

T3N R7E

No. 477

PETITIONER:

MRS. V. R. Meeker

Petition filed Aug 18 1916

Viewers appointed Sept 7 1916

Report filed Sept 27 1916

Date of hearing 191

Report approved 191

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Disallowed Oct 17 1916

Approved: Chairman

See Book 11 Commissioners' Proceedings,

pages 624

County Clerk

#1

WILSALL, MONTANA. JUNE 22, 1916.

To The Honorable Board Of County Commissioners Of Gallatin Co.-

We the undersigned residents of Park County, respectfully request, that a road be opened and established, from Gallatin County line, running due west about two miles on section lines, starting from the south east corner of section (1) one, Town 3, N. Range 7 east. connecting with Park County road at said corner, and intersecting with proposed "Meeker" Road", which follows Big-muddy to National Forest Reserve

J. H. Bourd.
H. J. Clements
Saul Frame.
Chas. K. Dignin
Y. R. Miller
W. J. Giese.
H. A. Wofford
J. E. West
W. W. Divine
J. A. West
W. G. Gandy
C. M. Falkner

Proposed by
#475
Gallatin

H. J. Nelson
W. Dignin
Veron Kaiser
J. M. Herrin
H. F. Barnard
J. Ellson
K. K. Dignin
C. D. Dall
H. J. Kistner
H. C. Blanchard
S. L. Gelbrath
E. L. Miller
W. J. Giese.

J. Olson

John Lear

C. C. Denton

V. G. Gering,

Manning

V. J. Sherron

W. D. Hutchinson

C. T. Drummell

W. M. Higgins

Racook

Ellison

R. L. Bunn

C. W. Sherr

W. Blair

Thomas Kelleberg

J. D. Rodgers

H. A. Schmitt

A. H. Bunk

H. E. Cook

J. M. Heller

W. Young

W. J. R. Carson

H. P. Nelson

Gas. McClary

W. J. G. G. G. G.

W. J. G. G. G.

L. R. Wilson

G. H. Lee

Lester Roup

John T. Gilbert

J. G. G. G.

O. M. Rice

Percy Rice

H. O. Rice

F. J. B. B. B.

C. E. Lamb

A. H. B. B. B.

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.

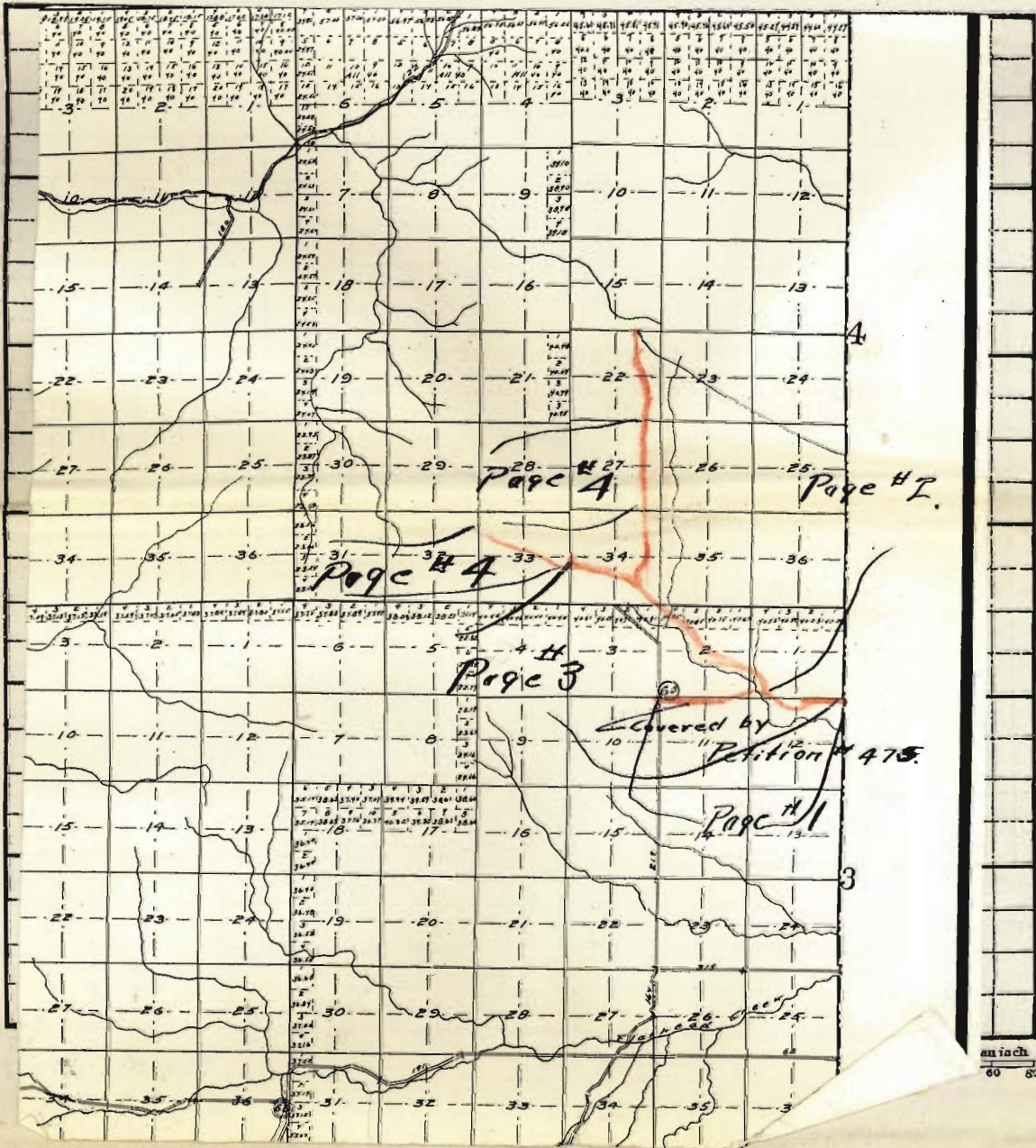
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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. 4 N Range No. 7 E



No. 477

PETITION FOR ROAD

Principle Petitioner.....
Mrs. K.R. Mecker

Filed Aug 19 1913 day of August 1913.
M. Schumacher
County Clerk and Recorder

By [Signature] Deputy
Viewers

Appointed 19.....
To meet..... 19.....
At
On

Report of Viewers
Filed
Action by the Board.....

Road Dist. No.

To the Honorable, the Board of County Commissioners.

Callatin
OF ~~THE~~ COUNTY, STATE OF MONTANA.

#2-

filled in Callatin

~~WENT~~ We the Undersigned freeholders of Road District No. ~~1~~ *by application* in ~~the~~ County, Montana, and taxable therein for road purposes, respectfully petition your honorable body to lay out, construct, open and establish a new highway in said district as follows, to-wit:

Commencing at NW cor. or NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sect 22 Twp 4 N Range 7 E M. P. Merchants Thence S on W side of said. 40 Thence follow the North fork of Big Muddy to its junction with main Big Muddy or NW $\frac{1}{4}$ or SE $\frac{1}{4}$ of Sect 34 of Twp 4 N Range 7 E Thence follow Big Muddy to the NE cor of NW $\frac{1}{4}$ of Sect 12 Twp 3 N Range 7 E Thence E on the N side of Sec 12 to the County line

Said road to extend over and upon the following lands, to wit Sections 22-27 ³¹ in Township 4 North of Range 7 East and sections 1, 2 and 3 in Township 3 North Range 7 East

Said land is owned by ~~will~~ (will be filled in by application on new sections)

Names of the owners of said land who consent to said road Robert H Bassett $\frac{1}{4}$ mile, Elmer M. Farland $\frac{1}{2}$ mile, Harry Blair 1 mile, Gort land $\frac{1}{2}$ mile
don't belong as owners on new sections (do they) as Blair grants private road but under title

Names of those who do not consent to said road Ed Keys $\frac{3}{8}$ mile, Mrs Keys $\frac{1}{4}$ mile Lewis Stevens 1 mile
fill in this as you show it for new sections

Names of the owners of said land who cannot be found

The probable cost of said road over the lands of those who do not consent thereto is \$

The necessity for and the advantages of the said proposed highway are *are out let to the Northern Pacific R R and not so mountainous as our present trails.*

Very Respectfully Submitted,

H B Blair ✓
Emma W. Schuber
H Blair
Robert H. Bassett
Joe Schaefer ✓

R J Reid
Ben Schaefer ✓
Elmer M. Farland ✓
B Newman ✓
Tinnie R. Meeker ✓

signatures below

We, the undersigned, hereby consent to the highway described in the within petition and hereby expressly waive any claim for damages in case said road is established:

Elynn M. Farland
R. H. Barnett

The petition must be signed by at least ten freeholders of the road district in which the road is situate who must be taxable therein for road purposes. See Sections 2750 and 2751 Political Code, Montana.

PETITION OF

for

Road Petition

FILED FOR RECORD

this day of

A..D. 190, at o'clock M.

County Recorder.

Deputy Recorder.

To the Honorable, the Board of County Commissioners
OF GALLATIN

PARK COUNTY, STATE OF MONTANA:

3

GENTLEMEN:—We, the undersigned, freeholders of Road District No. _____ in ~~Park~~ County, of Gallatin, Montana, and taxable therein for road purposes, respectfully petition your honorable body to lay out, construct, open and establish a new highway in said district as follows, to-wit:

Commencing at the northwest corner of the Northwest Quarter of the Southeast Quarter, of Section 34, in Township 4 North of Range 7 East, thence following down Big Muddy Creek to the Northeast Corner of the Northwest Quarter, of Section 12, in Township 3 North of Range 7 East, thence east, following the north section line of said section 12 to the county line between the Counties of Gallatin and Park.

Said road to extend over and upon the following lands, to-wit. Section 34 in Township 4 North Range 7 East, and Sections 1, 2, 3 and 12 in Township 3 North of Range 7 East.

Said land is owned by _____

Names of the owners of said land who consent to said road _____

Names of those who do not consent to said road _____

Names of the owners of said land who cannot be found _____

The probable cost of said road over the lands of those who do not consent thereto is \$ _____

The necessity for and the advantages of the said proposed highway are to accommodate the settlers in that vicinity, giving them an outlet to the Northern Pacific Railroad at Wilsall, Park County, Montana.

Very Respectfully Submitted,

H. B. Blair
Emma W. Schuber
R. F. Reid
R. J. Barrett
M. Kaiser

Clarence Farland
Bureau of Engineering Services

We, the undersigned, hereby consent to the highway described in the within petition and hereby expressly waive any claim for damages in case said road is established:

H. B. Blair
Emma W. Schuber
R. F. Reid
R. J. Barrett
M. Kaiser

Clarence Farland
Bureau of Engineering Services
The Trucking Co.
M. Lewis Eng.

The petition must be signed by at least ten freeholders of the road district in which the road is situate who must be taxable therein for road purposes. See Sections 2750 and 2751 Political Code, Montana.

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 1916, to view and lay out a proposed road, as prayed for in the petition of
Mrs. V. R. Mecker and others, described as follows, to-wit:
commencing at NW Corner NE $\frac{1}{2}$ of the NE $\frac{1}{2}$ of Sect. 22, Twp. 4 N., Range 7 E.,
M.P. Meridian, thence S on west side of said 40 thence follow the
North fork of Big Muddy to its junction with main Big Muddy on NW $\frac{1}{2}$ of
SE $\frac{1}{2}$ of Sect. 34 of Twp. 4 N, Range 7 E, thence follow Big Muddy to the
N E Cor. of NW $\frac{1}{2}$ of sec. 12, Twp. 3 N, Range 7 E, thence E on the N side
of Sec. 12 to the County line. said road to extend over and upon the
following lands, to wit sections 22-27 and 34, in Township 4 North of
Range 7 East and sections 1-2 and 3 in Township 3 North Range 7 East.
To meet September 26th, 1916, at Wilsall, Montana.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with John Hopkins & Jas. Williams., 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 at Wilsall on the 26th providing the weather is
permissible; otherwise will agree on another date.

Warrant for Road Viewers.

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

Mr. Jas. Williams,

You are hereby notified that you were duly appointed Road Viewer by _____
the Board of County Commissioners of Gallatin County, Montana, on the _____ day of
September 19 16, to view and lay out a proposed road, as prayed for in the petition of
Mrs. V. R. Meeker and others, described as follows, to-wit:
commencing at NW Corner NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sect. 22, Twp. 4 N., Range 7 E.,
M.P. Meridian, thence S on west side of said 40, thence follow the
North Fork of Big Muddy to its junction with main Big Muddy on NW $\frac{1}{4}$ of
SE $\frac{1}{4}$ of Sect. 34 of Twp. 4 N., Range 7 E., thence follow Big Muddy to the
N E Corn. of NW $\frac{1}{4}$ of Sec. 12, Twp. 3 N., Range 7 E., thence E on the N side
of Sec. 12 to the County Line. Said road to extend over and upon the
following lands, to-wit-Sections 22-27 and 34, in Township 4 North of
Range 7 East and sections 1-2 and 3 in Township 3 North, Range 7 East.
To meet September 26th, 1916-

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 & John Hopkins, 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
_____ 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 September 19 16 11th

County Clerk.

By _____
Deputy.

Mr. Brown will call for you on the 26th providing the weather is
permissible; otherwise will agree on another date.

Warrant for Road Viewers.

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

Mr. John Hopkins

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

Mrs. V. R. Meeker and others, described as follows, to-wit:
commencing at NW Corner NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sect. 22, Twp. 4 N., Range 7 E.,
M.P. Meridian, thence S on west side of said 40 thence follow the
North fork of Big Muddy to its junction with main Big Muddy on NW $\frac{1}{4}$ of
SE $\frac{1}{4}$ of Sect. 34 of Twp. 4 N., Range 7 E. thence follow Big Muddy to the
N E Corn. of NW $\frac{1}{4}$ of Sec. 12, Twp. 3 N., Range 7 E., thence E on the N side
of Sec. 12 to the County Line. Said road to extend over and upon the
following lands, to wit Sections 22-27 and 34, in Township 4 North of
Range 7 East and sections 1-2 and 3 in Township 3 North, Range 7 East.
To meet September 26th, 1916, at Wilsall, 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 & Jas. Williams, 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 the 26th providing the weather is
permissible; otherwise will agree on another date.

Report of Road Viewers

ROAD PETITION NO. 477

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

We, the undersigned, J. L. Williams, J. N. Hopkins and
Freud M. Brewer, appointed to view a proposed
running from near the S.W. corner of the S.E. 1/4 of T5N1E, Sec 1, T5N1E
to the west quarter corner of sec 34 T5N1E.

as described in Petition No. 477, state, that on the 25th day of September,
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: From the point of beginning described above thence
westerly up the north fork of Muddy Creek through
sections 1, 2, 3 and 34.
The length about 2 1/2 miles
The cost of construction about \$1000.00

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:
Mrs. V. B. Mueber None
W. M. Karger
Louie Mearns R. J. M. Jensen, stock fence and 100.00
Mr. Myrtle Baker " " " " " 25.00
J. C. Thaler None
Mrs. W. M. Mearns R. J. M. Jensen, " " "
Mr. W. M. Mearns " " " "

3rd. The names of land owners who consent to give the right of way with their written consent thereto,
as follows:
Mrs. V. B. Mueber
J. C. Thaler

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

Mr. Myrtle Baker \$350.00

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:

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

We believe that Mr. Meeker being the one most benefited should pay one half the damage allowed and that if the right of way can be secured for the price named and Mr. Meeker is willing to pay the above amount that the road be granted, providing the securing of the right of way is at his expense.

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

Date *Sept 20th*, 191. *6*

*Fred M. Brown
Gus G. Williams
John Hopkins*

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

the S.E. 1/4 of the SW 1/4 County road, from *the S.W. corner of*
sec 1 T 3 N R 7 E to the
west 1/2 corner sec 34 T 4 N R 7 E

as described in Road Petition No. *477* faithfully and impartially according to law, so help me God.

Dated this *23rd* day of *September*, 191*6*.

Fred M. Brown

County Surveyor

Sworn and subscribed to before me this

23rd day of *September*

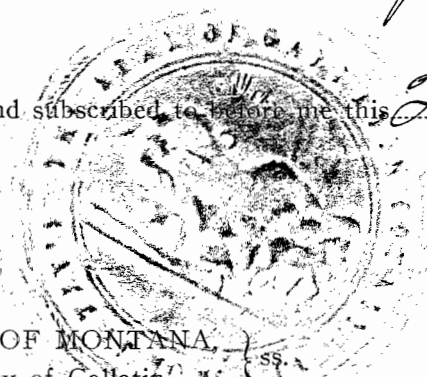
, 191*6*.

J. Chamberlain

Clerk and Recorder

W. Blifton

Deputy



STATE OF MONTANA,

County of Gallatin, } ss.

J. L. Williams

and *J. M. Hopkins*

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 S.W. corner of*

the S.E. 1/4 of the SW 1/4 sec *1 T 3 N R 7 E* to the *west*
1/2 corner of sec 34 T 4 N R 7 E

as described in Road Petition No. *477* faithfully and impartially according to law, so help me God.

Sworn and subscribed to before me this *25th* day of *September*, 191*6*.

Gas. F. Williams

John M. Hopkins

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.

.....

.....

.....

.....

.....

.....

Viewers' Report

Road Petition No. 477

VIEWERS

Frederic M. Brown

Geo. L. Williams

John Stephens

STATE OF MONTANA, } ss.
County of Gallatin,

I hereby certify that the within instrument was filed in this office on the 27

day of September, 1916,

at 10:30 o'clock A. M.

C. J. Chumack
County Clerk and Recorder

[Signature]
Deputy

Firestone, Fisk and
Goodrich Tires

Oxy-Acetylene Weld-
ing a Specialty

The Blair



Garage

Automobile Livery
Rentals and Storage

Supplies & Assessories
New Fireproof Garage

H. B. BLAIR, Prop.

Agencies

REO, FORD AND CASE
AUTOMOBILES

Livingston, Montana May 15th. 1913

TO WHOM IT MAY CONCERN

I hereby give my consent to the parties living North and West
of Section 34 in township 4 North of Range 7. East the privilege of
a private road through my land in section 27 Township 4 North of 7 East
providing they shut gates when passing through same allowing them an
outlet to the proposed county road attached herewith

H. B. Blair.

*Ive hereby consent to a private road being opened
through section 33 In 4 N R 7 E beginning at a point
about 400 ft south of the East Quarter Corner of said
section thence in a westerly direction on north side
of Big Muddy to west line said section. It is the understanding
that in case of misuse of said this privilege the Manhattan Co
reserves the right of withdrawing said road privilege.
As a condition of this road privilege it is understood that
a gate shall be maintained & kept closed at both on the
East entrance to said section 33-*

*Signed The Manhattan Co
Darius Ingr.*

Jan 31. 1919

To whom it may concern:

I, W. A. Scheuber do hereby give and derive a road right of way, thru the following described land, owned and held under legal entry by me - thru the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ in Sec 34 Twp 4N R 7E. The approximate route of the road is shown on accompanying plat. This road shall hold to the foot of the rocky hills on the north and east sides of the creek thru said land.

W^m Scheuber

Ordsall Feb-1-1919

Found enclosed right a way
through the W A Schuchert if you
will kindly see that it is filed
or put with the other papers & also
tell Mr. Humer, we are having some
trouble about the road from
school house. If the county Commission
would take this Mucker road
up at earlier meeting as all right
a way is given would greatly
oblige us and save trouble.
as partly over the land we
cross is fencing

Respt

Mrs. V. K. Mucker

Wilson

Mucker

Michael. Most.

Sept. 27. 1916.

Mr. Brown.

Bozeman Mont.

We don't want a road down
this creek, and we will not
put a price on our land
for it. we see where it will
be a great damage to our land
to have that road and we
will fight it to the end.

Yours truly,

Mr. & Mrs. Wm. McMin.

*

Michael. Most.

Sept. 27. 1916

Mr. Brown.

Bozeman Mont.

Sir. We the persons
names signed below do not
want a road down the creek.

Mrs. L. E. Stevens,

Mrs. L. Q. Stevens,

A. Baker

Walter J. Baker.

Mr. W. McMin.

Mr. W. McMin.

Wiball Mont
Sept 27-1916.

Mr. Brown

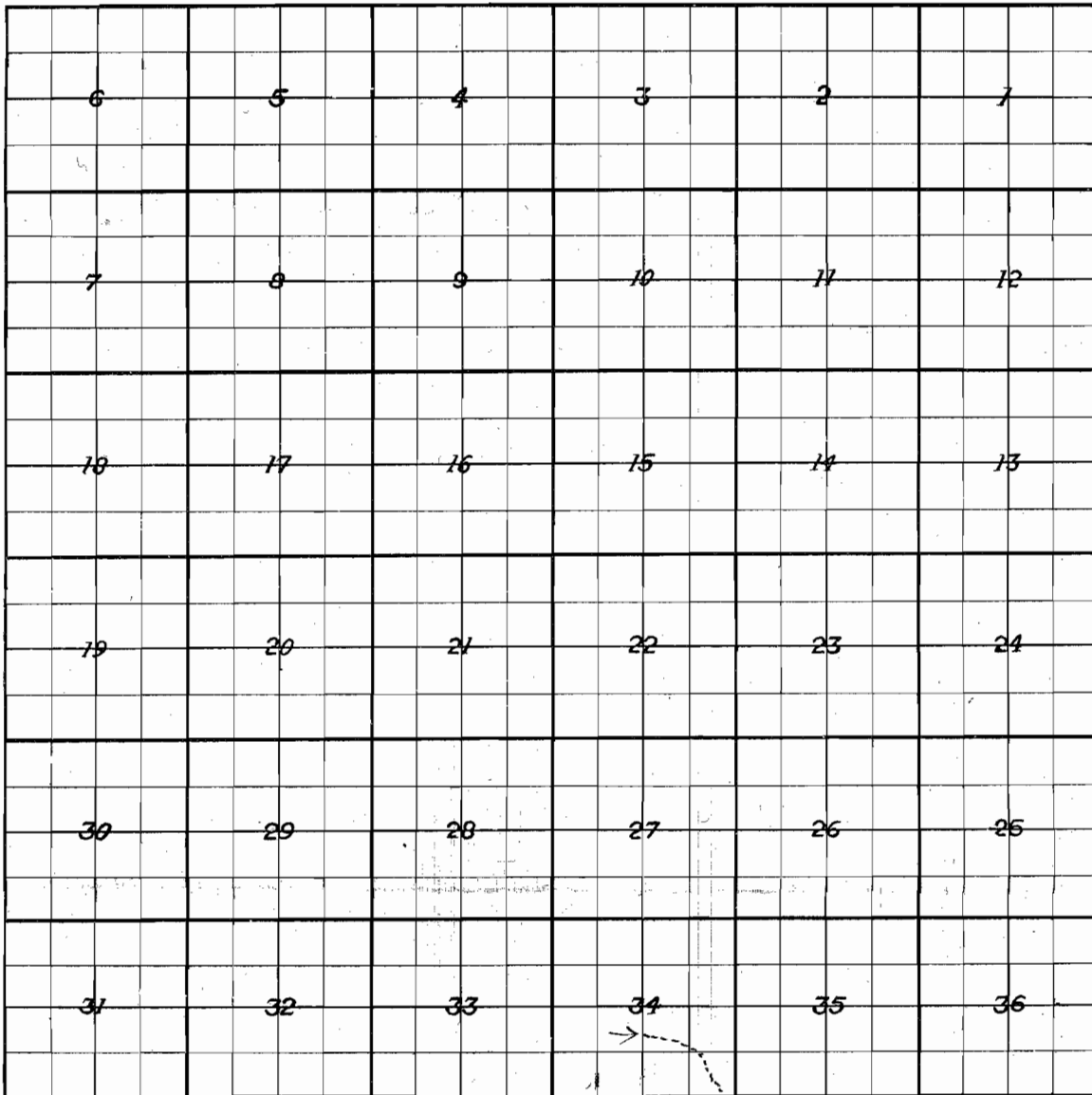
Dear Sir.- The proposed road corner way across our little ranch, would ruin it for us, we will not stand for the road at all, but will sell the $\frac{1}{2}$ sec. to the party that wants the road and sell cheap enough so she can afford to buy and then she can have all the roads she wants across the land.

Yours Sinc.

Wm J. E. Stevens
J. C. Stevens

T. *North* R. *East*

M.P. Mer.



8-670

SCALE—One inch = 1 mile.

APPENDIX A.

AN ACT To provide for the entry of agricultural lands within forest reserves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture may in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of land within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this Act.

Upon the filing of any such lists or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this Act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of the notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no land entered under the provisions of this Act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries.

SEC. 2. That settlers upon lands chiefly valuable for agriculture within forest reserves on January first, nineteen hundred and six, who have already exercised or lost their homestead privilege, but are otherwise competent to enter lands under the homestead laws, are hereby granted an additional homestead right of entry for the purposes of this Act only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay two dollars and fifty cents per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands.

SEC. 3. That all entries under this Act in the Black Hills Forest Reserve shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said forest reserves for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills Forest Reserve under this Act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve; and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

SEC. 4. That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington counties in South Dakota except to persons occupying lands therein prior to January first, nineteen hundred and six, and the provisions of this Act shall apply to the said counties in said reserve only so far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this Act in said counties in said reserve shall be described by metes and bounds survey.

SEC. 5. That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this Act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve.

Approved June 11, 1906.—(34 Stat., 233.)

APPENDIX B.

AN ACT Excepting certain lands in Pennington County, South Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described townships in the Black Hills Forest Reserve, in Pennington County, South Dakota, to wit: Townships one north, one east; two north, one east; one north, two east; two north, two east; one south, one east; two south, one east; one south, two east; and two south, two east, Black Hills meridian, are hereby excepted from the operation of the provisions of section four of an Act entitled, "An Act to provide for the entry of agricultural lands within forest reserves," approved June eleventh, nineteen hundred and six. The lands within the said townships to remain subject to all other provisions of said Act.

Approved, February 8, 1907.—(34 Stat., 883.)

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Geo. J. Lane

(Signature of addressee's agent.)

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