

3545

No. ~~255~~ 256

PETITIONER,

M. R. Johnson et al.

Petition filed *March 1* 1905

Viewers appointed *May 1* 1905

Report filed *June 5* 1905

Date of hearing *July 3d* 1905

Report approved 190

Order of survey 190

Surveyor's Report filed *Plotted* 190

Declared County Road *March 8, 1906*

Alex Black to receive \$50.00 damages

County furnish material for fencing

See Book *9* Commissioners' Proceedings,

pages *587, 596, 611, 618*

Recorded, Road Book, pages *vol 10 - 457*
vol 11 - 27

County Clerk

Petition for Road.

To The Hon. Board of County Commissioners, of Gallatin County, Mont.:

THE UNDERSIGNED, Your petitioners, Citizens of the United States, respectfully show and represent that they are residents of and freeholders in Road District No....., in the County of Gallatin, State of Montana, and taxable therein for road purposes, where the road, hereinafter 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... *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 such right-of-way where such consent is not had.
- (g) The necessity for and advantages of the proposed road as follows, to-wit:

The road to begin at a point on the road leading from Cottonwood to Salesville at the corner to Sec. 12 and 13 in Twp. 3 S. R. 4 E. and Sec. 18 and 7 in Twp. 3 S. 5 E.

(b) Then run one mile between Sec. 12-13 Twp. 3 S. 4 E. and one half mile between Sec. 11-14 Twp. 3 S. 4 E. and strike the road leading from Bar Creek to Bozeman at south W. corner of S. E. quarter of Sec. 11 and N. W. corner of the N. E. quarter of Sec. 14 all in Twp. 3 S. R. 4 E. Thus giving an outlet from upper Cottonwood to Salesville.

J. A. Potter, Bozeman
 Morrison Johnston, Bozeman
 John E. Woodworth, Emmit
 Chas. Black, Salesville
 F. K. Armstrong, Bozeman
 E. H. Gooch

No.....

Road Petition

Petitioner.....

Filed190..

³
W. E. Brandenburg

NAMES

- 1. W. R. Johnson
- 2. John E. Woodworth
- 3. L. W. Orure
- 4. Seymour Kesak
- Shirley Kery
- J. W. S. Bugard

NAMES

- 6. E. Newhouse
- 7. Joseph Herron
- 8. G. L. Hunt
- 9. E. Portnell
- 10. D. M. Lead
- F. K. Amster

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 ^{and situated therein}, 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, ~~100~~ ¹⁰⁰ 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 road to begin at a point on the road leading from Cottonwood to Salusville at the corner to Sec 12-13 in Twp 3 S. R. 4 E. and Sec 7-18 in Twp 3 S. 5 E. (b) Then run one mile between Sec 12-13 Twp 3 S. 4 E. and one half mile between Sec. 11-14 Twp 3 S. 4 E. and strike the road leading from Bare creek to Bozeman at south ~~W.~~ corner of S. E. quarter of Sec. 11 and N. ~~W.~~ corner of the N. E. quarter of Sec 14 all in Twp. 3 S. R. 4 E. Thus giving an outlet from upper Cottonwood to Salusville

© J. A. Potter Morrison Johnston John A. Woodrith Elec Black F. K. Armstrong

NAMES:

- 1 M. R. Johnson
- 2 J. A. Potter
- 3 John E. Woodworth
- 4 Margery Lay
- 5 Joseph Harwood

NAMES:

- 6 G. L. Kent
- 7 Irvin Kent
- 8 ~~George Armstrong~~
- 9 F. K. Armstrong
- 10 W. S. Bugard

FILED

MAR 1 1905

A. W. Cameron
County Clerk

By *A. W. Cameron*
Deputy

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. ~~J. L. PATTERSON~~
Geo. E. Davis
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 M. R. Johnson and others, residents of Road District No. 4.

The petition above referred to, petitions that a Road be established, commencing on the road leading from Cottonwood to Saleville at corner of Sec. 12¹/₂, T. 3 S., R. 4 E. and Sec. 7¹/₂, T. 3 S., R. 5 E., thence running one mile west between Sec. 12¹/₂ and 1/2 mile between Sec. 11¹/₂, T. 3 S., R. 4 E. to connect with Bear Creek & 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 1st day of May 1905.

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
Samuel Hobs
Edward Blackwood

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 1 day of May 1905.

Bozeman, Montana, May 9, 1905.

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 lay out a proposed new road as prayed for in the petition of M.R. Johnson et al. will meet for such view on the 29th day of May, 1905, at 9 o'clock A.M. at the point described in said petition as the starting point of said proposed road, which is described as follows, to wit:-

Commencing on the Road leading from Cottonwood to Salesville at the corner of Sec. 12 & 13, T.3 S., R.4 E. and Sections 7 & 18, T.3 S., R.5 E.; thence running one mile west between Sections 12 and 13 and 1/2 mile between Sections 11 & 14, T.3 S., R.4 E. to connect with Bear Creek & Bozeman Road.

You are invited to be present at such viewing.

C. M. Thorpe,

Samuel Hobbs,

Edward L. Blackwood,

Viewers.

On the above date copies of the above notice were sent by ordinary mail to the following land owners,
J.A.Potter, Bozeman, R.F.D
Morrison Johnston, bozeman, R.F.D
Alec. Black, Bozeman, R.F.D.
John E. Woodwerth, Ennis, Mont.
F.K.Armstrong, City.

County Clerk's Office.

Bozeman, Montana, June 8th, 1905.

Mr Alex. H. Black,
Salesville, Mont.
Dear Sir:-

You are hereby notified that the Board of County Commissioners will meet in adjourned regular session on Monday, July 3rd, 1905 and on that date at 3.00 O'Clock, P.M. will hear your claims for damages on the road petitioned for by M.R. Johnson and others.

The viewers, C.M. Thorpe and E.L. Blackwood, in their report to the Board, allowed you \$100.00 damages, and the Board will act on the petition on the above date, either rejecting or accepting the viewer's report.

Respectfully,

A. A. Cameron

County Clerk.

*A copy of above notice mailed to
A. H. Black on above date.*

*A. A. Cameron
Clerk*

Warrant for Road Viewers.

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

Copy

Mr. C. M. Thorpe, E. L. Blackwood & Saul Stobbs,

You are hereby notified that you were duly appointed Road Viewer by
Chairman of the Board of County Commissioners of Gallatin County, Montana, on the 1st
day of May 1905, to view and lay out a proposed road, as prayed for in the
petition of M. R. Johnson and others, described as follows, to-wit:

**Commencing at a point on the road leading from Cottonwood to
Salesville at the corner of Section 12 & 13, Township 3 South,
Range 4 East and Sections 7 & 13, Township 3 South, Range 5 East,
thence running west one and one-half miles between Sections 11 &
14 & Sections 12 & 13, Township 3 South, Range 4 East to connect
with the road running from Bear Creek to Bogman.**

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 May 1905 ^{at 9^o 8' clock, A. M.} commencing at the place designated in said petition as the
starting point of the road sought to be established 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 6th
day of May 1905.

A. A. 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. L. Blackwood

Subscribed and sworn to before me this 29th day
of May 1905

C. M. Thorne

C. Surry

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. Thorne

Subscribed and sworn to before me this 20th day
of May 1905

A. A. Cameron

Clerk

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 256

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

We, the undersigned Road Viewers, consisting of E. L. Blackwood,
 and C. M. Thorpe two of the viewers, (Samuel Hobs
 the other viewer not being present)

appointed to view a proposed road running from the S.E. Corner of Sec. 12
T.3 S. R.4 E. west 1 1/2 miles
 to the S. 1/4 Sec. Cor. of Sec 11 said T. & R.
 as described in the annexed petition, say, That on the 29 day of May
 A. D., 1925 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
 The description of the center line is as follows to-wit:-
 Beginning at the S.E. Corner of Sec. 12 T.3 S. R.4 E.
 the same being in Cottonwood and Salisville road,
 thence west along the section line between sections
12 and 13, and between sections 11 and 14,
 said T. & R. to the 1/4 section corner between said
 sections 11 and 14, the same being in the Beaver Creek
and Bozeman Road,
 the length of the proposed road is 1 1/2 miles.
 The line of the road is defined by the U.S. Gov. corners.
 The ground over which the proposed road passes is
 nearly level and suitable for road building.
 See accompanying sketch for names of land owners
 along the line of the proposed road.
 The probable cost of the proposed road, for construction
 is as follows.

For bridge over Kleinshmidt Canal (Stave abutments)	\$1,00.00
For 5 culverts	48.00
Grading	25.00
	\$ 173.00

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

M. R. Johnson, J. E. Woodworth is not in the country
F. K. Armstrong.
S. D. Flannigan has a ditch along the south line of F. K. Armstrongs land, and will expect the County to move said ditch whenever it may be necessary to do so.

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

Ermine L. Potter claims for moving 1/4 mile of fence & building 1/4 mile of new fence. \$5000
Alex. Black. claims damages amounting to \$40000

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 Ermine L. Potter, damages in excess of benefits \$5000
We believe the benefits to J. E. Woodworth will fully equal the damages.
to Alex. Black damages in excess of benefits
to moving 1/4 mile of fence and building 1/4 mile of new fence \$5000
for 1.2 acres of land \$5000
total 10000

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

We find the need of the road as stated in the petition, and a large amount of work passing through the fields along or near the line of the proposed road

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

Dated June 3^d 1905 A. D., 189

C. M. Parker
E. L. Blackwood } Road Viewers.

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS:

We, the undersigned, respectfully ask that the road petitioned for by M. R. Johnson and others, running between Section 11 and 14, and 12 and 13 in Township 3 S., Range 4 E. in Gallatin County, be not granted at the expense of the county.

A. B. Black	John F. Overstreet
J. L. Colburn	P. N. Bolinger
Harry Nelson	Aly Shadoun
J. M. Roberts	O. P. Davis
A. J. Hanky	W. P. Todd
J. C. Shank	Henry Sterling
S. B. Kratties	S. A. Davis
George A. Rye	J. J. Tomlinson
Hans A. Rye	M. L. Thomas
J. E. Bush	E. H. Gooch
C. T. Bates	
J. L. Bates	
C. W. Overstreet	

FILED

APR 6 1908

County Clerk

W. J. ...
County Clerk

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 20 feet for a Right of Way
for a County Road, ~~through~~ or along the South side of S.E. 1/4 of Sec
12 T. 3 S. R. 4 E

Sec. _____, T. _____, R. _____
as viewed ~~and surveyed~~ by E. L. Blackwood & C. M. Thorne
on the 29 day of May 1905 And hereby agree to
place my fences on said lines for the sum of \$5000
~~without charge to the County.~~

Signed Ernie L. Potter

Dated at _____ this 30 day of May 1905

ACKNOWLEDGEMENT.

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

On this 30th day of May
A. D. 1905, before me Co. Surveyor
in and for said County, came Ernie L. Potter

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. Thorne

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 South side of S.W. 1/4 of Sec 12 T. 3 S. R. 4 E.

as viewed and surveyed by E.L. Bleckwood + C.M. Thorpe

on the 29th day of May 1905

And hereby agree to place my fences on said lines without charge to the County. and also agree to give to F.K. Armstrong a right of way for an irrigating ditch running N.W. through said S.W. 1/4 of Sec 12. Subdivided by will give a right of way for the proposed road along the South side of the S.E. 1/4 of Sec. 11 said T. & R.

Signed M.R. Johnson

Dated at _____ this 29 day of May 1905

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 29th day of May

A. D. 1905, before me Co. Surveyor
in and for said County, came M.R. Johnson

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 South side of S.E. 1/4 of Sec.
11

as viewed ~~and surveyed~~ by E.L. Blackwood + C.M. Thayer
on the 29th day of May 1905. And hereby agree to
place my fences on said lines without charge to the County.

Signed F.K. Armstrong

Dated at _____ this 31 day of May 1905
*to his 20 ft right of way does not include right of way
for Flaming Guns located north of the road.*

ACKNOWLEDGEMENT.

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

On this 31 day of May

A. D. 1905, before me C. S. Sawyer

in and for said County, came F.K. Armstrong

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
Co Surveyor

REGISTRY RETURN RECEIPT.

Form No. 1548.

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

Registered ^{Letter}~~Parcel~~ No. 1826, from Bozeman, Mont.
(Office of origin.)

Addressed to R. M. Trope
(Name of addressee.)

Date July 8, 1905
(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.

R. M. Trope
(Signature or name of addressee.)

C. M. Thoburn
(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 Salisbury, Mont.
(Delivering office.)

Registered ^{Letter}~~Parcel~~ No. 1042, from Bozeman, Mont.
(Office of origin.)

Addressed to Edward L. Blackwood
(Name of addressee.)

Date May 11, 1905
(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.

Ed Blackwood
(Signature or name of addressee.)

Frank Lobart
(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.

East-

Pattis

will move his
own fence
without damages
to county

Woodworth

to give all the
road & receive
\$50. for damages
from com

Bales

no cost to Co
Woodworth to be
paid for land
by Bales.

North

South

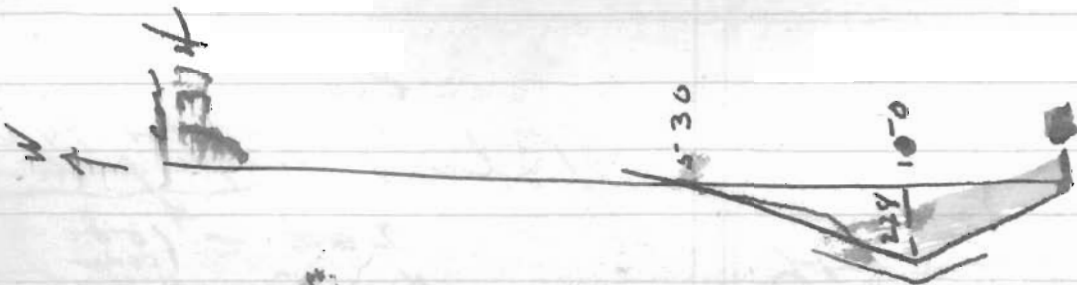
McLeod

agree to donate
the 10 feet of road width
to the ditch

old fence can be
removed for 1/4 mile
Black except posts new

2000 = \$100
cedar
4 wire fence & posts
ditch to be moved

West-



No. 4 E Mer.

