

No. 350

PETITIONER,

Nelson Spaulding et al

Petition filed Nov 9 1900

Viewers appointed March 8 1901

Report filed April 4 1901

Date of hearing 190

Report approved 190

Order of survey June 8 1901

Surveyor's Report filed July 13 1901

and road plat
Declared County Road June 7 1901

W. H. Davis
Chairman

See Book 11 Commissioners' Proceedings,
pages 25

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 and freeholders in Road District No. W.D., in the County of Gallatin, State of Montana, and taxable therein for road purposes, when 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:

A. ~~Extend present County road, West 80 rods between Sec. 29. and Sec. 32. then South one mile to Public road through Sec. 32.~~

(B) ~~The proposed road to be established on lands of Anna R. White Nelson Spalding, and Beneppe & Fisher.~~

(C) ~~Anna R. White, Nelson Spalding, and Beneppe & Fisher.~~

(D) ~~All will consent to give right of way.~~

(F) ~~Small cost, Just fenceing and very little grading. The principal cost will be the bridge across the East Gallatin river, about a 60ft. span, fine bridge site. 3 or 4 small culverts.~~

(G) ~~Some of the advantages of the proposed road are as follows, it makes an outlet for about 1400 acres of farming land, that is land, that is cropped, and at the present time the most of these people are practully compelled to get in, and out, to their several farms over the lands of Anna R. White Nelson Spalding and Beneppe & Fisher. Furthermore your petitioners respectfully represent that they consider it an imposition and burden on the said Anna R. White Nelson Spalding and Beneppe & Fisher, to go over their lands, as they are now compelled to do, and especially burdensome on Anna R. White and Nelson Spalding as they are compelled to keep, and mantain in condiation twe bridges, over the~~

East Gallatin River.

Can't find it yet

No. 250

Road Petition

Petitioner *Abraham Spaulding et al*

Filed 191

G. M. Guthrie

E. L. Correll

J. P. Correll

- 1 *Abraham Spaulding*
- 2 *G. M. Guthrie*
- 3 *Mrs. J. A. Williams*
- 4 *J. Williams*
- 5 *J. P. Correll*

NAMES

NAMES

- 6 *P. M. Bolinger*
- 7 *Mrs. Anna B. White*
- 8 *F. W. Benge*
- 9 *Benge Boat Fisher by H. H. Benge*
- 10 *W. S. Howard*
- H. W. Day*

E. L. Correll

Office Of
County Clerk and Recorder
Gallatin County, Montana

HON. W. H. 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

Nelson Spalding and others

of Road District No. _____

The petition above referred to, petitions that a Road be established, commencing at the

Northwest corner of section 33, T. 2. N. R. 4. E. thence due West 80 rods on section line between sec. 29 and sec. 32 thence due south one mile

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

Yours Very Respectfully,

E. H. Schumacher
County Clerk and Recorder.

Dated at Bozeman, Montana, this 7th day of March 1911.

Office Of
The Board of County Commissioners
Gallatin County, Montana

E. H. SCHUMACHER, County Clerk, Gallatin County, Montana.

DEAR SIR:

In pursuance to the above notice, I hereby appoint:

D. P. Stone
Charles N. McDonald
J. M. Brown

to act in behalf of the Board of County Commissioners as Viewers of the above petitioned Road.

Yours Very Respectfully,

W. H. Davis

Chairman of the Board of County Commissioners, Gallatin County, Montana

Dated at Bozeman, Montana, this 8th day of March 1911.

Request for Viewers

County Road Petitioned For

By *Nelson Spaulding*

et al

Road # *350*

DATE: _____

STATE OF _____

Warrant for Road Viewers.

County Clerk's Office,
Gallatin County, Montana.

Mr. *Fred M. Brown, Chas H. McDonald L.P. Stone*

You are hereby notified that you were duly appointed Road Viewer by
the Board of County Commissioners of Gallatin County, Montana, on the eighth day of
March 1911, to view and lay out a proposed road, as prayed for in the petition of
Nelson Spaulding and others, described as follows, to-wit:
commencing at the Northwest corner of section 33, T.2. N. R. 41. thence
due west 80 rods on section line between sections 29 and 32 thence
due south one mile.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with J. H. Giffault, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the eighth day of March
1911, commencing at the place designated in said petition as the starting point of the road sought to be
opened up 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 eleventh
day of March 1911.

E. H. Schumacher
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 am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

D. P. Stone,

Subscribed and sworn to before me this 15 day

of March ~~189~~ 1911

Fred M. Brown
County 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 am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

C. H. McDonald

Subscribed and sworn to before me this 15 day

of March ~~189~~ 1911

Fred M. Brown
County Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO 350

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

We, the undersigned Road Viewers, consisting of _____

appointed to view a proposed road running from _____

to _____

as described in the annexed petition, say, That on the 15th day of March
A. D., 1_____ 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:

*Description the same as in petition.
Half dry and half low ground*

*One bridge will be required about 100 ft long,
a pile bridge is asked for. The cost can be
determined by the County Commissioners.
The grading will cost about \$500⁰⁰*

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

.....
.....
.....
.....

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

Cuma R. White (see letter attached)
.....
.....
.....

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:

None
.....
.....
.....

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

.....
.....
.....
.....
.....
.....
.....
.....

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

Dated *March 15* A. D., ~~1891~~ *1911*

C H McDonald
Freid M. Brown
D. P. Stone

} Road Viewers.



County of Gallatin
State of Montana

X

Office of
Fred M. Brown, Surveyor

Bozeman, Montana, July 13, 1911.

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

Gentlemen:-

I have surveyed and platted road No. 350, the Nelson Spaulding road, and find that it will take seven sixteen foot bents to bridge the East Gallatin River where the road crosses the river. Mr Spaulding assured me that if the bridge could be built before time to haul grain that the people in that vicinity will donate considerable work toward grading the road.

Respectfully Submitted.

Fred M. Brown
County Surveyor.

Manhattan, mont, March 21, 1911,

Mr, Fred M, Brown

County Surveyor.

Bozeman, Mont.

Dear Sir,

Yours of the 20th inst. received and contents noted reletive to road, and in answer to same will say that owing to changed condiation since I signed Petition for road through S¹/₄ Sec. 32 T.2N. R.4 E.&c. and furthermore in as much as the board of County Commissioners delayed action so long, and the further fact that I have sold a portion of this this land, and as the proposed road cut the remaining 160 acres into, and would be a damage instead of a benifit under these changed condiations, Therefore I will not consent to give any right of way.

Yours Respectfully,

Mrs. Anna R. White

MAIN OFFICE
BENEPE-BERGLUND GRAIN CO.
(INCORPORATED)
WHOLESALE GRAIN SHIPPERS

ROBINSON CODE

ELEVATORS AND WAREHOUSES:

ALL AGREEMENTS CONTINGENT UPON STRIKES,
ACCIDENTS AND OTHER CAUSES BEYOND OUR CONTROL
PRICES SUBJECT TO CHANGE WITHOUT NOTICE

BOZEMAN, BELGRADE, MANHATTAN

CAPITAL, \$100,000.00

BOZEMAN, MONTANA,

June, 17, 1911

Mr. Henry Davis,

Bozeman, Mont.

Dear Sir:

F. M. Guthrie writes me that Mrs White says the right
of way is ready any time.

This for the Commissioneers attention.

Very truly yours,

H. H. Benpe

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 line of the S.E. 1-4 of the S.E.
1-4 of sec. 32 T. 2 N. R. 4 E.

----- Sec. -----, T. -----, R. -----

as viewed and surveyed by **Fred M. Brown, C.H. McDonald and D.P. Stone**

on the 15 day of March 1911 And hereby agree to

place my fences on said lines without charge to the County.

Signed *Bempe Bros & Pishu* By *H.H. Bempe*

Dated at Bozeman, Montana this 20 day of March 1911

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this ----- day of -----

A. D. 190 ---, before me -----

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.

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 East side of the # 1 1/2 of
the NW 1/4

Sec. 32, T. 2 N, R. 4 E
as viewed and surveyed by Fred M. Brown, C.H. McDonald & J.P. Stone
on the 15 day of March 1911. And hereby agree to
place my fences on said lines without charge to the County.

Signed Nelson Spaulding

Dated at Bellevue this 15 day of March 1911

ACKNOWLEDGEMENT.

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

On this 15 day of March

A. D. 1911, before me Fred M. Brown County Surveyor
in and for said County, came Nelson Spaulding

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.

Fred M. Brown
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 and west sides of
the N¹/₂ of the NW¹/₄ of

Sec. 32, T. 2N, R. 4E
as viewed and surveyed by Fred M. Brown, G. H. McDonald
and D. D. Stone
on the 15 day of March 1901 And hereby agree to
place my fences on said lines without charge to the County.

Signed W. E. Swank

Dated at Belgrade this 15 day of March 1901

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 15 day of March
A. D. 1901, before me Fred M. Brown, County Surveyor
in and for said County, came W. E. Swank

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.

Fred M. Brown
County Surveyor