

1328 2528

No. 267

PETITIONER,

F. L. Benepe et al

Petition filed Dec 11 1905

Viewers appointed June 6 1906

Report filed Aug 6 1906

Date of hearing Oct 1st 1906

Report approved Dec. 10th 1906

Order of survey 190

Surveyor's Report filed 190

Declared County Road 190

This petition is denied by
the Board Dec-8-09
W. H. Davis
Chairman

See Book 10 Commissioners' Proceedings,

pages 94, 124, 163, 182, 221,
265-280-548

Recorded, Road Book, pages

County Clerk

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

Geo. E. Davis

HON. ~~M. 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 *F. L. Beneppe and others*

of Road District No. *2*

The petition above referred to, petitions that a Road be established, commencing at the *SE* corner of Section *7*, *T 2 S, R 2 E* and running north along the east line of *Sec 7*, to *NE* corner of said *Sec 7*, thence east along the north line of section one, same *T & R* to *NE* corner of said *Sec. 1*, thence north along the east line of *Sec 36, T 2 S, R 2 E* to *NE* corner of said *Sec 36*.

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 *6* day of *June* 190*6*.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

MR. E. V. BLANKENSHIP,

County Clerk, Gallatin County, Montana.

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

Fred Heiskell

W. Erwin

C. M. Thurpe

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 *6* day of *June* 190*6*.

Warrant for Road Viewers.

Copy

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

Mr. C. M. Thorpe, H. S. Erwin & Fred Herschell,
Bozeman, Mont

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 6th
day of June 1906, to view and lay out a proposed road, as prayed for in the
petition of F. I. Benope and others, described as follows, to-wit:

Commencing at the S. E. corner of section 2, T. 2. S. R. 2. E., thence
running north along the east line of said section 2, to the N. E.
corner of said section 2, thence east along the north line of sec-
tion 1 to N. E. corner of said section 1, thence north along the
east line of section 36, T. 1. S. R. 2. E. to N. E. corner of said section
36.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with yourself, who were duly appointed as
Viewers on said road by the Chairman of the Board of County Commissioners on the 27th
day of July 1906 ^{at 10^o o'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
day of July 1906.

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.

W. S. [Signature]

Subscribed and sworn to before me this 27 day
of July 1906

[Signature]
[Signature]

This must be returned to the County Clerk after execution.

Oath of Road Viewers.

STATÊ 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. [Signature]

Subscribed and sworn to before me this 26 day
of July 1906

A. A. Cameron
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.

Tred Hickell

Subscribed and sworn to before me this 27 day

of July 1906

E. M. [Signature]

[Signature]

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO 267

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

We, the undersigned Road Viewers, consisting of W. S. Erwin, Fred Heiskell,
+ C. M. Turpe

appointed to view a proposed road running from the S.E. Cor Sec 2
T. 2 S. R. 2 E.
 to the N.E. Cor. of Sec. 36 T. 1 S. R. 2 E.
 as described in the annexed petition, say, That on the 27 day of July
 A. D., 1906 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 a point in the south
line of Section 1, T. 2 S. R. 2 E. near the
top of the bluff, thence north and north-
west along the top of the bluff to the west
side of said Section 1, intersecting the
same at about 1/4 mile north of the
S.W. Corner of said Section 1, thence
North along the section line to the
N.W. Corner of said Section 1, thence
East one mile, to the N.E. Corner
of said Section 1, thence north one
mile along the East line of Section 36
T. 1 S. R. 2 E. to the N.E. Corner, through
The length of the road is 3 miles
The line of the road is defined by the
U.S. Gov. Corners & by the blazed posts
The grades will not exceed 10% when
properly graded. The character of the ground
is suitable for road building.
The owners of the land over which the
proposed road passes are as follow
J. L. Michael E. 1/4 of N.E. 1/4 + N.E. 1/4 of S.E. 1/4
of Sec. 2 T. 2 S. R. 2 E., F. L. Bonner
Sec. 1 T. 2 S. R. 2 E. Wm. Patton.
Sec. 36 T. 1 S. R. 2 E. + Sec. 31, T. 1 S. R. 3 E.

The probable cost of opening the proposed road
for travel is \$50,000

Mr. J. L. Michard agrees to build
all culverts & to do all grading
required in opening said road.
See his agreement hereto attached

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

J. L. Michaud. F. L. Bump

Mr. Patten has been written to

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:

We believe all land owners will be compensated fully equal to the damages.

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

The road is needed as an outlet for surplus.

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

Dated

July 27

A. D., 1906

W S Erwin,
Fred Beiskell,
C M Thorpe

Road Viewers.

Clarks Fork, Ida.
Aug 13th 1906.

Geo D. Pease.
Bozeman Mont.

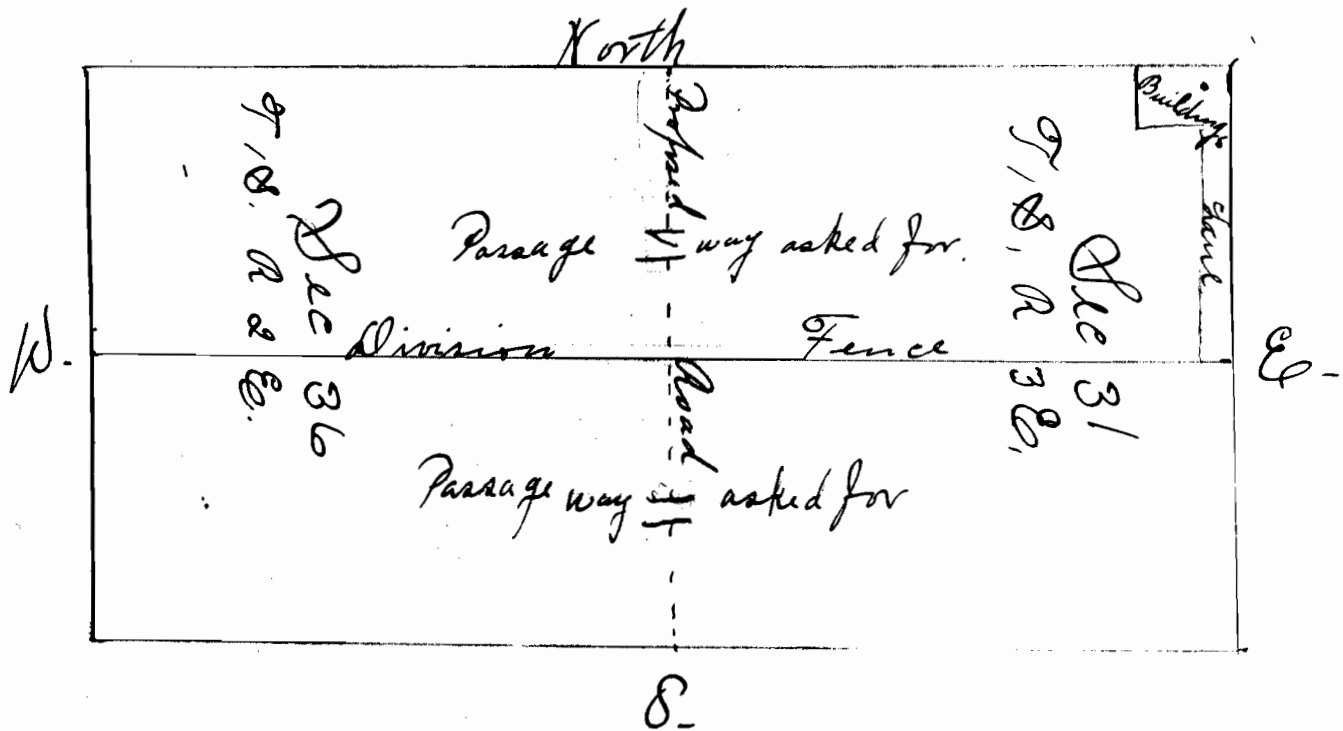
Dear Sir -

I enclosed copy of letter
& printed forms, explains them selves
Wish you would inform me of my rights
in this matter.

Below is a rough sketch of the ranch.

Very Truly Yours.

Wm Potter.



Clarks Fork W. Va.

Aug 13th 1906.

C. M. Thorpe.

Bozeman Mont.

Sir -

Just rec'd your request for Right of Way, mailed on the 28.

And beg to state that this road as viewed, goes through the center of the farm, belonging to the Potter Land Co., and will occupy valuable land, besides making it very inconvenient in working the farm.

And it is no benefit to us whatever.

Under these conditions I believe it would be a reasonable request, if I give the right of way, to ask the County to fence the same, & to put in two passage ways for stock, one in the north half of the road, & one in the south.

As you were one of the viewers, you will understand that I have a fence running through the center of these two sections, from east to west.

Each year on one side of this fence is summer fallow & on the other side is crop; and the summer fallow ~~is~~ is all ways pastured by our work stock; and I wish these passage ways so that the road would not interfere with this process.

As I wish to get the law in the matter I am sending the printed form to Geo D. Pease; he will hand the same to you.

Very Truly Yours,
Wm. Potter.

County Clerk's Office.

Bozeman, Montana. Sept 12, 1906

Mr W^m Poeter, Clarks Fork, Idaho.
Mr. F. L. Benepe, City.
Mr J. L. Michaud, Manhattan

Dear Sir:-

The Board of County Commissioners at their regular September meeting made an order instructing the Clerk to notify all land owners affected by the establishment of the road petitioned for by F.L. Benepe and others to appear before the Board October 1st, 1906, at 2.00 O'Clock, P.M. at which time the Board will hear arguments for and objections to the establishment of said road.

The proposed road was viewed by W.S. Erwin, Fred Heiskell and C.M. Thorpe on July 27, 1906.

Very truly

A. A. Emerson
County Clerk.

Above notice sent to above parties on
Sept 12, 1906, by registered mail.

A. A. C.

LAW OFFICE OF
GEO. D. PEASE
BOZEMAN, MONTANA

Bozeman, Montana, June 17th, 1907.

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

Gentleman;- Pursuant to your written notice of date June 8th, 1907 to William Potter, to appear on this day and present objections to the proposed public road petitioned for which proposes to take thirty feet off the east side of Section 36, Tp. 1. S. R. 2 E. and thirty feet off the west side of Section 31, Tp. 1 S. R. 3 E. of the lands owned by the Potter Land Company, without waiving any rights by reason of the required time not having been given in the notice, the said Potter Land Company and said William Potter respectfully object to the proposed road, and do not consent to the giving of any of said lands for such purpose.

Their objections are as follows; 1st. Said proposed road is of no benefit to them. 2nd. Said proposed road cuts ~~xxxx~~ in two parts the land farmed by them, thus greatly interfering with their farming operations. Said parties now have a fence running east and west through their said lands, and they farm one side each year summer following the other. The summer fallowed land is used for pasture, and the buildings on said tract of land are so situated now as to be convenient to the pasturing and farming of each tract. Said proposed road would cause an entire change in their farming of said lands.

As a compromise, and without waiving any rights to further damages the owners of said land, will consent to the said road and give the right-of-way for same as viewed, if the County will pay them for fencing each side of the same through their lands. Such fence to be a good cedar post fence legally constructed. Respectfully,

William Potter,

Potter Land Company,
By _____ Their Attorney.

Filed

June 17, 1907.

W. E. Brandenburg
County Clerk.

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 East side of the N.E. 1/4 of
S.E. 1/4 + the East side of the N.E. 1/4 of
Sec 2 T 2 S. R. 2 E. and hereby agree
to do all work necessary work to open the road
for travel Sec. _____, T. _____, R. _____
as viewed ~~and surveyed~~ by C.M. Thope W.S. Erwin & Frank Fishel
on the 27 day of July 1906 And hereby agree to
place my fences on said lines without charge to the County.

Signed Joseph W. Michael
Dated at _____ this 27 day of July 1906

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 27 day of July
A. D. 1906, before me Co. Surveyor
in and for said County, came Joseph Michael

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. Thope
Co Surveyor

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~~ along the West + North sides of Sec. 1 T. 2 S. R. 2 E. and 60 feet along the top of the bluff near the S.W. Corner of said Sec. 1 Sec. _____, T. _____, R. _____ as viewed ~~and surveyed~~ by W.S. Erwin Fred Hiskill + C.M. Thops on the 27 day of July 1906 And hereby agree to place my fences on said lines without charge to the County.

Signed F.L. Benson

Dated at Bozeman this 28 day of July 1906

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 28 day of July
A. D. 1906, before me C. O. Sawyer
in and for said County, came F. L. Benson

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. Thops
Co Sawyer

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at Clarke Fork, Ida.
(Delivering office.)

Registered ^{Letter}~~{Parcel}~~ No. 64, from Bozeman, Mont.
(Office of origin.)

Addressed to Wm. Potter
(Name of addressee.)

Date _____, 1906
(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.

Wm. Potter
(Signature or name of addressee.)

Mary Spush
(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 Manhattan, Mont.
(Delivering office.)

Registered ^{Letter}~~{Parcel}~~ No. 642, from Bozeman, Mont.
(Office of origin.)

Addressed to J. L. Michaud
(Name of addressee.)

Date 10-6, 1906
(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.

Joseph Michaud
(Signature or name of addressee.)

Mamie Michaud
(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. 643, from Bozeman, Mont.
(Office of origin.)

Addressed to F. L. Benefield
(Name of addressee.)

Date 9-3, 1906
(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.

F. L. Benefield
(Signature or name of addressee.)

F. L. Benefield
(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.