's house, thence ~~North~~ Westwardly running up the north gulch to the intersection with the Wm Huff and Camp Creek road. The grades will probably not exceed 15%. The character of the ground is suitable for road building see accompanying sketch for land owners.

The probable cost of constructing the road is \$480.00

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

Pat Conover.

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

R. Mansfield. claims \$300.00 or the moving of the buildings and well.

Mr. B. Walker does not consent to give the right of way but would not state damages.

John Mitchell claims \$2000.00

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:

To R. Mansfield. \$50.00

We recommend that no damages be allowed to the W. S. J. Co. or to B. Walker. and that John Mitchell be allowed the cost of fencing + 2 stock passes. = \$200.00

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

Mr. B. Walker. profess a private road through Pat Conover's land and has offered to pay \$50.00 for a 20 foot right of way and fence the same but Pat Conover refuses to sell to him a private road.

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

Dated Oct. 12 A. D., 189 1903

Chas. J. Amcney
Chas. W. Overstreet
C. M. F. Walker

Road Viewers.

To the County of Gallatin, State of Montana:

I **Hereby Agree**, and consent to give 30 feet for a Right of Way for a County Road, ~~through~~ or along the North line of N.W. 1/4 of Sec. 9. T. 3 S. R. 14 E. from N.E. Corner thereof West. to right of way of N.G. 1 Co's Canal. thru 60 feet along the southerly side of said right of way through the East 1/2 of said N.W. 1/4 Sec. 9, T. 3 S., R. 14 E. as viewed and surveyed by Chas. Mearns, C.M. Hooper, + Chas Overstreet on the 12th day of Oct 1903. And hereby agree to place my fences on said lines without charge to the County.

Signed Pat Corcoran

Dated at _____ this 12 day of Oct 1903.

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 12th day of Oct.
A. D. 1903, before me County Surveyor.
in and for said County, came Pat Corcoran

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. Hooper
Co. Surveyor

REGISTRY RETURN RECEIPT

Form No. 1548

Received from the Postmaster at

Salesville, Mont.
(Delivering office.)

Registered ^(Letter) _(Parcel) No. *601* from

Bozeman, Mont.
(Office of origin.)

Addressed to

Chas. Ankeney
(Name of addressee.)

Date *Sept 24*
(Date of delivery.)

1903

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

Chas Ankeney
(Signature or name of addressee.)
Mrs Chas Ankeney
(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

Salesville, Mont.
(Delivering office.)

Registered ^(Letter) _(Parcel) No. *600* from

Bozeman, Mont.
(Office of origin.)

Addressed to

Chas. Overstreet
(Name of addressee.)

Date *Sept 21*
(Date of delivery.)

1903

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

Chas Overstreet
(Signature or name of addressee.)
Mary Overstreet
(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. *606* from

Bozeman, Mont.
(Office of origin.)

Addressed to

C. M. Thorpe
(Name of addressee.)

Date _____
(Date of delivery.)

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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.

T. 3 S. R. 4 E.

