

COMMISSIONERS MINUTE BOOK

of the Revised Codes of Montana, 1921, the only bid received being the bid of the Independent Observer as follows:

1.--For publishing the minutes of the proceedings of the county board as they shall be submitted for publication by the county clerk, sixty per cent of the statutory price. For all other proceedings and advertisements as required by law, 90 per cent of the statutory price.

2. For all letter heads, envelopes, bill heads, legal blanks, statements, the statutory price.

3. For all claim blanks, tax and license receipts, lithographed warrants, tally books, poll books, precinct registers, precinct copy and check lists and instructions to voters, registration cards, ballots; assessment lists, blank books and record books that may be made to order, ninety per cent of the statutory price.

On motion of Commissioner Bruner, seconded by Commissioner Withrow, said bid was accepted for a period of 1 year from the first day of April, 1928, conditioned upon the signing of a contract in accordance with above bid and the furnishing of a bond in the sum of \$1500.00. The Chairman of the Board, attested by the County Clerk, was authorized and directed to enter into a contract as above.

On motion of Commissioner Withrow, seconded by Commissioner Bruner, duly carried, the allowance of Francis Anderson from the Poor Fund was increased from \$75.00 to \$100.00 per month.

An examination of the bonds and collateral security of the various banks in Pondera County covering funds on deposit, was made and approved.

On motion of Commissioner Bruner, seconded by Commissioner Withrow, the County Treasurer was authorized and directed to cancel, as paid in full, the following seed liens:

- |                           |                     |
|---------------------------|---------------------|
| Herman Kaptain            | J. M. Robinson      |
| C. Stuart                 | Nat Wheeler         |
| L. C. & Minnie B. Leavitt | Chas. E. Stuart     |
| Imogene Munyon            | Ray Russell         |
| Anton O. Dyrud            | Robert J. Tideman   |
| N. L. Hill                | Henry Keil          |
| Albert Yack               | Frank Floerchinger  |
| P. J. Anderson            | Anna Stordhal       |
| James Stanton             | Augusta Linden      |
| Albert M. Peterson        | R. M. Fladstol      |
| J. C. O'Brien             | Eva Munyon          |
| Joe O. Tatman             | L. Florshinger      |
| Ed O'Brien                | John B. Ellings     |
| J. P. Armstrong           | Carl G. Soddenberg  |
| C. H. Higgins             | O. F. Gollehon      |
| Hugh Brown                | J. A. Earhart       |
| Bert Berghouse            | Wm. R. Gauld        |
| Fred Bechtold             | Geo. Broesder       |
| Jacob Tornga              | L. E. Bliss         |
| Ray A. Russell            | S. E. Iverson       |
| J. L. Copenhaver          | Sam Morgan          |
| Sam Johnson               | Joseph Fitzpatrick  |
| J. B. Miller              | Ed Dunn             |
| Torkel Johnson            | Abraham G. Smith    |
| Martin G. Hofland         | Peter Fitzpatrick   |
| E. L. Marriott            | Frank Van der Woude |
| Albert Miller             |                     |

On motion of Commissioner Bruner, seconded by Commissioner Withrow, duly carried, Seed Lien No. 7444 was ordered released insofar as same applies to the northwest quarter of the northwest quarter of section 32, township 29 north, range 5 west, otherwise to remain in full force and effect. The Chairman of the Board, attested by the County Clerk was authorized and directed to execute release.

April 4 being the date set for the hearing and verifying signatures to Herd District No. 5 and it appearing upon examination of said petitions that the signers to said petition contained more than 55% of the owners and possessors of the land embraced in said petition and that more than 25% of said land is under cultivation. on motion of Commissioner

## PONDERA COUNTY, MONTANA

Withrow, seconded by Commissioner Bruner, said Herd District was ordered created, said district to be in effect from and after May 20, 1928 after publication for 4 issues in the Conrad Independent Observer as required by law, said district to be effective from April 15 to November 15 of each hereafter, the lands in the said district being described as follows, to-wit:

Commencing at one-half mile stone on north side of Section Twenty-four (24) Township Twenty-eight (28) North, Range Three West, to a due easterly direction, along the Section line, a distance of twelve and one-half miles to the Northeast of Section Twenty-four (24) Township Twenty-eight (28) North, Range One (1) West, Montana Meridian, Montana; thence due south along said section, and Township line, a distance of three and one-half miles to the half-mile stone on Section One (1); Township Twenty-seven (27) North, Range One (1) West; thence due west one-half mile, to the center of Section One (1), said Township and Range; thence due South one-fourth mile; thence due west along the Forty line a distance of one and one-fourth miles to the center of the Southwest quarter of Section Two (2), said Township and Range; thence due south one-fourth mile to the section line; thence due west one-fourth mile along the section line to the Southwest of Section Two (2) said Township and Range; thence due South along the Section line a distance of one mile to the Southeast of Section Ten (10), said Township and Range; thence due West along the section line, a distance of two miles and three-fourths to the Forty corner in the middle of the south line of the Southwest quarter ( $SW\frac{1}{4}$ ) of Section Eight (8), said Township and Range; thence South one-fourth mile; thence west one-fourth mile; thence due South three-fourths mile along the section line to the Southeast of Section Eighteen (18), said Township and Range; thence due West along the section line, a distance of One mile to the Southwest corner of Section Eighteen (18) said Township and Range; thence due South one-fourth mile on said section line; thence due West along the Forty line, a distance of three miles to the forty corner at the middle of the West side of the Northwest quarter ( $NW\frac{1}{4}$ ) of Section Twenty-two (22), Township Twenty-seven (27) North, Range Two (2) West; thence due North along the section line a distance of One and one-fourth mile to the Northeast corner of Section Sixteen (16), of said Township and Range; thence due West along the Section line a distance of Two miles to the Southwest of Section Eight (8), of said Township and Range; thence due North along the section line, a distance of one mile and one-half to the half mile stone on the West side of Section Five (5), of said Township and Range; thence due West along the one-half line, a distance of One mile to the one-half mile stone on the West side of Section Six (6), of said Township and Range; thence due North along said Township line, a distance of One-half mile to the Southeast corner of Section Thirty-six (36), Township Twenty-eight (28), North, Range Three (3) West; thence due West along the Section line, a distance of One-half mile to the One-half mile corner on the south of Section Thirty-six (36); thence due North along the one-half line, a distance of three miles to the one-half mile stone, on the North side of Section Twenty-four (24), Township Twenty-eight (28) North, Range Three (3) West, Montana Meridian, Montana, being the point of beginning.

On motion of Commissioner Bruner, seconded by Commissioner Withrow, Seed Grain Contract No. 7370 was ordered partially satisfied insofar as same applies to the east half of the southwest quarter of section 28, township 29 north, range 5 west, otherwise to remain in full force and effect, it appearing that Edward W. Johnson, the signer of said Seed Grain Contract, is not now nor at any time, the owner of said land and therefore erroneous. The Chairman of the Board, attested by the County Clerk, was authorized and directed to

# COMMISSIONERS MINUTE BOOK

consent of all owners with the exception of the State of Montana, Commissioner Withrow and County Surveyor, M. S. Darling were appointed as road viewers and viewers, after examining the said road made a favorable report.

On motion of Commissioner Bruner, seconded by Commissioner Kathan, said road report was accepted and the road declared open and County Attorney R. M. Hattersley was instructed to secure the right-of-way from the State of Montana, in accordance with the Codes of Montana, covering right-of-ways on state land.

Petition having been presented for the inclusion in Herd District No. 5 of the following described land, August 6th, 1928 was appointed as the day for examining of said petition and the hearing of protests against the enlargement of Herd District No. 5. Said land asked to be embraced in Herd District No. 5 being described as follows, to-wit:

Commencing at the Northwest Corner of Section Thirty (30), Township Twenty-eight (28) North, Range One (1) East, Montana Meridian; thence due East along the Section Line three and one-half ( $3\frac{1}{2}$ ) miles to the South quarter corner of the South line of Section Twenty-two (22), said Township and Range; thence due north one-fourth ( $\frac{1}{4}$ ) mile; thence due East One and one-half ( $1\frac{1}{2}$ ) miles to the West Section Line of Section Twenty-four (24), said Township and Range; thence due South One and one-fourth ( $1\frac{1}{4}$ ) miles to the Southwest corner of Section Twenty-five (25), said Township and Range; thence due East along the Section line One (1) mile to the Northeast corner of Section Thirty-six (36), said Township and Range; thence due South along the section line one (1) mile to the Southeast corner of said Section Thirty-six (36); thence due West along the Township line a distance of Six (6) miles to the Southwest corner of Section Thirty-one (31), said Township and Range; thence due North along the Township line, a distance of Two (2) miles to the place of beginning.

On motion of Commissioner Kathan, seconded by Commissioner Bruner, and on the recommendation of F. D. Kingsbury, County Treasurer, an abatement of penalty was ordered as applying to delinquent personal in the sum of \$33.74, same being an abatement as applies on person<sup>al</sup>/tax as figured on the 1926 tax levy instead of the 1927, said abatement being referred to the application as more particularly appears on file in the office of the County Clerk and Recorder.

The following bills were presented and allowed:

| GENERAL FUND                                     |        |   |
|--|--------|---|
|  | Salary | May, 1928                                   |
| Margaret Embody                                  | "      | Steno. Co. Attorney " 75.00                 |
| E. L. Severtson                                  | "      | Assessor " 150.00                           |
| C. H. Shepherd                                   | "      | Clerk of Dist. Court " 150.00               |
| K. J. Smith                                      | "      | Janitor " 100.00                            |
| Alice Sandknop                                   | "      | Steno. Clerk of Court " 25.00               |
| Genevieve Harrison                               | "      | Steno. Clerk & Recorder " 53.00             |
| Charley Miller                                   | "      | Tax Deed work, Clerk & Recorder " 84.00     |
| Veta Henry                                       | "      | Clerk in Clerk & Recorder's Office " 100.00 |
| Avelyn Kepple                                    | "      | Deputy-Recorder " 137.50                    |
| Rose J. Robertson                                | "      | County Supt. " 150.00                       |
| Gertrude Gourley                                 | "      | Steno. County Supt. " 90.00                 |
| Farmers State Bank, assignee, Frank C. Strecker, | "      | Deputy Assessor 137.50                      |
| Farmers St. Bk., assignee, R. M. Hattersley      | "      | County Attorney " 75.00                     |
| Farmers St. Bk., assignee C. M. Embody           | "      | Sheriff " 187.50                            |
| A. C. Hammer                                     | "      | Deputy-Sheriff " 137.50                     |
| E. D. Furstnow                                   | "      | Under Sheriff " 150.00                      |
| Willis Wilcox, assignee, O. L. Erickson          | "      | Deputy-Sheriff " 137.50                     |
| A. P. Anderson                                   | "      | Deputy-Sheriff " 25.00                      |
| Farmers St. Bk., assignee C. W. Kepple           | "      | Clerk & Recorder " 166.66                   |
| Lyda Alquist                                     | "      | Steno. Co. Agent " 100.00                   |
| A. C. Peterson                                   | "      | County Agent " 100.00                       |
| J. O. Distad                                     | "      | Clerk in Assessor's Office " 72.58          |
| F. D. Kingsbury                                  | "      | County Treasurer " 166.66                   |
| Louise Kingsbury                                 | "      | Deputy-Treasurer " 137.50                   |
| H. W. Harris                                     | "      | Tax Deed Work " 125.00                      |

# COMMISSIONERS MINUTE BOOK

Viewers Withrow and Darling, having made a report as to the abandonment of the road described as follows: Beginning at a point on the section line, the north boundary of section 7, township 28 north, range 1 west and section 12, township 28 north, range 2 west, running thence in a southerly direction along the township line a distance of 2 miles to connect with the Conrad-East Road at a point on the section line, the south boundary of Section 18, township 28 north, range 1 west and section 13, township 28 north, range 2 west and petitions having been presented against the abandonment of said road said petition was on motion of Commissioner Bruner, seconded by Commissioner Kathan, disallowed.

August 6, 1928, being the date appointed for the hearing of the enlargement of Herd District No. 5, and there being no objections to the enlargement of said district and it appearing that the signers to said petition contained more than 55% of the owners or possessors of lands included in said petition and that more than 25% of said land was under cultivation, said enlargement of Herd District No. 5 was on motion of Commissioner Kathan, seconded by Commissioner Bruner, duly carried, ordered created. The lands to be included in said Herd District No. 5 being described as follows:

Commencing at the Northwest (NW) Corner of Section Thirty (30), Township Twenty-eight (28) North, Range One (1) East, Montana Meridian; thence due East along the Section Line Three and one-half ( $3\frac{1}{2}$ ) miles to the South quarter corner of the South line of Section Twenty-two (22), said Township and range; thence due north one-fourth ( $\frac{1}{4}$ ) mile; thence due East One and one-half ( $1\frac{1}{2}$ ) miles to the West Section Line of Section Twenty-four (24), said Township and Range; thence due South One and one-fourth ( $1\frac{1}{4}$ ) miles to the Southwest corner of Section Twenty-five (25), said Township and Range; thence due East along the Section line one mile to the Northeast corner of Section Thirty-six, (36), said Township and Range; thence due South along the section line one (1) mile to the Southeast corner of said Section Thirty-six (36); thence due West along the Township line a distance of Six (6) miles to the Southwest Corner of Section Thirty-one (31), said Township and Range; thence due North along the Township line, a distance of Two (2) miles to the place of beginning.

On motion of Commissioner Kathan, seconded by Commissioner Bruner, duly carried, and it appearing from affidavit of the Valier-Montana Land & Water Company that no water stock was appurtenant to the East Half of Section 16, Township 30 North, Range 5 West and it also appearing that said land had been assessed during the years 1924 to 1927 inclusive as partly irrigated land, the taxes applying to said land were ordered changed from irrigated land to non-irrigated land of the same class. The County Treasurer was authorized and directed to change the taxes applying to said land from irrigated to non-irrigated land of the same class.

Application of the First National Bank of Conrad, Montana, for a refund of taxes on account of error in computing the basis for said assessment whereas it should have been assessed on a 7% basis instead of a 40% basis in accordance with recent ruling of the Supreme Court, and on advise of the County Attorney, the County Treasurer was authorized and directed to refund to the First National Bank of Conrad, Montana the sum of \$225.71, same being the difference between assessment on a 7% basis instead of a 40% basis.

The road viewers, Commissioner Withrow and County Surveyor Darling, having filed their report for a road beginning at the quarter corner at the center of the north line of the Northwest Quarter of Section 11, Township 28 North, Range 5 West, thence due South a distance of 1 mile to connect with the Conrad-Dupuyer Road with deviation at south end of proposed road to go around coulee and according to said report all owners of land through which this road passes, consenting except Delia H. Brown Madsen, and it appearing from said report that said road is necessary for the convenience of the petitioners and on motion of Commissioner Bruner, seconded by Commissioner Kathan, the County Attorney was authorized and directed to secure right-of-way from non-consenting owner at what he considers a reasonable price and if unable to secure the right-of-way at a reasonable price is authorized and instructed to start condemnation proceedings to secure the necessary right-of-way.

The contract of Dr. W. F. Paterson as County Physician for the year 1928

ATTEST:

M. C. Wickware  
Clerk of the Board

T. W. Warwick  
Chairman Board of County  
Commissioners, Pondera  
County, Montana.

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MINUTES OF THE SESSION OF THE BOARD OF COUNTY COMMISSIONERS OF PONDERA COUNTY,  
MONTANA, SESSION OF JANUARY 4TH, 5TH, AND 6TH, 1943.

The Board of County Commissioners met in regular session on Monday, January 4th, 1943, and continued in session on Tuesday, January 5th, and Wednesday, January 6th, 1943. Members present: Chairman T. W. Warwick, Commissioner J. L. Copenhaver and Commissioner elect, W. J. Deardorff from 2nd District, was present and having filed his bond and oath of office took his seat. Also present was Clerk of the Board, M. C. Wickware.

MINUTES READ AND APPROVED.

Minutes of the regular meeting of December 6th, 7th, 8th and 9th, and the special meeting of December 16th, 1942, were read and approved.

COUNTY CLERK'S MONTHLY BUDGET REPORT SUBMITTED AND APPROVED.

The County Clerk's monthly budget report was presented, examined and approved.

T. W. WARWICK ELECTED CHAIRMAN OF BOARD.

The election of Chairman of the Board for the ensuing two years was in order and upon motion by Commissioner J. L. Copenhaver, seconded by Commissioner W. J. Deardorff and motion duly carried, T. W. Warwick was elected Chairman of the Board of County Commissioners for Pondera County, Montana, for the term of two (2) years or until the first Monday in January, 1945.

FULL TIME CLOSING OF HERD DISTRICT #5 APPROVED. NOTICE ORDERED PUBLISHED.

Pursuant to an order made by the Board on December 7th, 1942, providing for a hearing on the petition of property owners within Herd District #5, asking that a change to be made in the regulations of said Herd District #5 from a part time to a full year closing and agreeable thereto the date of January 4th, 1943, at 10:00 o'clock A. M., was set for said hearing and this being the date set and no persons appearing to protest against said petition, it was moved by Commissioner Copenhaver, seconded by Commissioner Deardorff, that the request as set forth in said petition be granted, and that proper notice be published in the Independent-Observer, Conrad, Montana, set forth as follows:

NOTICE OF CHANGE IN EFFECTIVE PERIOD  
OF HERD DISTRICT NO. 5, IN PONDERA COUNTY  
MONTANA.

Notice is hereby given that at a meeting of the Board of County Commissioners of Pondera County, Montana held on January 4th, 1943, said Board of County Commissioners made an order changing the period of time during which Herd District #5 in Pondera County, Montana, is effective during each year from the period of time beginning April 15, and ending November 15, in each year to the entire year and notice is hereby given that from and after the fourth publication of this notice, to-wit, January 28th, 1943, said Herd District will be in effect during the entire year in each year.

DATED January 4th, 1943.

ATTEST:

M. C. Wickware  
Clerk

BOARD OF COUNTY COMMISSIONERS  
OF PONDERA COUNTY, MONTANA

By T. W. Warwick Chairman

COMMISSIONERS MINUTE BOOK

AFFIDAVIT OF POSTING.

Affidavit of posting of notices by M. C. Wickware, County Clerk and Recorder with reference to Herd District #5 as follows:

AFFIDAVIT

STATE OF MONTANA )  
                          ) ss.  
County of Pondera )

M. C. WICKWARE, being first duly sworn deposes and says that he is the County Clerk and Recorder of Pondera County, Montana, and that he did cause to be posted in five (5) places in Pondera County, Montana, notices of which the annexed is a full, true and correct copy, as follows:

- One (1) notice in the lobby of the Court House in Conrad, Pondera County, Montana.
- Two (2) notices within the boundaries of the Herd District No. 5.
- Two (2) notices in the City of Conrad, Montana.

DATED this 10th day of December, 1942.

M. C. Wickware

SUBSCRIBED AND SWORN to before me this 10th day of December, 1942.

D. W. Doyle  
Notary Public for the State of Montana  
Residing at Conrad, Montana  
My Commission expires March 11, 1944.

Motion made and seconded that said affidavit be placed on file.

CERTIFICATE OF POSTING OF SPECIAL MEETING OF BOARD OF COUNTY COMMISSIONERS.

Certificate of posting of notices for Special Meeting of the Board as follows:

CERTIFICATE OF POSTING OF NOTICES OF THE  
SPECIAL SESSION OF THE BOARD OF COUNTY  
COMMISSIONERS OF PONDERA COUNTY, MONTANA,  
HELD ON WEDNESDAY, DECEMBER 16th, 1942.

STATE OF MONTANA )  
                          ) ss.  
COUNTY OF PONDERA )

I, M. C. Wickware, the duly elected, qualified, and acting County Clerk of the County of Pondera and State of Montana, and Ex-officio Clerk of the Board of County Commissioners of Pondera County, Montana, do hereby certify that I posted the notice of the special session of the Board of County Commissioners of Pondera County, Montana, to which this said certificate is attached, in three (3) conspicuous public places in Pondera County, on the date of December 10, A. D. 1942.

Said notices being posted in locations as follows:

One notice on the bulletin board in the Court House lobby in the city of Conrad, the County Seat of Pondera County, Montana; One notice on the sign-board adjoining the tennis court on Fourth Avenue in the City of Conrad, Montana; One notice on the telephone pole, located at the Southwest corner of the intersection of Front Street and Fourth Avenue, in the City of Conrad, Montana.

Signed: M. C. Wickware  
M. C. Wickware, County Clerk &  
Ex-officio Clerk of the Board  
of County Commissioners of Pondera  
County, Montana.

Dated at Conrad, the County Seat of Pondera County, Montana, this 10th day of December, A. D. 1942.