

T 5NR3E

No. 476

PETITIONER:

F. M. Mesker

Petition filed Aug 18 1916

Viewers appointed X Sept 7 1916

Report filed Oct 5 1916

Date of hearing 1916

Report approved Oct 17 1916

Order of survey 1916

Surveyed 1916

Field Book No. Page

Recorded in Roadbook 1916

Declared County Road 1916

May 7 - 1917  
not allowed

Approved: J. J. Caldwell Chairman

See Book 11 Commissioners' Proceedings.

pages 624

County Clerk

PETITION FOR ROAD

*Merlin  
Ludwiger  
6 lines*

*Gallatin*

To the Honorable Board of County Commissioners of ~~Broadwater~~ Broadwater County, Montana,

Gentlemen:

*Gallatin* We, the undersigned, being ten or a majority of the freeholders of Road District No. .... of ~~Broad-~~  
~~water~~ County, Montana and taxable therein for road purposes hereby petition your Honorable Board to *lay*

*out & establish* a County Highway to be known as the .....

beginning at *the section corner common to Sections 16, 21, 22 & 15 of*  
*Tp 5 N. R. 3 E. of N. M. connecting with a road leading to Poston*  
*now petitioned for in Broadwater County, thence East along the section*  
*line between Sections 15 & 22 Tp 5 N. R. 3 E. three quarters of a mile; thence*  
*bearing north to conform to the topography of the county, <sup>contour</sup> across the S.W. <sup>East</sup>*  
*of the S.W. of said Sec. 15 and across the S.W. of the S. of Sec. 14 to a point near the*  
*N.E. corner of the S.E. of the S.W. of said R. & Range thence east along the quarter*  
*Section line running east & west through the S. of said Section 13 to the*  
*East line of said Tp. 5*

We believe the cost of constructing this road will not exceed \$ *600*, there being  
culverts, *1* bridges, ..... grades on the proposed highway.

The width of the proposed highway to be *60* feet.

The description of the lands through which the proposed highway passes and the owners thereof follow, to-wit:

Owner	Land Owned to be Crossed by Proposed Road			
	Description	Sec.	Twp.	Range
<i>William Cullum</i>	<i>North West 1/4 of</i>	<i>22</i>	<i>5</i>	<i>NR 3E</i>
<i>Henry Shull</i>	<i>North East 1/4 "</i>	<i>22</i>	<i>5</i>	<i>NR 3E</i>
<i>Big Springs Ranch Co</i>	<i>All of Section</i>	<i>15</i>	<i>5</i>	<i>NR 3E</i>
<i>Robert Ludwig</i>	<i>South half S.W. 1/4 &amp; S. 1/2 of S.E. 1/4</i>	<i>14</i>	<i>5</i>	<i>NR 3E</i>
<i>Joe Goodwin</i>	<i>N.W. 1/4 of S.W. 1/4</i>	<i>13</i>	<i>5</i>	<i>NR 3E</i>
<i>W. Pure Lippert Estate</i>	<i>N.E. 1/4 of S.W. 1/4 &amp; N.W. 1/4 of S.E. 1/4</i>	<i>13</i>	<i>5</i>	<i>NR 3E</i>
<i>Jake Ross</i>	<i>N.E. 1/4 of S.E. 1/4</i>	<i>13</i>	<i>5</i>	<i>NR 3E</i>
<i>Big Springs Ranch Co</i>	<i>S. 2 of S.W. 1/4 &amp; S. 2 of S.E. 1/4</i>	<i>13</i>	<i>5</i>	<i>NR 3E</i>

**Consenting Land Owners**

We the undersigned of the herein owners of the lands herein mentioned in full consideration of the benefits received or to accrue to us do hereby agree to and by these presents do gratuitously donate and transfer to Broadwater County, Montana, a right of way through any and all lands owned by us along the line of the proposed road hereinbefore petitioned for, the route of the same to be definitely determined by the Board of County Commissioners of said County, in accordance with the examination and report of viewers therefor appointed by said Board, or as viewed by the Board of County Commissioners.

The said donation to take effect and be of full force immediately (and only when) said proposed road shall be open to the public throughout its full length.

Name of Donator	Land Owned by Same to be Crossed by Proposed Road			
	Description	Sec.	Twp.	Range
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				

Dated at ..... Montana, this ..... day of ..... 191.....

The undersigned owners have either not been found or are non-consenting land owners and the probable cost of the right of way where crossed has not been had, follow, to-wit:

Name of Non-Consenting Owners. (Including the Non-Resident, Protesting or Not Specifically Assenting.)	Land Owned by Same to Be Crossed By Proposed Road				Estimated Total Cost Over Same	
	Description	Sec.	Twp.	Range	RightofWay	Damages
<i>Robert Lang</i> Wife <i>Martha Lang</i>		14	5	N3E		
Wife						
Wife						
Wife						
Wife						
Wife						

Wife

Wife

Wife

Wife

Wife

Wife

Wife

Wife

Wife

Wife

We consider this road necessary for the convenience of public travel and especially for the residents of this district and further for the following reasons: *the farmers that will be accommodated by this road have no outlet to market at this time over a public highway*

The advantage is the establishing a more feasible route.

Remarks: *This road, together with the extension thereof in Broadwater County is absolutely necessary for the petitioners to have a way to and from market*

Respectfully submitted.

# Names of Petitioners.

*Peter Holman*

*Ross Windsor Foster Mont*  
*Emerj Crane*  
*W. J. Pitt*  
*E. E. Jordan*  
*Jonas H. Thurgan*  
*J. C. Bushnell*  
*Frank Wintchulte*  
*F. M. Mesky*  
*Johan Lewandowski*  
*William G. Carlson*  
*John Andersson*  
*Henry Skull*  
*W. J. Ray*  
*Geo. H. Hewitt*  
*Frank H. Bean*  
*Genevieve Lippert*  
*Charles Monchain*  
*Jeff H. Sharp*

1. William Carlson
2. Henry Skull
3. Big Spgs Ranch Co.
4. Robert Lang.
5. Joe Greaves
6. W. Perre Lippert Est.
7. Jake Ross
8. Big Spgs. Ranch Co.



No. 476

# Warrant for Road Viewers.

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

Mr. J. R. Lineberger

You are hereby notified that you were duly appointed Road Viewer by  
the Board of County Commissioners of Gallatin County, Montana, on the 7th day of  
September 1916 to view and lay out a proposed road, as prayed for in the petition of  
E. M. Mesher and others, described as follows, to-wit:  
beginning at the section corner common to Sections 16, 21, 22 & 15 of  
Tp. 5 N. R. 3E of MM Connecting with a road leading to Toston now  
petitioned for in Broadwater County, thence east along the section  
line between Sections 15 & 22, Tp. 5 N. R. 3E, three quarters of a mile,  
thence bearing north to conform to the topography and contour of the  
county east across the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Sec. 15 and across the  
S $\frac{1}{2}$  of the S $\frac{1}{2}$  of Sec. 14 to a point near the NE Corner of the SE $\frac{1}{4}$  of the  
SW $\frac{1}{4}$  of Sec. 13 in said Tp. & Range, thence east along the quarter  
section line running east and west through the S $\frac{1}{2}$  of said section 13 to  
the east line of said Tp. 5.  
To meet September 21st, 1916, at Clarkston, Montana.

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 J. P. Clary, who were duly appointed as  
Viewers on said road by the Board of County Commissioners on the 7th day of September  
1916, commencing at the place designated in said petition as the starting point of the road sought to be  
granted 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 11th  
day of September 1916.

County Clerk.

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

Mr. Brown will call for you on the 21st providing the weather is  
permissible; otherwise will agree on another date.

# Warrant for Road Viewers.

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

Mr. J. P. Clary

You are hereby notified that you were duly appointed Road Viewer by \_\_\_\_\_  
the Board of County Commissioners of Gallatin County, Montana, on the 7th day of  
September 1916, to view and lay out a proposed road, as prayed for in the petition of

F. M. Mesher and others, described as follows, to-wit:  
beginning at the section corner common to sections 16, 21, 28 & 15 of  
Tp. 5 N. R 3E of M.M. connecting with a road leading to Boston now  
petitioned for in Beradwater County, thence east along the section  
line between sections 15 & 22, Tp. 5N. R 3E. three quarters of a mile,  
thence bearing north to conform to the topography and contour of the  
county east across the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Sec. 15 and across the  
S $\frac{1}{2}$  of the S $\frac{1}{2}$  of Sec. 14 to a point near the NE Corner of the SE $\frac{1}{4}$  of the  
SW $\frac{1}{4}$  of Sec. 13 in said Tp. & Range, thence east along the quarter  
section line running east and west through the S $\frac{1}{2}$  of said section 15 to  
the east line of said Tp. 5.  
to meet September 21st, 1916, at Clarkston, Montana.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
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Viewers on said road by the Board of County Commissioners on the 7th day of September,  
1916, commencing at the place designated in said petition as the starting point of the road sought to be  
granted 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 11th  
day of September 1916

\_\_\_\_\_  
County Clerk.

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

Mr. Brown will call for you on the 21st providing the weather is  
permissible; otherwise will agree on another date.

## 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 7th day of  
September 19 16, to view and lay out a proposed road, as prayed for in the petition of  
F. M. Mesher and others, described as follows, to-wit:  
beginning at the section corner common to Sections 16, 21, 22 & 15 of  
Tp. 5 N., R. 3E of M.M. Connecting with a road leading to Toston now  
petitioned for in Broadwater County, thence east along the section  
line between Sections 15 & 22, Tp. 5 N., R. 3E, three quarters of a mile,  
thence bearing north to conform to the topography and contour of the  
county east across the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Sec. 15 and across the  
S $\frac{1}{2}$  of the S $\frac{1}{2}$  of Sec. 14 to a point near the NE Corner of the SE $\frac{1}{4}$  of the  
SW $\frac{1}{4}$  of Sec. 13 in said Tp. & Range, thence east along the quarter  
section line running east and west through the S $\frac{1}{2}$  of said Section 13 to  
the east line of said Tp. 5  
To meet September 21st, 1916, at Clarkston, Montana

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with J. R. Lineberger & J. P. Clary, who were duly appointed as  
Viewers on said road by the Board of County Commissioners on the 7th day of September  
19 16, commencing at the place designated in said petition as the starting point of the road sought to be  
granted 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 11th  
day of September 19 16.

\_\_\_\_\_  
County Clerk.

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

Mr. Brown will call for you on above date if the weather is permissible;  
otherwise will agree on another date.





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

*Robert Jung, would not state amount of damage*

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:

*As stated in #1*

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

*We would recommend that the road be granted only on condition that the land owners give a right of way where it is practicable to build a check road that they be stippled to that effect*

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

Date *Sept 22*, 191<sup>6</sup>

*Fred M. Brown  
J. R. Clay  
J. B. Linclinger*

VIEWERS

# Viewers' Oath or Affirmation

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

I, Freud 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 SW. cor. sec 15 T5N R3E to the S.E. corner of the NE 1/4 of the NE 1/4 sec 13 T5N R3E

as described in Road Petition No. 476, faithfully and impartially according to law, so help me God.

Dated this 21st day of September, 1916



Freud M. Brown  
County Surveyor

Sworn and subscribed to before me this 21st day of September, 1916

P. Schumacher  
Clerk and Recorder  
J. R. Clary  
Deputy

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

J. R. Clary and J. R. Luehberg

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 SW cor of sec 15 T5N R3E to S.E. cor of NE 1/4 of NE 1/4 of sec 13 T5N R3E.

as described in Road Petition No. 476 faithfully and impartially according to law, so help me God.

Sworn and subscribed to before me this 21st day of Sept, 1916

J. R. Clary  
J. R. Luehberg  
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.

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

## Viewers' Report

Road Petition No. 476

### VIEWERS

*Fred M. Brown*  
*J. P. Lumbago*  
*J. P. C. Lay*

STATE OF MONTANA, } ss.  
County of Gallatin,

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

5<sup>th</sup> day of Oct, 1916,  
at 4<sup>00</sup> o'clock P. M.

*[Signature]*  
County Clerk and Recorder  
By..... Deputy

Sept. 7th-1916.

Mr. Wm. Carlson,  
Toston, Montana.

Dear Sir:-

Road viewers have been appointed to  
view the road petitioned for by Mr.  
P. M. Mesher et al, September 21st.

If you are interested, we would be  
glad to have you present.

Yours very truly,

Board of County Commissioners.

Henry Schull  
Big Springs Ranch Co.  
Robt. Lang  
Joe Creaves  
W. P. Lippett est.  
Jake Ross.