

No. 416

PETITIONER

Otto Sieverk et al

Petition filed December 31, 1913

Viewers appointed Jan 7 1914

Report filed Jan 28 1914

Date of hearing 191

Report approved 191

Order of survey 191

Surveyor's Report filed 191

Declared County Road 191

*Wetham*

See Book 11 Commissioners' Proceedings.

pages 342 - 337

Recorded, Road Book, pages

County Clerk

Office Of  
**County Clerk and Recorder**  
Gallatin County, Montana

*Chas. R. Waterman*

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

*Otto Sievert et al*

of Road District No. ....

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

line between Sections 21 and 22, and 21 and 28, of Township 2 South

of Range 6 East, beginning at a point where the Fort Ellis road

intersects the Rocky Canyon road at the North west corner of said

Section 22; thence South on the Section line between said sections

21 and 22 to the Northwest corner of Section 27, said Township and

range; thence west one half mile on the Section line between Sections

21 and 28, said Township and Range, to intersect with what is known

as the "Nichols" road the said road to be twenty feet on each side

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

of said section lines.

Yours Very Respectfully,

*E. H. Schumacher*

County Clerk and Recorder.

Dated at Bozeman, Montana, this

*7<sup>th</sup>* day of *January* 191*4*

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:

*Fred. M. Brown*

*D. P. McEwee*

*Thos. J. Fowler*

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

Yours Very Respectfully,

*Chas Waterman*

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

Dated at Bozeman, Montana, this

*7<sup>th</sup>* day of *January* 191*4*

*Copy*

# Warrant for Road Viewers.

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

Mr. *Fred M Brown, Mrs J. Fowler & D.P. McElvree*

You are hereby notified that you were duly appointed Road Viewer by Chas R. Waterman Ch'mn  
the Board of County Commissioners of Gallatin County, Montana, on the 7th day of  
January 1914, to view and lay out a proposed road, as prayed for in the petition of  
Otto Sievert et al and others, described as follows, to-wit:

On the section line between Sections 21 and 22, and 21 and 25, of  
Township 2 South, of Range 6 East, beginning at a point where the  
Fort Ellis road intersects the Rocky Canyon road at the Northwest  
corner of said Section 22; thence south on the Section line between  
said sections 21 and 22 to the North-west corner of Section 27,  
said Township and range; thence west one-half mile on the section  
line between Sections 21 and 27, said Township and range, to inter-  
sect with that is known as the "Nichols" road, the said road to be  
twenty feet on each side of said section lines.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with \_\_\_\_\_, who were duly appointed as  
Viewers on said road by the Board of County Commissioners on the 22nd day of January  
1914, 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 14th  
January 1914.  
day of \_\_\_\_\_

*E. H. Schumaker*  
County Clerk.  
By \_\_\_\_\_ Deputy.

# Warrant for Road Viewers.

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

Mr. Fred M. Brown

You are hereby notified that you were duly appointed Road Viewer by Chas R. Waterman Chairman the Board of County Commissioners of Gallatin County, Montana, on the 7th day of January 1914, to view and lay out a proposed road, as prayed for in the petition of Otto Sievert et al and others, described as follows, to-wit:  
On the section line between Sections 21 and 22, and 21 and 28, of Township 2 South, of Range 6 East, beginning at a point where the Fort Ellis road intersects the Rocky Canyon road at the Northwest corner of said Section 22; thence south on the Section line between said sections 21 and 22 to the North-west corner of Section 27, said Township and range; thence west one-half mile on the section line between Sections 21 and 28, said Township and range, to intersect with what is known as the "Nichols" road, the said road to be twenty feet on each side of said section lines.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with D. P. McElwain and Shoz J. Fowler, who were duly appointed as Viewers on said road by the Board of County Commissioners on the 22nd day of January 1914, 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 14th day of January 1914.

[Signature]  
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.

*J. J. Troopler*

Subscribed and sworn to before me this 17<sup>th</sup> day  
of January 1914

*Joseph M. Smith*

NOTARY PUBLIC in and for the State of Montana,  
Residing at Bozeman, Montana.  
My commission expires Dec. 16th, 1916.

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.

*L. P. Ellis*

Subscribed and sworn to before me this 16<sup>th</sup> day

of January 1914

*L. P. Ellis*

NOTARY PUBLIC for the State of Montana,  
Residing at Bozeman, Montana.  
My Commission expires May 18, 1914.

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.

*Fred M. Brown*

Subscribed and sworn to before me this 15th day

of January 1944

*E. H. Schumacher*

COUNTY CLERK IN AND FOR  
GALLATIN COUNTY, STATE OF MONTANA

This must be returned to the County Clerk after execution.

February, 4, 1914.

Mr. J. J. Brion,  
Bozeman, R. #4.

Dear Sir:

The Board of County Commissioners has set Wednesday February 11th, 1914, at 10 o'clock, for date and time of hearing on the Road petitioned for by Otto Sievert et. al.

Please take due notice as the Board will come to a final decision on this Road on that day.

By Order of the Board of County  
Commissioners, of the County of  
Gallatin, State of Montana.

County Clerk.

As Clerk to the Board.

EHS/GaS.

February, 4, 1914.

Mr. Chas. P. Carolis,  
Bozeman, R. #4.

Dear Sir:

The Board of County Commissioners has set Wednesday February 11th, 1914, at 10 o'clock, for date and time of hearing on the Road petitioned for by Otto Sievert et. al.

Please take due notice as the Board will come to a final decision on this Road on that day.

By Order of the Board of County  
Commissioners, of the County of  
Gallatin, State of Montana.

County Clerk.

As Clerk to the Board.

EHS/GS.



February, 4, 1914.

Mr. Otto Sievert,  
Bozeman, R. #4.

Dear Sir:

The Board of County commissioners has set Wednesday February 11th, 1914, at 10 o'clock, for date and time of hearing on the Road petitioned for by Otto Sievert et. al.

Please take due notice as the Board will come to a final decision on this Road on that day.

By Order of the Board of County  
Commissioners, of the County of  
Gallatin, State of Montana.

County Clerk,  
As Clerk to the Board.

EHS/GS.

February, 4, 1914.

Mr. L. F. Sievert,  
Bozeman, R. #4.

Dear Sir:

The Board of County Commissioners has set Wednesday February 11th, 1914, at 10 o'clock, for date and time of hearing on the Road petitioned for by Otto Sievert et. al.

Please take due notice as the Board will come to a final decision on this Road on that day.

By Order of the Board of County  
Commissioners, of the County of  
Gallatin, State of Montana.

County Clerk.

As Clerk to the Board.

EHS/GS.

#1.

over which the road passes together with the additional cost of building.

In the matter of the petition of Otto Sievert and others ~~for~~ the establishing of a public high way and ~~the~~ considering of a report of Road Viewers Re. No. 416.

The Undersigned Charles P. Carlous and J. J. Bryan having appeared at the time set by the Board of County Commissioners on the further grounds that the Damages Commissioners of Gallatin County Montana for the consideration of the report of Road Viewers, desire to object to the consideration of said report by the Board of County Commissioners on the following grounds.

1.

That the road viewers appointed by the Board of County Commissioners were and are not qualified to act as Road Viewers under Section 3, Chapter IV of the General High Way Laws of the State of Montana ~~xxx~~ in that they are not all ~~free~~ disinterested free holders of the County of Gallatin.

2.

That the report of Road Viewers does not comply with the law as contained in Chapter IV of the General High Way Law as contained in the session acts of the 13th Legislative Acts of the State of Montana and that said report of Viewers does not show the names of the land owners who do not consent to giving the right of way for said road or the amount of damages claimed by the said non-consenting land owners and said report of Viewers does not show that Viewers notified or attempted to notify the land owners agents of land which the proposed road passes or whether said Viewers attempted to ascertain whether all of the resident land owners consented to said road and the amount, if any, they claim of damages for the right of way operations on the S. E. 1/4 of Section 21

#2.

over which the road passes together with the additional coast of fencing.

3.

And the undersigned objects to the approval of the report of said Road Viewers by the Board of County Commissioners on the further grounds that the damages in excess of benefits to the undersigned Charles P. Carolus is fixed at very much less than the actual damages to said Carolus, in excess of benefits would be and they declare that the establishing of said road would damage said Carolus in an amount ~~of~~ excess of \$1000.00 and alleges the facts to be.

(A) That said Charles P. Carolus is the owner of an undivided one-half interest in the S. W.  $\frac{1}{4}$  of Section 22, Tp. 2S. Range 6 # and that he has a lease from the State of Montana on the S. E.  $\frac{1}{4}$  of Section 21 said Tp. and Range; that he is the sole owner of said lease and has about three years yet to run and that by ~~xxx~~ reason of said leased land of the State of Montana, being within three miles of an incorporated City ~~to~~ the State of Montana will not be able to sell the same for a long number of years and under the laws he will be in an advantaged position to continue his lease of said land from the State of Montana which he intends to do; That said tract of land, ~~is~~ the S. W.  $\frac{1}{4}$  of Section 22 and the S. E.  $\frac{1}{4}$  of Section 21 join and are farmed and used together by the said Charles P. Carolus; that his buildings are in the N. W. corner of the S. W.  $\frac{1}{4}$  of said Section 22 and his corrals and ~~out~~-buildings are all constructed and arranged by him to conveniently as to pasturage on the S. E.  $\frac{1}{4}$  of Section 21 and for him to conveniently carry on his farming operations on the S. E.  $\frac{1}{4}$  of Section 21

#3.

in connection with those carried on by him on the S. W.  $\frac{1}{4}$  of Section 22 and that such arrangements and conveniences has been done by him at great expense which he and his co-owner have paid.

(B) That the construction of a fenced public high way between the S. W.  $\frac{1}{4}$  of Section 22 and the S. E.  $\frac{1}{4}$  of Section 21 would not only continually interfere with the operation of said tract of land together to the damage of the said Charles P. Carolus in a sum greatly in excess of the \$235.00 found by said Viewers but would materially depreciate the value of the interest of the said Charles P. Carolus in the S. W.  $\frac{1}{4}$  of Section 22.

(c) That the said Charles P. Carolus will receive no benefits by reason of the proposed road being opened as a public high way along the West side of the N. W.  $\frac{1}{4}$  of Section 22: That he now owns an undivided one-half interest in a strip of land 33 feet wide along the West side of the N. W.  $\frac{1}{4}$  of said Section 22 and if a strip of land 20 feet wide of said 33 feet of ground, there will remain a strip 13 feet wide which will be of no avail whatever to the said Charles P. Carolus or his co-owner, but would have to keep the same fenced in a substantial way and at a considerable expense.

4.

That the undersigned J. J. Bryan has a lease on the N. E.  $\frac{1}{4}$  of Section 21, Tp. 2 W. Range 6 E., which is State land. That said lease does not expire for about three years. That said land is situate within three miles of an incorporated city and hence ~~the~~ will not be sold for a long number of years and hence the right of said Bryan to re-lease the same will not be interfered with for a long number of years.

**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 NE 1/4

Sec. 28, T. 25, R. 6E  
as viewed and surveyed by Jess M. Brown, D. P. McElvick & J. J. Taylor on the 22 day of January 1904 And hereby agree to place my fences on said lines without charge to the County.

Signed L. F. Sievert.

Dated at \_\_\_\_\_ this 22 day of January 1904

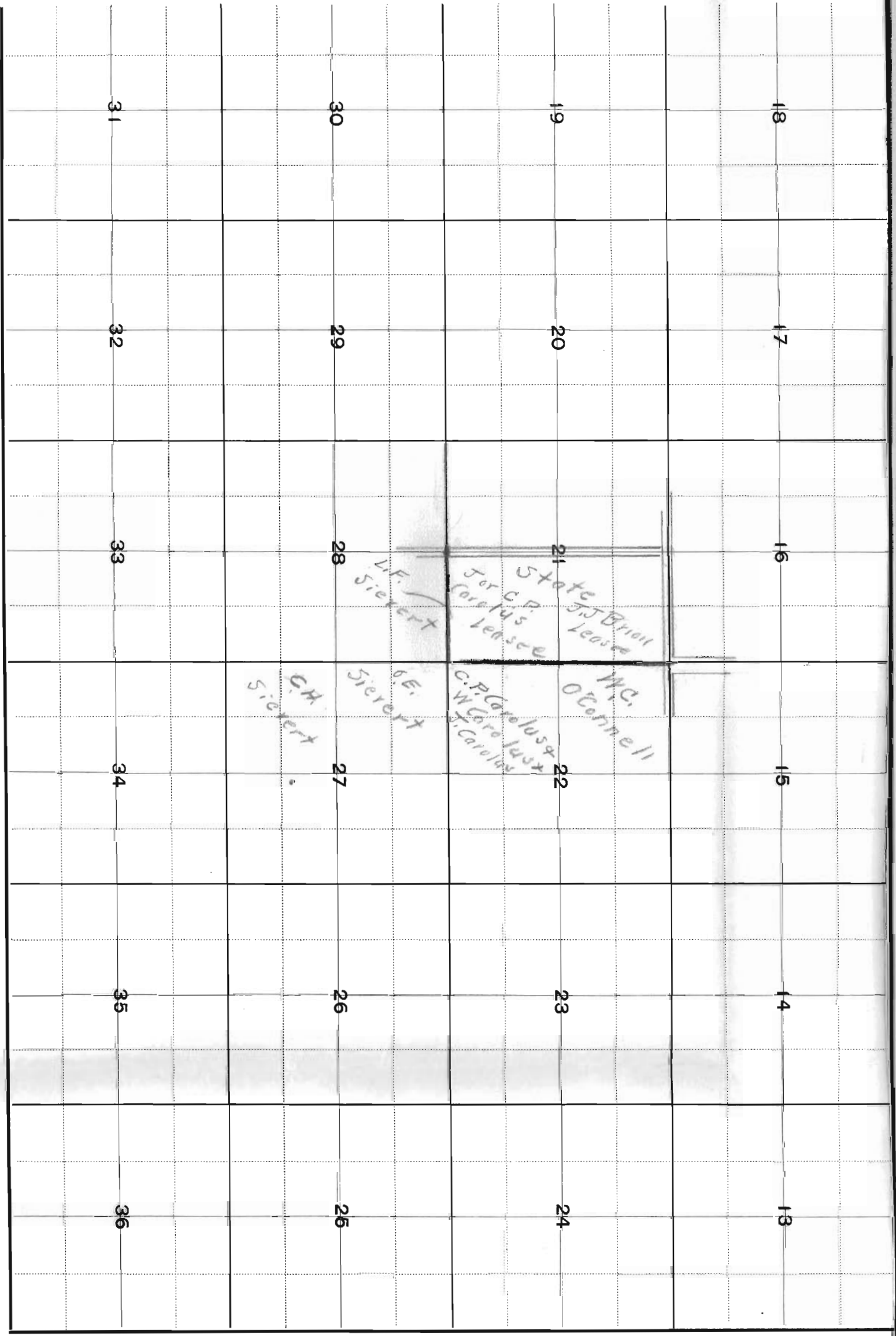
**ACKNOWLEDGEMENT.**

STATE OF MONTANA, }  
County of Gallatin, } ss. On this 22 day of January  
A. D. 1904, before me Jess M. Brown County Surveyor  
in and for said County, came L. F. Sievert

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.

Jess M. Brown  
County Surveyor



REGISTRY RETURN RECEIPT.

Form 1548.

Received from the postmaster registered article, the original number of which appears on the reverse side of this card.

Date of delivery Feb. 6. 1914  
 (To be filled in by person signing receipt.)

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

Otto Sievert.  
 (Signature or name of addressee.)  
by J. F. Sievert.  
 (Signature of addressee's agent.)

Registered matter, the delivery of which has not been restricted by the sender or the addressee, is deliverable to any responsible person who customarily receives the ordinary mail of the addressee. (See amended sec. 858, P. L. and R.)  
 When the above receipt has been properly signed, it must be postmarked with the name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT.

Form 1548.

Received from the postmaster registered article, the original number of which appears on the reverse side of this card.

Date of delivery Feb 7 1914  
 (To be filled in by person signing receipt.)

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

J. J. Brion  
 (Signature or name of addressee.)  
 (Signature of addressee's agent.)

Registered matter, the delivery of which has not been restricted by the sender or the addressee, is deliverable to any responsible person who customarily receives the ordinary mail of the addressee. (See amended sec. 858, P. L. and R.)  
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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.

L. F. Sievert.  
 (Signature or name of addressee.)  
 (Signature of addressee's agent.)

Registered matter, the delivery of which has not been restricted by the sender or the addressee, is deliverable to any responsible person who customarily receives the ordinary mail of the addressee. (See amended sec. 858, P. L. and R.)  
 When the above receipt has been properly signed, it must be postmarked with the name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT.

Form 1548.

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Date of delivery Feb. 7 1914  
 (To be filled in by person signing receipt.)

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

Char. P. Conover.  
 (Signature or name of addressee.)  
 (Signature of addressee's agent.)

Registered matter, the delivery of which has not been restricted by the sender or the addressee, is deliverable to any responsible person who customarily receives the ordinary mail of the addressee. (See amended sec. 858, P. L. and R.)  
 When the above receipt has been properly signed, it must be postmarked with the name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.



U. S. Registered Mails go to every post office in the world. Letters and parcels may be registered at any post office or at any post-office station, and by rural carriers throughout their routes. Letters will be registered by letter carriers in the residential districts of cities.

Letter Parcel No. 2503 P. O., Bozeman, Mont.  
Received for registration 2-27, 1914, from Co. Clerk  
addressed to Otto Sievert  
Boz., Mt.  
class postage prepaid. Postmaster, per M

U. S. Registered Mails go to every post office in the world. Letters and parcels may be registered at any post office or at any post-office station, and by rural carriers throughout their routes. Letters will be registered by letter carriers in the residential districts of cities.

Letter Parcel No. 2504 P. O., Bozeman, Mont.  
Received for registration 2/4, 1914, from Co. Clerk  
addressed to J. J. Brown  
Boz., Mt.  
class postage prepaid. Postmaster, per M

U. S. Registered Mails go to every post office in the world. Letters and parcels may be registered at any post office or at any post-office station, and by rural carriers throughout their routes. Letters will be registered by letter carriers in the residential districts of cities.

Letter Parcel No. 2505 P. O., Bozeman, Mont.  
Received for registration 2/4, 1914, from Co. Clerk  
addressed to S. F. Rivers  
Boz., Mt.  
class postage prepaid. Postmaster, per M

U. S. Registered Mails go to every post office in the world. Letters and parcels may be registered at any post office or at any post-office station, and by rural carriers throughout their routes. Letters will be registered by letter carriers in the residential districts of cities.

Letter Parcel No. 2506 P. O., Bozeman, Mont.  
Received for registration 2/4, 1914, from Co. Clerk  
addressed to Chas P. Carlus  
Boz., Mt.  
class postage prepaid. Postmaster, per M

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