

No. 458

PETITIONER

R. T. BALLARD ET AL.

Petition filed Aug 3 1915

Viewers appointed Aug 8 1916

Report filed Aug 21 1916

Date of hearing 191

Report approved sep 7 1916

Order of survey 191

Surveyor's Report filed 191

Declared County Road 191

C. W. Chester

See Book 11 Commissioners' Proceedings,

pages 596-624

Recorded, Road Book, pages

County Clerk

July - 14th 1915

To The Honorable County Commissioners
Gallatin County Montana

Gentlemen we your
Petitioners pray you to establish and
construct at once a Public Road through
the Gulch known as Paddy Run to the ^{North} Border
of Gallatin County. This Road to leave your
Established County Road from Maudlow up the
Middle Fork of 16 mile Creek. Near the
South East Corner of the Bob Wall Ranch
Running diagonally across ^{the County} this Ranch to the
Mouth of Paddy Run. Here passing under
or over the Milwaukee R.R. as you shall
decide. From this point to the County Border
it will follow Paddy Run to its source.
This Road is an absolute necessity for us.
And ~~the~~ present neighborhood ^{Road} over the same
Route can be made into a first class County
Road for a small sum. We append a few
Reasons.
why this Road should be built and at once.

Petitioners

- First. your need it badly.
- Second. It is the most direct and feasible Road through
the Mountains into Broadwater and
counties and all Eastern Montana.
- Third. The Road as it now stands is Practically
Already Built simply needing repairs.
If 16 mile Creek is bridged the entire Road
can be put in good condition for \$300-
or less. If bridge be built ^{at} 16 mile

Third The Road as it now stands is ~~mainly~~ ^{mainly} already built simply needing repairs. If 16 mile Creek is bridged the entire road can be put in good condition for \$300- or less. If bridge be built ~~at~~ ^{over} 16 mile Creek timber already cut can be had for building it cheaply of logs.

Fourth It furnishes the best and most picturesque route east through the mountains and has the lightest grades

Fifth. It is a practicable road all through the winter.

Sixth. If built now it will run west ^{of the way} ~~of the way~~ ^{to} ~~to~~ Government lands as rights of way to be paid for. Such of your petitioners as have lands over which the road passes hereby granting a free right of way to the county over their lands.

Seventh It is the most direct and best automobile route from Gallatin County to the State Capitol. Eighth. The most important reason which when you view the route.

Names of Petitioners

- | | |
|---------------------------|-----------------------------|
| R. D. Ballard. | Post Office Maudlow Montana |
| Jesse Smith | Sixteen Mont |
| Eduwin C. Daig | Sixteen Mont |
| D. D. Lawrence | " " |
| W. E. Lawrence | " " |
| Jacob Mitchell | Sixteen Mont |
| Frank Wood | Sixteen Mont |
| Jess. Smart | Sixteen Mont |
| J. D. Elliott | Sixteen Mont |
| A. T. Stuart. | Sixteen Mont. |
| Annie. Daig. | Sixteen Mont |
| W. E. Lawrence | Sixteen Mont |
| Mrs Olive Groesbeck | Maudlow Mont. |

Chapter 72, Thirteenth Session 1913, Sections 1-2-18

CHAPTER IV

Section 1. Any ten, or a majority, of the free holders of a road district, taxable therein for road purposes, may petition in writing, the Board of County Commissioners to, establish, change or discontinue any common highway therein. When such a highway is petitioned for upon the dividing line between two counties, the same course must be pursued as in other cases, except that a copy of the petition must be presented

to the Board of County Commissioners of each County, who may appoint viewers to act jointly and the viewers so appointed must report their findings to both Boards.

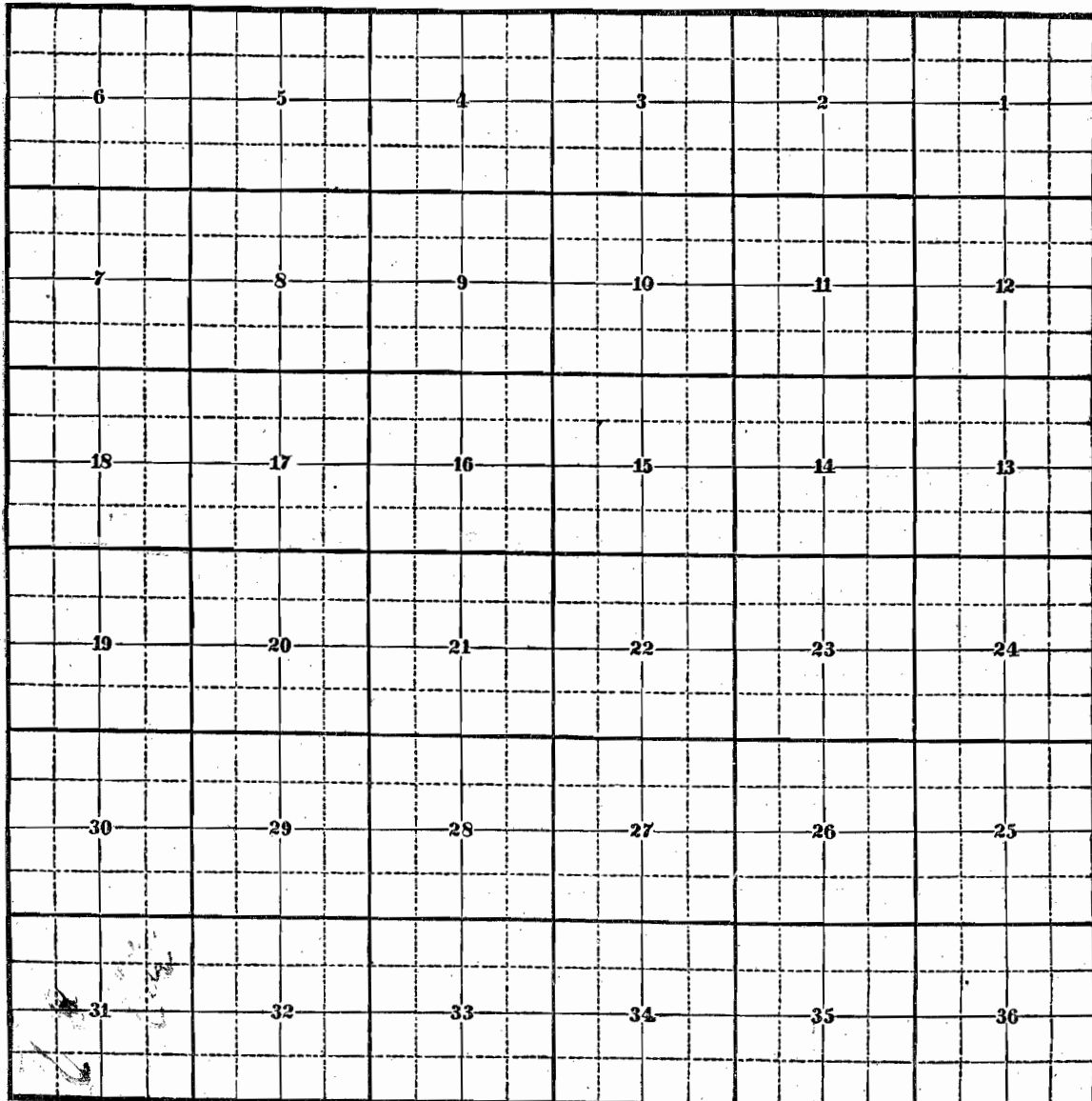
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

such of them as can be found consent thereto, and if not the probable cost of the right-of-way, where consent is not had, the necessity for, and advantage of the proposed road.

Section 18. Highways must be laid out and opened when practicable or upon subdivision or section lines, Provided, however, that the section shall not be construed to prevent oads being laid out on diagonal lines when public purposes shall be best subserved thereby.

Plat of Proposed Road

Township No. _____ Range No. _____



Scale so chains to an inch
20 40 60 80

True Meridian

No. *458*

PETITION FOR ROAD

Principle Petitioner.....
P. J. Ballard

Filed this *23rd* day of *August*, 19*15*.
D. J. Schumacker
County Clerk and Recorder

By *D. J. Schumacker* Deputy

Viewers
Freud M. Brown
John A. Brown
Joe Gibbs

Appointed *Aug. 8*, 19*15*.
To meet *Aug. 18*, 19.....
At *Harrison Bros. Ranch*

On

Report of Viewers
Filed

Action by the Board

Road Dist. No.

Warrant for Road Viewers.

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

Mr. Geo. Giles,

You are hereby notified that you were duly appointed Road Viewer by
the Board of County Commissioners of Gallatin County, Montana, on the 18th day of
August 19 16, to view and lay out a proposed road, as prayed for in the petition of
R. T. Ballard, et. al. and others, described as follows, to-wit:
Beginning at the established county road from Maudlow up the Middle Fork
of 16 Mile Creek near the south east corner of the Bob Wall Ranch, run-
ning diagonally across corner of this ranch to the mouth of Paddys Run,
here passing under or over the Milwaukee Ry. as you shall decide,
from this point to the county border it will follow Paddys Run to its
source.

(Meet at Hanson Bros. Ranch)

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with Fred M. Brown and John Deeney, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the 18th day of August
19 16, 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 8th
day of August 19 16.

County Clerk.

By _____ Deputy.

Warrant for Road Viewers.

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

Mr. John Deeney

You are hereby notified that you were duly appointed Road Viewer by _____
the Board of County Commissioners of Gallatin County, Montana, on the 18th day of
August 19 16, to view and lay out a proposed road, as prayed for in the petition of
R. T. Ballard, et al. and others, described as follows, to-wit:
Beginning at the established county road from Maudlow on the Middle Fork
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ing diagonally across corner of this ranch to the mouth of Paddys Run,
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19 16 commencing at the place designated in said petition as the starting point of the road sought to be
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trees, turning furrows, or other appropriate monuments to the terminus named in said petition, by the most
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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 8th
day of August 19 16.

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
the Board of County Commissioners of Gallatin County, Montana, on the 18th day of
August 1916, to view and lay out a proposed road, as prayed for in the petition of
R. T. Ballard, etal and others, described as follows, to-wit:
Beginning at the established county road from Maudlow up the Middle Fork
of 16 Mile Creek near the south east corner of the Bob Wall Ranch, run-
ing diagonally across corner of this ranch to the mouth of Paddy's
run, here passing under or over the Milwaukee Ry. as you shall decide,
from this point to the county border it will follow Paddys run to its
source.

(Meet at Hanson Bros. Ranch)

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with John Deency and Geo. Giles, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the 18th day of August
1916, 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 8th
day of August 19 16.

County Clerk.

By _____ Deputy.

Report of Road Viewers

ROAD PETITION NO. 458

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

We, the undersigned, Fred M. Brown, J. P. Deering and

appointed to view a proposed road running from the present County Road near the center of section 4 T. 4 N. R. 5 E. thence northwesterly to the mouth of Paddy's Run; thence up Paddy's Run to the north line of Gallatin County

as described in Petition No. 458, state, that on the 18th day of August, 1916, we assembled on the course of proposed road, having previously notified all resident owners or agents of land over which the proposed road or change passes of the place, day, date and hour of meeting, and we make the following findings:

1st. The course, termini, length and probable cost of construction of the proposed highway or change as follows:

The course is from the present County Road near the center of section 4, T. 4 N. R. 5 E. thence northwesterly to the mouth of Paddy's Run; thence up Paddy's Run to the north line of Gallatin County.

The length is about four and one half or five miles
The cost would be at least \$1000⁰⁰

2nd. The estimate of damages to owners of lands over which it is proposed to run the highway, or that may be affected by the proposed change, including the cost of any additional fencing required, is as follows:

The benefits are more than the damage and no damage should be allowed.

3rd. The names of land owners who consent to give the right of way with their written consent thereto, as follows:

R. J. Ballard
Alvin Hansen
O. L. Hougham

4th. The names of owners who do not consent, including non-resident land owners, and the amount of damage claimed by each, as follows:

There are none

5th. The feasibility, desirability and cost of any other route or change serving the same purpose, with the necessity for a greater, or the practicability of a less width than petitioned for, as follows:

We recommend that the route as stated by the review and which ends at the ^{east end of} ~~east end~~ ^{east section} ~~base~~ of section 37, T5N R5E. be the line adopted for the location of the road and that the road be granted to this point with the understanding that the owners give quit claim deeds for the right of way when the descriptions for the same are obtained by survey.

6th. The following facts, bearing upon the subject, which may be of interest to the Board:

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

Date *Aug 18th*, 191*6*

*Fred M. Brown
J. P. Deery*

} VIEWERS

Viewers' Oath or Affirmation

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

I, Fred M. Brown, County Surveyor of Gallatin County, Montana, do

solemnly swear (or affirm) that I will discharge all the duties pertaining to the office of viewer of a proposed
County road, from the present County

road near the center of section 4, T. 4 N. R. 5 E. thence
westerly to the mouth of Paddy's Run, thence up Paddy's run
to the north line of Gallatin County.

as described in Road Petition No. 458, faithfully and impartially according to law, so help me God.

Dated this 17th day of August, 1916



Fred M. Brown
County Surveyor
August
W. Schuchman
Clerk and Recorder
E. Ripton
Deputy

Sworn and subscribed to before me this 17th day of August, 1916

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

J. P. Derry and _____

being first duly sworn, each for himself, do solemnly swear (or affirm) that he will discharge the duties
pertaining to the office of viewer of a proposed County road from the present County

road near the center of section 4, T. 4 N. R. 5 E. thence
westerly to the mouth of Paddy's Run, thence up Paddy's
Run to the north line of Gallatin County.

as described in Road Petition No. 458, faithfully and impartially according to law, so help me God.

Sworn and subscribed to before me this 18th day of August, 1916

J. P. Derry
Fred M. Brown
County Surveyor

Written Consent of Land Owners

We, the undersigned, each for himself, consent to, and will give the right of way across our lands for proposed Road Petition No. on course as recommended by the viewers in this report.

Will have to be renewed later when deeds are prepared

Viewers' Report

Road Petition No. 458

VIEWERS

Fred M. Brown
J. P. Denny

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

I hereby certify that the within instrument was filed in this office on the

21st day of *August*, 1916, at *8:30* o'clock *A*.M.

W. H. Chamberlain
County Clerk and Recorder
By *W. H. Chamberlain* Deputy