

TINR3E

No. 476

PETITIONER:

H.T. Rutledge

Petition filed Aug 8 1916

Viewers appointed Aug 8 1916

Report filed Aug 17 1916

Date of hearing 191

Report approved of Viewers 1914

Order of survey Sep. 7 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Approved: Chairman

See Book 11 Commissioners' Proceedings

pages 596-624

County Clerk

Petition For Road

No.....

To the Honorable Board of County Commissioners of Gallatin County, Montana:

Gentlemen:

We, the undersigned free holders of Road District No..... of Gallatin County, Montana, residing on or adjacent to the following proposed County Road, do hereby petition your honorable body to establish ~~the~~..... same as a County Road, beginning at *the west quarter corner*

~~the mantation to Logan road~~
~~between sec 31 and 32 - 2 n - 3 East.~~
thence three and one half miles south on section lines. Thence one mile east, and one mile west connecting up with road system already built
Said right of way to be from 40 to 80 feet wide as the commissioners may determine
also a road from the center of 32 to the center of 31 (passing 2 1/2 miles east)
The mantation Logan road north of east.
We believe the cost of constructing this road will not exceed \$..100 *per mile*

there being *one*..... steep grades,..... culverts, *3 small* bridges necessary on the route as proposed; the soil *is easiey*..... adapted to road construction, and *there may be one small detour on state land Section 6 to avoid grade.*

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, viz:

that whole district for a radius of 4 miles must go clear east. the mantation to get west and it will build up this district with homes.

Names of Petitioners	Land Owned by Same to be Crossed by Proposed Road			
	Description	Sec.	Twp.	Range

J. H. Taylor
H. P. Taylor
James J. Thomas
William P. Taylor
Walter J. Taylor
Ed. Carb

For Petitioners Who Propose Donating Gratuitously the Right of Way

..... May, 1916

We, the undersigned, of the above petitioners, in full consideration for benefits received or to accrue to us, do hereby agree to, and by these presents do gratuitously donate to Gallatin 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 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
A. G. Rutledge Wife Leticia L. Rutledge	West Half	8	12N	3E
Edmyer Terrell	South Half	31	27N	3E
J. P. Scillon	South East Quarter	18	12N	3E
The Winnick Family Mrs. J. J. J.	South Half	32	27N	3E
Edmyer Terrell Lessee	I agree to set fence in on state land 1/2 off.	6	12N	3E
H. S. Buell land	all	7	12N	3E
H. S. Buell land	all	17	12N	3E
Wife Matt G. ...	North East quarter	18	12N	3E
Pearl Williams Wife by H. S. Buell agt	all	19	12N	3E
Charles Duffin Wife	North West quarter	20	12N	3E
Wife Webb Vincent by H. S. Buell agt	North East quarter	20	12N	3E

For Petitioners Who Propose Charging for Right of Way and Damages

....., 19....

We, the undersigned, of the first above mentioned petitioners, on demand of the Board of County Commissioners of Gallatin County, Montana, do hereby agree, and by these presents guarantee that we will by good and sufficient instrument, convey to said Gallatin County, the necessary right of way through any and all lands owned by us along the line of the proposed road as petitioned for, and on the line or route as definitely determined by the Board of County Commissioners of said County in accordance with the examination and report of the viewers therefor, appointed by said Board, for the sums of not to exceed the amounts set opposite our respective signatures below; the said sums to be received by us as compensation in full for said right of way, and any damage that may be done us, or to our lands in any manner, by reason of such road crossing any of our said lands.

Provided, however, that no transfer shall be required or demanded of us, as hereinabove provided, prior to the opening of the said proposed road to the public, throughout its full length, and upon the lines as definitely determined upon by said Board of County Commissioners, in the manner as hereinbefore provided.

Name	Land Owned by Same to be Crossed by Proposed Road			Total Amount Proposed to be Charged for		
	Description	Sec.	Twp.	Range	Right of Way	Damages
Wife						
Wife						
Wife						

Wife									
Wife									
Wife									
Wife									
Wife									

Principal Petitioner, and List of Non-Consenting Land Owners

I, A. R. Rutledge, a land owner of Road District No. of Gallatin County, Montana, commissioned by the general petitioners as the principal petitioner, do hereby certify that, to the best of my knowledge and belief, the following list contains the names of all non-consenting owners whose lands are crossed, or liable to be crossed by the above petitioned for road; and that all lands of consenting and non-consenting owners, liable to be crossed by said proposed road are indicated upon the attached plat.

Names of Non-Consenting Land 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	Right of Way	Damages
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
wife						
Wife						

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

CHAPTER IV

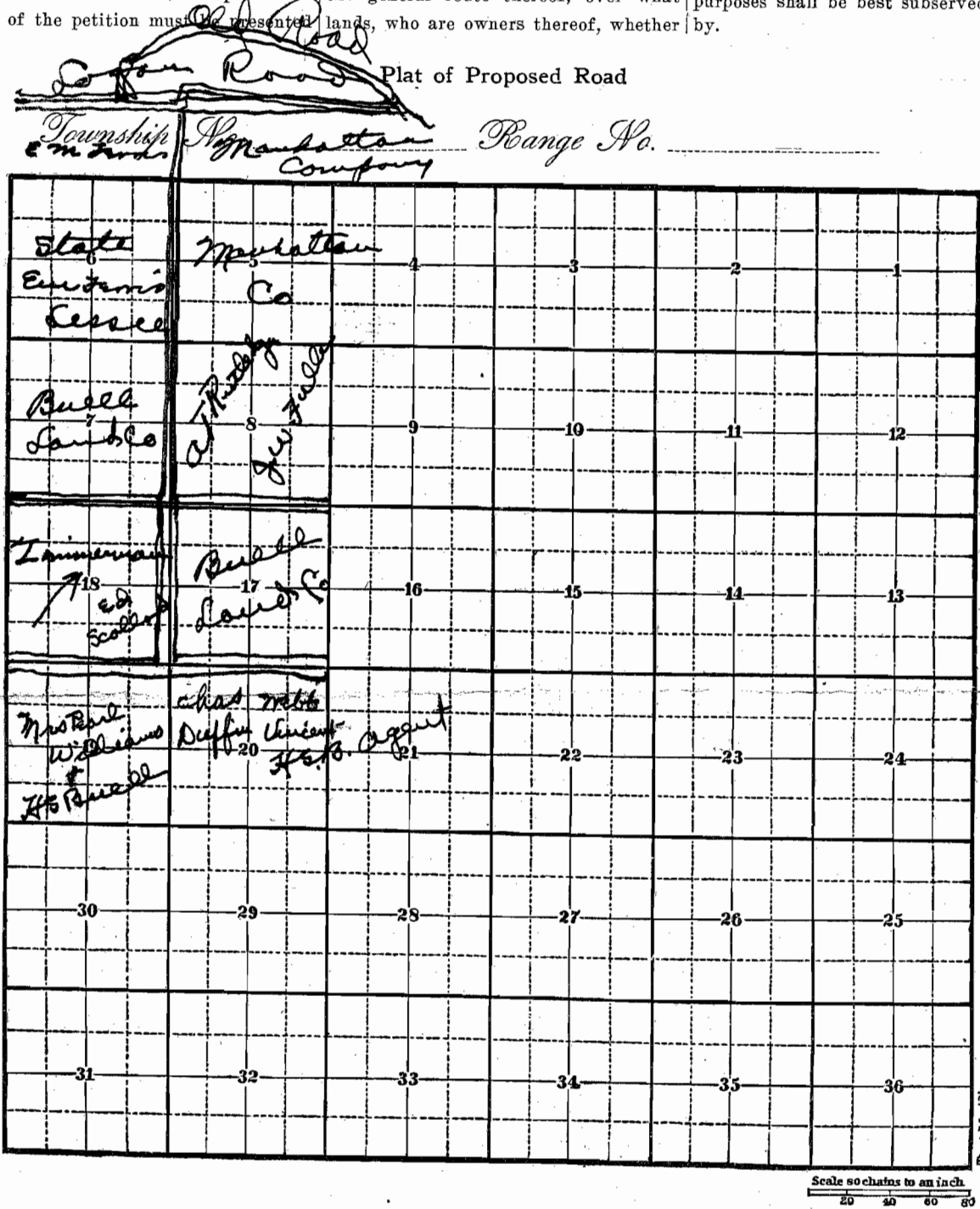
Section 1. Any ten, or a majority, of the free holders of a road district, taxable therein for road purposes, may petition in writing, the Board of County Commissioners to, establish, change or discontinue any common highway there-in. When such a highway is petitioned for upon the dividing line between 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 roads being laid out on diagonal lines when public purposes shall be best subserved there-by.



No. *4788*

PETITION FOR ROAD

Principle Petitioner.....
H. T. Tutledge

Filed this *8th* day of *Aug.* 19*16*.
H. T. Tutledge
County Clerk and Recorder

By *H. T. Tutledge* Deputy

Viewers
J. M. Deason
H. H. Taylor *Chas. Leonard*

Appointed *Aug. 8* 19*16*.
To meet *Aug. 15* 19*16*.

At *Marion, Mo.*

Report of Viewers

Action by the Board.....

Road Dist. No.

Warrant for Road Viewers.

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

Mr. Chas. Scollard

You are hereby notified that you were duly appointed Road Viewer by _____
the Board of County Commissioners of Gallatin County, Montana, on the 15th day of
August 19 16, to view and lay out a proposed road, as prayed for in the petition of
A. T. Rutledge and others, described as follows, to-wit:
Beginning at the $W\frac{1}{2}$ Corner of Sec. 32, Twp. 2N-Range 3E; thence three and
one-half miles south on section lines; thence one mile east and one mile
west connecting up with road system already built. Said right of way to be
from 40 feet wide as the Commissioners may determine, also a road from the
center of 32 to the Manhattan-Logan Road north or east.
(Meet at Manhattan, 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 Jas. H. Lemons, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the 15th 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. **Jas. H. Lemons,**

You are hereby notified that you were duly appointed Road Viewer by
the Board of County Commissioners of Gallatin County, Montana, on the **15th** day of
August 19 **16**, to view and lay out a proposed road, as prayed for in the petition of
A. T. Rutledge and others, described as follows, to-wit:

Beginning at the W $\frac{1}{2}$ Corner of Sec. 32, Twn. 2N-Range 3E; thence three and one-half miles south on section lines; thence one mile east and one mile west connecting up with road system already built. Said right of way to be from 40 feet wide as the Commissioners may determine; also a road from the center of 32 to the Manhattan-Logan Road north or east

(Meet at Manhattan, 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 Chas. Scollard**, who were duly appointed as Viewers on said road by the Board of County Commissioners on the **15th** 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. 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 15th day of
August 19 16, to view and lay out a proposed road, as prayed for in the petition of

A. T. Rutledge and others, described as follows, to-wit:

Beginning at the W corner of Sec. 32, Twn. 2N-Range 3E; thence three and one-half miles south on section lines; thence one mile east and one mile west connecting up with road system already built. Said right of way to be from 40 feet wide as the Commissioners may determine; also a road from the center of 32 to the Manhattan-Logan Road north or east.

(Meet at Manhattan, Montana)

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with Jas. H. Lemons and Chas. Scollard, who were duly appointed as Viewers on said road by the Board of County Commissioners on the 15th 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.

Report of Road Viewers

ROAD PETITION NO. 476

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

We, the undersigned, Leed M. Brown, E. V. Scollard and

Geo. H. Lummus, appointed to view a proposed

runing from a joint in the present county road where the same crosses the east and west
center line of section 32 T. 2 N. R. 3 E. thence west to the west line of said section 32
thence north to the S.W. corner of section 17, T. 1 N. R. 3 E. thence west one mile
also east one mile from the southwest corner of said section 17.

as described in Petition No. 476, state, that on the 15th 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: We recommend that the course as described in the petition

be followed with the following exceptions:

That in the north east quarter of section 32 T. 1 N. R. 3 E.
the road be built west of the Mearns spring canal following the
gulch to make a good grade, and that steps be taken to secure this
right of way from the State of Montana at once.

That near the S.W. corner of section 18, T. 1 N. R. 3 E. that the road
swing up the gulch on section 19 and down the gulch on section 18 to
get a better grade.

That at the crossing of the Moreland canal the road be built
above the canal where the same runs east and west and not below
the canal. The cost for a good passable road will be about \$700⁰⁰

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 to the owners of the right of way are more than equal
to the damages, and no damages should be allowed.

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

All are given in the petition.

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 excepting from the State of Massachusetts.

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 no change except those mentioned in #1.

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 *August 15th*, 191*6*

Fred M. Brown
C. V. Sullard
Samuel H. Linnell } 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

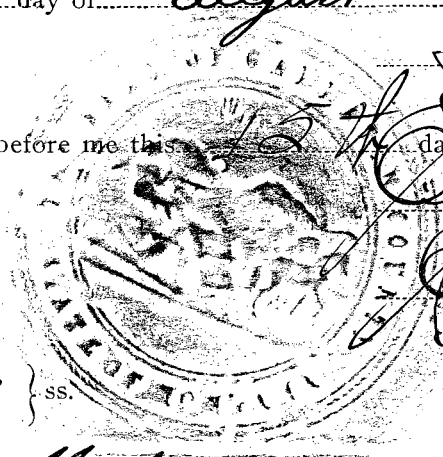
County road, from the corner of sections 17, 18, 19 & 20 T. 1 N. R. 3 E. thence North following the section line to intersect with the present county road where the same corner the line of section 31 & 32 T. 2 N. R. 3 E.

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

Dated this 15th day of August, 1916

Fred M. Brown
County Surveyor

Sworn and subscribed to before me this 15th day of August, 1916



J. H. Chapman
Clerk and Recorder

R. R. Rife
Deputy

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

C. V. Scotland and J. H. Lemons

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 corner of sections 17, 18, 19 & 20 T. 1 N. R. 3 E. thence North following the section line to intersect with the present county road where the same corner the line of section 31 & 32 T. 2 N. R. 3 E.

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

C. V. Scotland

Sworn and subscribed to before me this 15th day of August, 1916

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.

See petition for signatures

Viewers' Report

Road Petition No. 478

VIEWERS

Fred M. Brown
C. V. Scotland
Geo. H. Lummus

STATE OF MONTANA, } ss.
County of Gallatin,

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

14th day of *August*, 191*6*,

at *11:15* o'clock *P*. M.

C. H. Church
County Clerk and Recorder

By *C. H. Church* Deputy

February 1, 1917.


Mr. E. M. Ferris,
Bozeman Montana.

Dear Sir:-

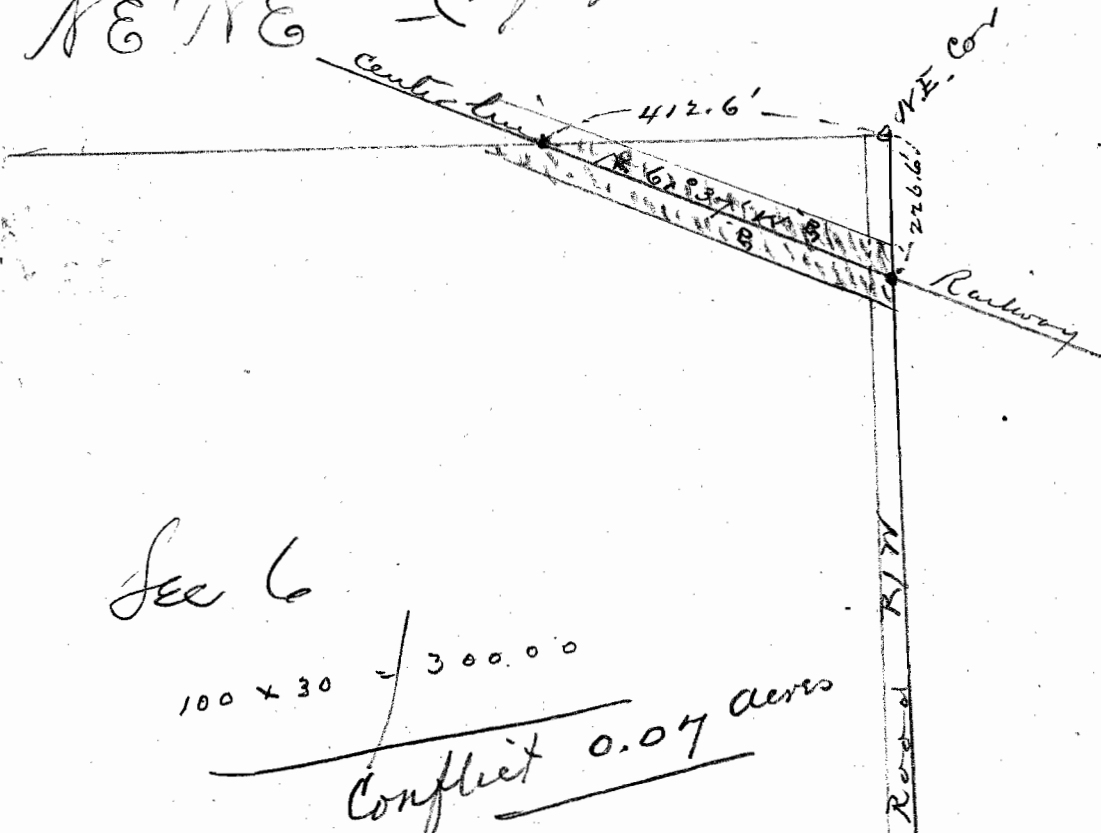
I inclose herewith a release for
the right of way for the proposed road south west of Manhattan.
Before we can secure this right of way from the State we must
show a release from you as the leasee.
I wish you would sign and return at you convenience.

Yours very truly,

County Surveyor.


County Surveyor

on plat
Shows conflict with R/W of
Gallatin Valley Elec Ry
NE + NE + (Right of Way deed D-43)



See 6

November 14th-1917.

Manhattan Company,
Geo. M. Lewis,
Manhattan, Montana.

Dear Sir:-

In a petition for a road filed August 8th, 1916, by A. T. Rutledge et al, you agree to give a fenced right-of-way along the west line of Section 5, Twp. 1 N, Range 3 East and along the west line of Section 32, Twp. 2 N., Range 3 East. Gallatin County expects to work this road early next spring and the Commissioners have asked me to request you to fence this right-of-way this fall if possible.

Yours very truly,

County Surveyor.

November 14th-1917.

Mr. E. M. Ferris,
Bozeman, Montana.

Dear Sir:-

In a petition for a road filed August 8th, 1916, by A. T. Rutledge et al, you agree to give a fenced right-of-way along the East line of Section 6, Twp. 1 N, Range 5 East, and along the East line of Section 31, Twp. 2 N, Range 3 East. Callatin County expects to work this road early next spring and the Commissioners have asked me to request you to fence this right-of-way this fall if possible.

Yours very truly,

County Surveyor

November 14th-1917

Mr. A. T. Rutledge,
Bozeman, Montana.

Dear Sir:-

In a petition for a road filed August 8th, 1916, by yourself et al, you agree to give a fenced right-of-way along the West line of Section 8, Twp. 1 N, Range 3 East. Gallatin County expects to work this road early next spring and the Commissioners have asked me to request you to fence this right-of-way this fall if possible.

Yours very truly,

County Surveyor.

November 14th-1917

Mr. Fred B. Williams,
Bozeman, Montana.

Dear Sir:-

In a petition for a road filed August 8th, 1916, by A. T. Rutledge et al, you agree to give a fenced right-of-way along the North line of Section 19, Twp. 1 North, Range 3 East. Gallatin County expects to work this road immediately and the Commissioners request that you set your fence back at the earliest possible date.

Yours very truly,

County Surveyor.

November 14th-1917

Mr. Matt Zimmerman,
Manhattan, Montana.

Dear Sir:-

In a petition for a road filed August 8th, 1916, by A. T. Rutledge et al, you agree to give a fenced right-of-way along the South line of SE $\frac{1}{4}$, east line of NE $\frac{1}{4}$, Section 18, Twp. 1 North, Range 3 East.

Gallatin County expects to begin work on this road immediately and the Commissioners request that you set your fence back at the earliest possible date.

Yours very truly,

County Surveyor

Manhattan, Mont.

Nov. 17, 1917

Mr. Fred Brown,
Bozeman, Mont.

Dear Sir -

I don't
know nothing about that
road. This is the first I
heard about it. You asked
me about the rightway I
don't give know right way.

Yours Truly,
Matt Zimmerman

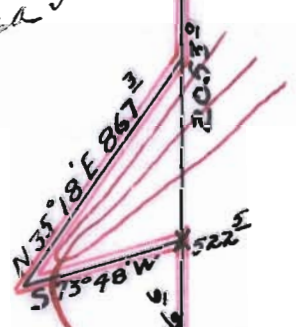
SEP 15 1918

Gallatin Valley 20 x 100' of Acres

Charred plug in fence line

356 ac

Net Area 356 A.



6 x 9 post

6

5

State of Montana)
County of Gallatin) SS

I, Fred M. Brown, County Surveyor of Gallatin County, do hereby certify that this plat is a true and accurate copy of the field notes of a survey actually made, showing the location of a public highwat for whic Right of Way is desired.

Fred M. Brown

Subscribed and sworn to before me this 1st day of February A.D. 1917.

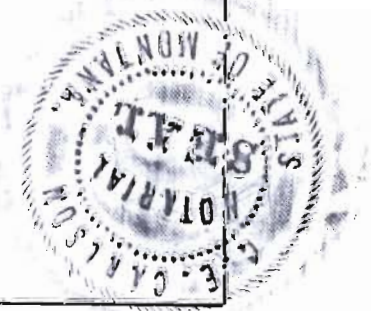
18 1/2 ac

182 A.

2638 8
Road 60' wide

[Signature]

NOTARY PUBLIC for the State of Montana,
Residing at Three Forks, Montana.
My commission expires August 5th, 1918



TIN-R3E

Plug in ground - 80' east of top of bank of canal.

PROPOSED ROAD WEST OF MANHATTAN-MONT.

*Fred M. Brown
Engr.*

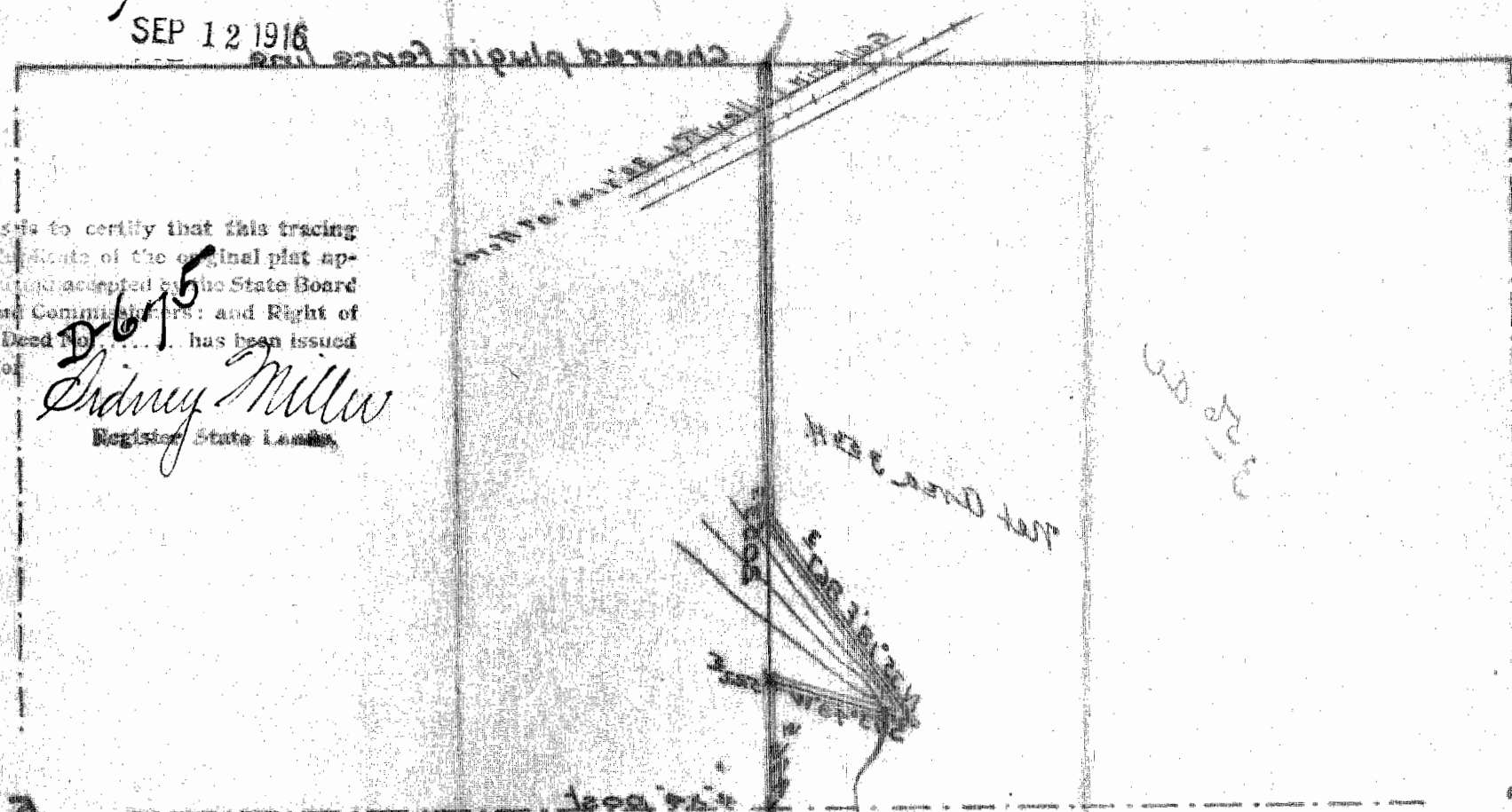
Way Application

No. 931

SEP 12 1916

This is to certify that this tracing is a duplicate of the original plat approved and accepted by the State Board of Land Commissioners and Right of Way Deed No. 1000 has been issued therefor

Edwin Miller
Register State Lands



I, Fred M. Brown, County Surveyor of Gallatin County, do hereby certify that this plat is a true and accurate copy of the field notes of a survey actually made, showing the location of a public highway for which right of way is desired.

Fred M. Brown
Subscribed and sworn to before me this 1st day of February A.D. 1917.

NOTARY PUBLIC FOR THE STATE OF MONTANA
My Commission Expires August 2nd 1918



Plat in ground - 50 feet
of the road of canal

TIN-32E

PROPOSED ROAD
WEST OF
MANHATTAN-MONT.
Fred M. Brown
Co. Supt.

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 8/9 1916
(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.

CO Sealed
(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 sec. 935, 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 8/9 1916
(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 H Lewis
(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 sec. 935, 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.

INFORMATION.

To obtain a receipt showing delivery, indorse the article, across its face, "Receipt desired." A check mark (✓) or (V) in the space after the words "Receipt desired," the letter "A," in the space after the words "Delivery restricted to addressee in person," or the letter "O" after the words "Delivery restricted to addressee or order," indicates that a return receipt is desired, or that delivery is restricted as stated. The absence of a check mark or of the letters "A," and "O," indicates that no return receipt is desired and that delivery is not restricted.

Letter Parcel No. 417

P. O., Bozeman, Mont.

Received for registration AUG 2 1916, 1916, from

addressed to Go Gersh, Bozeman, Mont

Receipt desired Delivery restricted } To addressee in person }
(See printed information on this receipt.) } To addressee or order }

class postage prepaid.

Postmaster, per J

INFORMATION.

To obtain a receipt showing delivery, indorse the article, across its face, "Receipt desired." A check mark (✓) or (V) in the space after the words "Receipt desired," the letter "A," in the space after the words "Delivery restricted to addressee in person," or the letter "O" after the words "Delivery restricted to addressee or order," indicates that a return receipt is desired, or that delivery is restricted as stated. The absence of a check mark or of the letters "A," and "O," indicates that no return receipt is desired and that delivery is not restricted.

Letter Parcel No. 418

P. O., Bozeman, Mont

Received for registration AUG 8 1916, 1916, from

addressed to Go Gersh, Bozeman, Mont

Receipt desired Delivery restricted } To addressee in person }
(See printed information on this receipt.) } To addressee or order }

class postage prepaid.

Postmaster, per J