

No. of Case *Schultz RD - Genl RD #171*

**GALLATIN COUNTY,
DISTRICT COURT,
NINTH JUDICIAL DISTRICT,
STATE OF MONTANA.**

*Papers of road petitioned
for by P. W. Schultz
etal 1894*

Plaintiff .
vs.

Defendant .

Action for

Attorney for Plaintiff .

Attorney for Defendant .

PETITION FOR ROAD.

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

The undersigned, your petitioners, citizens of the United States, respectfully show and represent that they are fresholders of Road District No. 13 in the County of Gallatin, in the State of Montana, and taxable therein for road purposes; that they reside in the vicinity of the road hereinafter petitioned for; that the proposed road will be a public convenience, and we think the public good requires it.

Your petitioners respectfully ask your Honorable Body to lay out, locate and establish a County road sixty feet wide, in said road district, to be a public highway therein, and show:

(a). The general route of the proposed road. (b). Over what lands it is proposed to be established. (c). Who are the owners thereof. (d). Whether such of them as can be found consent thereto. (e). Who of them do not consent. (f). The probable cost of the right of way where such consent is not had. (g). The necessity for and the advantages of the proposed road, as follows, to-wit:

(a) Commencing at the center of Sec. 29 on the Salesville + Beyer road running South on quarter line to south line of said section then South East to center of North East quarter of Section thirty two then south Eighty rods intersecting the road as now located.

(b) Over lands in Sections 29 + 32 of Town 2 South Range 5 East

(c) The owners of the lands are Samuel Hobbs D O Holland F C Schully H. A. Gant and Geo. R. Nichols

(d) Schully Holland & Hobbs consent.

(e) Gant & Nichols do not consent.

(f) Probable cost of right of way \$50.00

(g) The advantage of the proposed is to get the road now running almost parallel changed to better ground for a road and more direct to the school house and all sections of country reached by the road as it now exists

NAMES:

NAMES:

1 *F. C. Schully*

2 *D. B. Grodivent*

3 *D. O. Holland*

4 *E. Adams*

5 *Saml Hobbs*

6 *Wm Kent*

7 *P. Blankenship*

8 *David Judoo*

9 *Wm Blain*

10 *A. R. Williams*

W. J. Foster

N. H. Hawless

W. B. Reid

*214
13*

FILED

SEP 8 1896

County Clerk.

The within petition is hereby approved and the following Free Holders residents of Gallatin County, to wit: Theo Norman, John Ingram, and C.M.

Thorpe, are hereby appointed to view the within described proposed road on the 30th day of September 1896, Meeting at the place named in the petition as the starting point of the proposed road, on the said date, viewing and filing a report of their proceedings in the manner prescribed by law.

By order of the Board of Commissioners.

(To post notices, John Ingram.)

Geo W. Ellis
Geo W. Ellis
Chairman.

WARRANT FOR ROAD VIEWERS.

County Clerk's Office,
Gallatin County, Mont.)

Mr. C. M. Thorpe You are hereby notified that
Thos. Norman, John Ingram and yourself were duly appointed Road
Viewers, by the Honorable Board of County Commissioners of Gallatin County, Montana, at their
September term, A. D., 1896, to view and lay out a proposed road, as prayed for in the petition of
F. C. Schuttz et al and others, described as follows, to-wit:

Beginning at the center of Sec. 29. on the Salesville road to Bozeman
running South on quarter line to south line of said Section -thence
South East to center of North East quarter of Section 32.-thence
South eighty rods intersecting the road as now located.

All of the proposed road over lands in Sections 29, 30, 31, 32, 33, 34, 35, 36.

You are hereby ordered to meet, be sworn according to law and assume the duties of your office on the
30th day of September, 1896, 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 term-
inus named in said petition, by the most practicable 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 practicable, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand and affix my official seal, at my

office this 16th day of September 1896

Walter H. Gales
County Clerk,
By E. H. Schumacher
Deputy.



OATH OF ROAD VIEWERS.

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

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

John T. Ingram

Subscribed and sworn to before me this 30th day
of September 1896

C. M. Thorpe

County Surrogate

This must be returned to the County Clerk after execution.

OATH OF ROAD VIEWERS.

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

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

C. M. Thorpe

Subscribed and sworn to before me this 29th day
of September 1896

Walter H. Sales, County Clerk

Ray W. T. Peck, Deputy

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

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

WE, the undersigned Road Viewers, appointed by the Board of County Commissioners, at the September Term of said Board to view a proposed road running from the center of Sec. 29 T.2S. R.5E. on the Saltmill road to Bogman to the S.E. corner of S.W. 1/4 of N.E. 1/4 of Sec. 32 T.2S. R.5E. say, That on the 30th day of September, 1896, we started from the above described point the place designated in the petition as the starting point of such proposed road and proceeded to view and lay out the same, and submit the following report:

1. The course, termini, length and probable cost of constructing the proposed road, as follows:

The course of the proposed road from the above starting point is with 30 ft thence south parallel with the east line of the S.W. 1/4 of said Sec. 29 to a point 30 ft west of the S.E. corner thence south easterly to center of N.E. 1/4 of Sec. 32 T.2S. R.5E. thence south 80 rods to S.E. corner of S.W. 1/4 of N.E. 1/4 of said Sec. 32. The length of proposed road is about 1 1/8 miles & the probable cost of constructing that proposed road is \$100.00

2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows: In all cases the benefit equid the damages.

3. The names of land owners who consent to give the right of way, and we hereto attach their written consent, as follows: Saml. Hobbs, owner of part of S.W. 1/4 of said 29

D.O. Holland owner of part of S.W. 1/4 of said Sec. 29. F.C. Shultz,
owner of N.E. 1/4 of Sec. 32 T.2S. R.5E except S.W. 1/4 of same.
for the land owned by H.O. Gault, the same being the S.W. 1/4 of the N.E. 1/4 of Sec. 32 the road is now open & traveled, the fence having been set back 30 ft.

4. The names of land owners who do not consent and the amount of damages claimed by each, as follows: As H.O. Gault had already opened the road for travel we did not consider it necessary to obtain a written consent from him.

5. The following facts bearing upon the subject, which may be of importance to the Board: As the old road runs near the west fork of Middle creek much trouble is encountered during the winter from flooding & freezing which will be avoided by the proposed road as the same is on higher and better ground. The proposed road is a shorter and more direct road to Bogman.

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

Dated Nov 4th, A. D., 1896

C. M. Thorpe
J. W. T. Dargatzis } Road Viewers.

Sept. 30th 1896

I hereby agree to give the right of way 60 feet in width for a County road, off the east side of the south west 1/4 of section 29 T.2 S. R.5 E. along the portion owned by me, and I further agree to mow and build all fences required, without expense to the County.

D. O. Hollister

Sept. 30 1896

I hereby agree to give the right of way 60 feet in width for a County road, off the east side of the south west 1/4 of section 29 T.2 S. R.5 E. along the portion of said 1/4 section owned by me.

I further agree to mow and build all fences ^{along said road on my land} required, without expense to the County.

Samuel Hobby

Sept. 30th 1896

I hereby consent to give the right of way for a County road 60 feet in width, running ^{in point 30th of day} from the north 1/4 sec corner of section 32 T.2 S. R.5 E. south westerly to the center of the N.E. 1/4 of said section 32 also to give a strip 30 feet in width the same to be one half of the right of way for the proposed County road, off the west side of the S.E. 1/4 of N.E. 1/4 of said sec. 32 I further agree to build and mow all fences required on my land without expense to the County.

C. C. Chisley

RETURN OF SHERIFF.

Office of the Sheriff
of Gallatin County, Mont. }

I hereby certify that I received the within warrant on the 16th day of September, 1896, and personally served the same on the 21st day of September, 1896, upon Ed M Thorne Theo Norman, and John Ingram, by delivering to each of them a true copy of such warrant.

White-Caldwell
Sheriff,

By _____
Under Sheriff.

Dated Nov. 10th, 1896

Deputy Road

~~FILED~~

~~SEP 29 1896~~

~~County Clerk.~~
~~W. M. Reek~~
~~Deputy~~

FILED

NOV 5 1896

Walter H. Drake
County Clerk.

By W. M. Reek

Petition not

The within is allowed in

Board of the Board, this 12th

day of Dec. 1896

Geo. N. Casperson,

County Clerk.

Warrant for Road Viewers.

~~FILED~~

~~NOV 12 1896~~

~~County Clerk.~~

Filed Nov 11 1896

Walter H. Drake
County Clerk.

By _____
Deputy.