

No. 262

PETITIONER,

*K. Schuling et al*

Petition filed *May 29* 1905

Viewers appointed *June 7* 1905

Report filed *July 3<sup>d</sup>* 1905

Date of hearing *Sept 6<sup>th</sup>* 1905

Report approved *as petitioned for* *Sept 8<sup>th</sup>* 1905

Order of survey *Sept 8,* 1905

Surveyor's Report filed *Nov 6"* 1905

Declared County Road *Dec 8* 1905

*By order of the Board this*  
*8th day of December, 1905.*

*Geo. E. Davis*  
*Chairman.*

See Book *9<sup>410</sup>* Commissioners' Proceedings,

pages *609, 622, 53, 57, Vol 10, p 86.*

Recorded, Road Book, pages

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. 8, in the County of Gallatin, State of Montana, and taxable therein for road purposes, 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 40 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:

(a) Beginning at the County road at the S.W. corner of Section 29 T. 15. R. 4 E. thence East along or near the section line between sections 29 and 32, 28 and 33, and between 27 and 34, T. 15. R. 4 E. to the County Road running from Sheds Bridge to Manhattan.

(b) See annexed maps.

(d) All consent except J. B. Corvix who claims \$500, Frank Weisbell who claims cost of moving fence, and Dr. Peterson

(e) who claims cost of moving fence

(f)

(g) The road is needed as a connecting road between the North and South County roads, and as an outlet for settlers.

- NAMES
- 1 N Schuiting
  - 2 O A Millard
  - 3 M Lawrence
  - 4 Mrs J. D. Jones
  - 5 E Lawrence

- NAMES
- 6 George Lucas,
  - 7 Rich Heiskell
  - 8 R. A. Baxter
  - 9 John Vandertall
  - 10 Geo H. Johnson

J. P. Nash,  
H. P. Purssow,  
J. P. ...  
of P van Lyken  
av. Hoekstra.  
H. Oldenburger.

No. 262

Road Petition

Petitioner *N. Schuiting*

Filed *May 29<sup>th</sup> 1905.*

*A. A. Cameron*  
Clerk

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

H. Schuling et al,  
freeholders

of Road District No 8

The petition above referred to, petitions that a Road be established, commencing at the County road at the S<sup>W</sup> corner of Sec 29, T1 S, R 4 E, thence east along or near the section line between Sec 29 & 32, 28\*33, 27\*34 to Sheds Bridge + Manhattan Road

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

Yours, Very Respectfully,

A. Cameron

County Clerk and Recorder.

Dated at, Bozeman, Montana, this

7

day of

June 1905.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

A. Cameron

MR. E. V. BLANKENSHIP,

County Clerk, Gallatin County, Montana.

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

W. L. Cowin

W. H. Sauer

C. M. Thorpe

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

7

day of

June 1905.

# Warrant for Road Viewers.

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

*Copy*

Mr. *W. S. Erwin, W. H. Sales & C. M. Thrope*

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 *7th*  
day of *June* 190*5*, to view and lay out a proposed road, as prayed for in the  
petition of *A. Schieling* and others, described as follows, to-wit:  
~~Commencing at the County road at the southwest corner of Section~~  
~~20, T. 1. S. R. 4. E., thence east along or near the Section line~~  
~~between Sections 20 & 22, 23 & 25, 27 & 34, same T. & R. to the County~~  
~~road running from Shed's Bridge to Manhattan.~~

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 *1st*  
day of *July* 190*5* <sup>at 9<sup>00</sup> o'clock, A. M.</sup> 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 *19*  
day of *June* 190*5*.

*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. M. Hopkins*

Subscribed and sworn to before me this 24<sup>th</sup> day  
of June 1905

*A. A. Cameron*  
*County 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.

*W. J. Sales*

Subscribed and sworn to before me this 1<sup>st</sup> day  
of July 1905

*E. M. Hopkins*  
*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 Erwin*

Subscribed and sworn to before me this 1<sup>st</sup> day

of July 1905

*B.M. Thayer*

*Co Surveyor*

This must be returned to the County Clerk after execution.



# REPORT OF ROAD VIEWERS.

ROAD NO. 262

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

We, the undersigned Road Viewers, consisting of W.S. Erwin W.K. Dales,  
and C.M. Thorne,

appointed to view a proposed road running from the S.W. Corner of Sec 29  
T.15. R.4E. East  
 to Sheds Bridge & Manhattan Road.  
 as described in the annexed petition, say, That on the 1<sup>st</sup> day of July  
 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 40 feet, the description of the center line is as follows to-wit: Beginning at the S.W. Corner of Section 29 T.15. R.4E. the same being in the County Road running north and south, thence east along the section line to the gulch about 1/4 mile east of starting point, thence leaving said sec. line and running north easterly along or near the present road grade to top of hill thence <sup>running along the north side of the Canal.</sup> ~~crossing the Canal and running~~ south to section line, thence running east along said section line between section 29 & 32, between section 28 & 33, and between section 27 and 34 to the County Road running from Sheds Bridge to Manhattan.

The length of the proposed road is 2 1/4 miles the line of the road is defined by the U.S. Gov Corners. The grades will not exceed 8% when properly graded.

The character of the ground is suitable for road building, see annexed sketch for names of land owners.

The probable cost of construction, 1 = 14 ft.

Bridges over Canal with concrete abutments.	\$ 75.00
2 Culverts 2 x 3 x 16	25.00
1/2 " 1 x 2 x 16	10.00
Grading	70.00
Total probable cost	\$ 180.00

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

~~K. Schiruling~~, Geo Johnson, Wm Lawrence  
K Schiruling will consent for the road to run from  
Wp of hill south to section line thence east on section line  
crossing the Canal twice, but does not consent for road  
to run north of Canal.

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

J.B. Corrie claims \$50.00  
Dr Patterson claims Cost of moving 1 mile of fence.  
Frank Hiskell claims Cost of moving 1 mile of fence.  
K. Schiruling does not consent for road to run north of  
Canal on his where viewed, and will not state damages.

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 J.B. Corrie \$50.00  
We believe Dr. Patterson and Frank Hiskell will both  
be benefited fully equal to the damages.  
to K. Schiruling for damages in excess of benefits by  
running road north of Canal \$50.00.

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

We find the needs of the road to be as stated in the  
petition.

We have viewed the road to run north of Canal,  
along the road as now traveled as it crosses two  
bridges over the Canal the first cost of which we  
estimate at \$150.00 and will make a much  
easier road.

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

Dated July 1 1905 A. D., 189

W. S. Erwin }  
W. H. Jones } Road Viewers.  
C. M. Thorpe }

County Clerk's Office.

Bozeman, Gallatin County, Montana.

August 2nd, 1905.

Mr K. Schusting, Frank Heiskell + D. N. Patterson

*Copy*

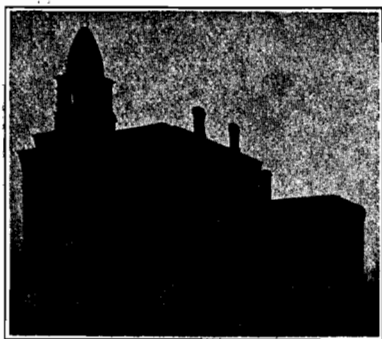
Dear Sir:-

At an adjourned regular meeting of the Board of County Commissioners of Gallatin County, Montana, held on July 5th, 1905, they made an order for the non-consenting land owners on the road ~~XXXXXX~~ petitioned for by K. Schulling and others, to appear before the Board on Wednesday, September 6th, 1905, at 2.00 O'Clock, P.M. at which time their claims for damages will be heard.

The viewers reported in favor of allowing you whatever it is damages

Very truly

*A. A. Cameron*  
County Clerk.



OFFICE IN CITY HALL


Bozeman, Montana, Nov. 4, 1905

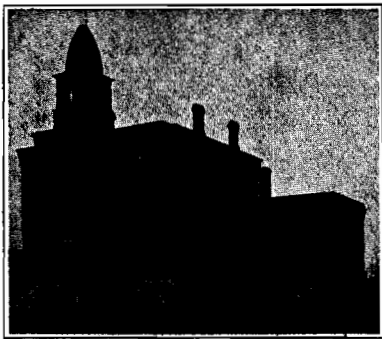
To the Honorable Board of County Commissioners  
Of the County of Gallatin, State of Montana,

Gentlemen:-

As ordered by you I have surveyed the Schuiling Road No. 262, the starting point and terminus as well as Govt. corners being marked by cast iron monuments, intermediate angle points by stakes, mounds and pits. Stakes were also set for the fence lines.

Three notices of opening were posted(See affidavit) I request further time for making and filing the map.

  
County Surveyor.



OFFICE IN CITY HALL

C. M. THORPE  
COUNTY SURVEYOR GALLATIN COUNTY

Bozeman, Montana, March 5, 1908.

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

Gentlemen:- I heraby certify to your Honorable Body  
that I have this day filed in the office of the County Clerk, the  
Plat and Field Notes of "SCHULING ROAD" No. 262

Very respectfully,

*C. M. Thorpe*  
County 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 North side of N.E. 1/4 of Sec 32  
T. 15. R. 4 E.

Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_  
as viewed ~~and surveyed~~ by W.S. Erwin W.S. Sales & C.M. Thayer  
on the 1<sup>st</sup> day of July 1905 And hereby agree to  
place my fences on said lines without charge to the County.

Signed Wm Lawrence

Dated at \_\_\_\_\_ this 1<sup>st</sup> day of July 1905

**ACKNOWLEDGEMENT.**

STATE OF MONTANA, }  
County of Gallatin, } ss. On this 1<sup>st</sup> day of July  
A. D. 1905, before me C. Surveyor  
in and for said County, came Wm Lawrence

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

C. 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. 29  
T. 15, R. 46, and 40 ft. when it may be necessary to leave  
the Sec. line at gulch and crossing of Canal  
and agree to allow the road running N. & S. on my West line  
to be changed to run East of the Canal  
as viewed and surveyed by W.S. Erwin W.H. Sales + C.M. Thorpe  
on the 1<sup>st</sup> day of July 1905. And hereby agree to  
place my fences on said lines without charge to the County.

Signed K. Schuiling

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_

## ACKNOWLEDGEMENT.

STATE OF MONTANA, }  
County of Gallatin, } ss. On this 1<sup>st</sup> day of July  
A. D. 1905, before me County Surveyor  
in and for said County, came K. Schuiling

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 North line of the N.W. 1/4 of Sec  
32 T. 1 S. R 4 E.

Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_  
as viewed ~~and surveyed~~ by W.S. Erwin W.S. Sales & C.M. Thorne  
on the 1<sup>st</sup> day of July 1905. And hereby agree to  
place my fences on said lines without charge to the County.

Signed Geo. W. Johnson

Dated at \_\_\_\_\_ this 1 day of July 1905

## ACKNOWLEDGEMENT.

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

On this 1<sup>st</sup> day of July

A. D. 1905, before me Co Surveyor

in and for said County, came Geo. W. 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. 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 S. side of S.E. 1/4 of Sec. 28  
T. 1 S. R. 4 E. and along the S. side of S.W. 1/4 of Sec 27  
 and along the N. Line of N.W. 1/4 of Sec 24 said T & R.  
 to the Co Road running N + S. Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_  
 as viewed and surveyed by W.S. Erwin W.H. Sales & C.M. Thorne  
 on the 1<sup>st</sup> day of July 1905 And hereby agree to  
 place my fences on said lines ~~without charge to the County~~  
for the sum of \$50.00

Signed J. B. Cooria

Dated at \_\_\_\_\_ this 1 day of July 1905

## ACKNOWLEDGEMENT.

STATE OF MONTANA, }  
 County of Gallatin, } ss. On this 1<sup>st</sup> day of July  
A. D. 1905, before me Co. Surveyor  
 in and for said County, came J. B. Cooria

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

# 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 County road at the~~ **S. W. corner of Sec. 20, T. 1. S. R. 4. E., thence east along or near the section line between Sec. 20 & 22, 22 & 24, 27 & 24 to the shade** **Bridge and Manhattan road.**

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

Dated October 5, 1905 189—

A. A. Cameron  
Clerk,

By \_\_\_\_\_  
Deputy.

Date of Posting Oct 11 1905 189

County of Gallatin.      1 ss.

\_\_\_\_\_, being first duly sworn, deposes and says, that as the \_\_\_\_\_ he received from the County Clerk of said County, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190\_\_\_\_, three copies of the annexed notice, and that on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, 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 \_\_\_\_\_

and further deponent sayeth not.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190...

REGISTRY RETURN RECEIPT.

Form No. 1548.

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

Registered <sup>(Letter)</sup> ~~(Parcel)~~ No. 1571, from Bozeman, Mont.  
(Office of origin.)

Addressed to W. H. Sales,  
(Name of addressee.)

Date 6/23, 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.

W. H. Sales  
(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 <sup>(Letter)</sup> ~~(Parcel)~~ No. 1572, from Bozeman, Mont.  
(Office of origin.)

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

Date June 21, 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.

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 Bozeman, Mont.  
(Delivering office.)

Registered <sup>(Letter)</sup> ~~(Parcel)~~ No. 1573, from Bozeman, Mont.  
(Office of origin.)

Addressed to M. Thoppe,  
(Name of addressee.)

Date 6/24, 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.

C. M. Thoppe  
(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.

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T. 15, R. 4 E.



Scale: 40 Chains to 1 Inch.