

No. of Case *Road* 115.

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

*"Sauborn" Road.*  
*Manhattan.*

FILED

SEP 13 1897

Plaintiff

*Edw. M. Vaughn*  
County Clerk

*July 23rd*

Defendant

*motion for The within Petition was examined.  
Road Viennas report accepted and adopted  
and Road ordered opened.  
By order of the Board  
this 24th day of Sept. 97. J. H. Ellis  
Chairman  
Ed. Schumacher Rep. Clerk*

Attorney for Plaintiff

Attorney for Defendant

# PETITION FOR ROAD.

*County Surveyor and*  
To the Honorable Board of County Commissioners, Gallatin County,  
Montana:

The Undersigned, your petitioners, citizens of the United States, respectfully show and represent that they are ~~Householders~~ <sup>Residents</sup> of the County of Gallatin, in the State of Montana, and ~~that they reside in~~ <sup>of the county</sup> the vicinity where the road hereafter petitioned for is to be located, laid out and established if this petition be granted. That the proposed road will be a public convenience, and we think, the public good requires it.

Your petitioners do respectfully ask and petition your ~~Honorable Body to lay out, locate and~~ <sup>that</sup> ~~establish~~ <sup>be laid out, located and established</sup> a County road, ~~sixty~~ <sup>30</sup> feet in width, to be a public highway, as follows, viz: Commencing, at starting point of such road, at *the West 1/4 Sec. Cor. of section 23*  
*T. 1 N. R. 3 E. thence due east along the*  
*1/4 section line of said section 23, to the*  
*country as laid out on the East 1/2 of said*  
*section.*

## NAMES.

*B. F. Santom*  
*Walter Edwards*  
*R. B. Chisholm*  
*M. S. Army*  
*E. Vaughn*  
*Frank S. Morris*  
*Thos. Murphy*  
*Geo. Ed. Murphy*

## NAMES.

*Harry O. Hite*  
*J. K. R. R. R.*  
*Chas. Vaughan*  
*J. R. R.*  
*Chas. R. R.*

Office of County Surveyor, Gallatin County Montana.

To the Honorable Board of Commissioners, Gallatin County Montana.

Gentlemen:

In pursuance of an Act of the Fifth Legislative Assembly of the State of Montana, I have the honor to submit herewith, the following papers in the matter of the petition of B. F. Sahborn et al. for a County road to the Cemetery at Manhattan.

First: The petition, with communication in reference to the same.

Second: Notice to the Chairman of the Board to appoint a viewer and the appointment of the same.

Third: Copy of warrants to viewers with registered letter receipts showing that the same had been duly received.

Fourth, Sworn proof of posting notices with copy attached.

Fifth: Oath of road viewers.

Sixth: Report of road viewers and consent of land owners to charge where given.

I hereby certify, that a like copy of the viewers notice was posted at the County Clerks Office on the 6th day of July 1897. All matters relating to the above road will be found in the papers hereto attached.

I have no suggestions to make, other than those embodied in the report of the viewers.

Respectfully Submitted,

C. M. Thorpe

County Surveyor.

Office Of County Surveyor, Gallatin County, Montana.

*Mr. Geo. W. Ellis*

Chairman, Board of Commissioners, Gallatin County, Montana.

Dear Sir:-

You are hereby given notice, that a petition for a County road has been received, in this office, signed by Mr. *B. J. Sanford* and *12* other residents of road district No. *2* through which district said proposed road is to run. Said road to commence at

*The N.W. corner of Sec. 23 T.1 N. R.3 E.*

~~and terminate at~~ *The Cemetery as laid out on the E/2 of said Section* You are hereby requested to appoint a viewer on the above proposed road.

Yours Respectfully,

*C. M. Thorpe*

County Surveyor.

Dated at Bozeman, Montana, this *17<sup>th</sup>* day of *June*, 1897.

Office of Board of Commissioners, Gallatin County, Montana.

Mr. *C. M. Thorpe*

County Surveyor, Gallatin County, Montana.

Dear Sir:-

In pursuance of the above notice, I hereby appoint Mr. *M. D. Leadbeater* to act on behalf of the Board of Commissioners, as a viewer on the above petitioned for road.

Yours Respectfully,

*Geo. W. Ellis*

Chairman, Board Of Commissioners, Gallatin County, Montana.

Dated at Bozeman Montana, this *19<sup>th</sup>* day of *June*, 1897.

State of Montana  
County of Gallatin 1<sup>55</sup>

B. F. Sanborn being first duly sworn deposes and says that on the 19<sup>th</sup> day of June AD 1897 he was appointed Road Viewer to lay out and view a proposed road described as follows to wit: Commencing at the west one fourth  $\frac{1}{4}$  Section corner of Section Twenty Three (23) Township one North Range Three East. Thence due east along the one fourth  $\frac{1}{4}$  Section line of said Section 23 to the Cemetery as laid out on the East  $\frac{1}{2}$  of said Section the said B. F. Sanborn further deposes and says on his oath that on the 9<sup>th</sup> day of July he posted two notices of the above described road, at the following points, to wit: One at the NW  $\frac{1}{4}$  Section Corner of Sec 23 T1N R3E and one at the Cemetery or terminal point of said proposed road.

In witness whereof I hereunto set my hand and seal this 17<sup>th</sup> day of July AD 1897

B. F. Sanborn

Subscribed and sworn to before me this  
17<sup>th</sup> day of July AD 1897

Nathan Edwards, Notary Public  
in and for Gallatin County, Montana

Manhattan. Mont  
May 2-97.

C. M. Thorpe

Bozeman.

Dear Sir:-

In reply to yours of recent date concerning the proposed road to cemetery, would say I enclose a letter from Bullard of Helena which will give you the necessary information. The road is to be 30 ft I believe and I told him our fence was in 16 ft from the line - hence his remark.

In a more recent letter he affirms this same statement concerning the giving of the land. Hope this is satisfactory.

Yours E. A. Searborn

Please return letter from Bullard - E

Manhattan Mount

At April 12<sup>th</sup> 1897

C M Corpe Esq

Dear Sir

There is one thing I forgot-  
to inform you in regard to that road.  
And that is this When George Krater  
sold The  $3\frac{1}{4}$  of S 23 he reserved  $\frac{1}{2}$  acre  
for burial purposes as he had a child  
buried there & some friends. He also  
reserved a right-of-way to the main  
road so I think you will only have to  
condemn 30 feet of SW 4 from main road  
to the S 24 before coming down please look  
at deed from George Krater to  
Harry Hebe & you can see what it  
requires  
Yours

P A Sanborn

That would put all the road on S 24 & I  
think on looking it over you will see the advantage of it

in connection with cemetery & get it done



Manhattan, Montana, April 9 1897

O M Thorpe Esq

Dear Sir

Enclosed find petition  
when you send notices to be  
posted send to E A Sanborn  
My Boy telling him where to post  
them & he will do so. As I am  
going away Monday or Tuesday &  
will not be here to do it unless  
you can get them here by  
Sunday

Yours

B A Sanborn



Bozeman, Montana,

Helena Montana, April 17th. 1897.  
Ernest A Sanborn , Esq.

Manhattan Montana.

Dear Sir:

Yours of the 16 th Inst. received. The Property formerly belonging to E. M. Dunphy, is now owned as follows:  
Susan M. Werner, one half interest undivided.  
Charlott G. Wilson, one sixth interest undivided.  
Eliza Ann Phillips, one sixth interest undivided.  
Estate of Edward T. Dunphy, deceased, one sixth interest undivided.

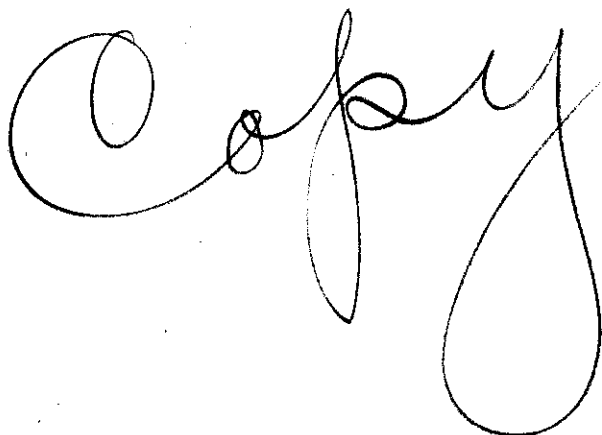
The Address of Mrs. Susan M Werner, and mrs. Charlott G. Wilson is Helena Montana. The address of Mrs/ Eliza Ann Phillips is

Fredericton, New Brunswick, Canada. The administrator of the estate of Edward T Dunphy, deceased, is Charles W. Wilson of Helena Montana.

I represent Mrs. Werner and Mrs. Phillips and any correspondence in relation to their interests can be addressed to me. I am satisfied, the parties I represent will be willing to give fourteen feet right of way for the road, provided that they are to no expense in moving or erecting fences. They would not be willing to be at any cost in the matter.

Yours Truly

Massena Bullard.

A large, stylized handwritten signature in cursive script, likely belonging to Massena Bullard, the signatory of the letter.

Manhattan Mont -

July 17<sup>th</sup> 1897

C M Thorpe

Bozeman MT

I recd your letter with notices enclosed  
on the 9<sup>th</sup> day of July 1897 I posted  
them according to your instructions one on  
the SW corner part of my land & one at  
the grave yard on a final part. I nailed  
them on a board & nailed the boards to the  
posts. I have to go to Dillon on business  
& will likely not be back in time to be with  
you so if you have to have a third man  
you might have Mr Weber appointed as  
he is handy and would serve. If you  
will look at the records & find the deed  
from George Krater to Henry Hebe  
you will find a right of way reserved from  
grave yard to public highway. Please do  
so & make a minut of same & bring with  
you so that may simplify matters in

viewing & laying out - The road Enclosed find  
letter from Mr Bullard on subject also  
find sworn statement of Pastory natives

Yours &c  
B. H. Sanborn

OFFICE OF  
MASSENA BULLARD.  
ATTORNEY AND COUNSELLOR AT LAW.  
ROOM 8, GOLD BLOCK, MAIN ST.  
OFFICE TELEPHONE, NO. 178.  
RESIDENCE TELEPHONE, NO. 32.

*Helena, Montana, July 16, 1897.*

Mr. E. F. Sanborn,  
Manhattan, Montana.

Dear Sir:

I am informed that you are taking steps to open up a highway through the land belonging to the Dunphy heirs. Mr. Cruse protests against such a proceeding and has notified me to-day of his objection.

On April 17th. I expressed to you my opinion that the parties I represent would be willing to give fourteen feet right of way for a road provided they were to no expense in moving or erecting fences. At the time of writing that letter I was under the unpression from your communication that the road would not cut the property in two but was to be run between the Dunphy land and adjoining land. Please let me know just how the road runs and whether it is contemplated to divide the land into two parcels by running the road through it. I do not believe the parties will be willing to have a road run if it has the effect of cutting the property in two. But as above stated, **if it is merely a road running between this property and other property** I think they will not object to allowing it to be laid out provided they are not put to any expense in removing or erecting fences - or in other words, provided such fences as may be proper for the protection of the property shall be erected in a good and substantial manner without expense to them.

Yours truly

*Masena Bullard*

*Letter to Sanborn, July 20  
Dunphy land to Santa Fe*

# WARRANT FOR ROAD VIEWERS.

*Copy*

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

MR. *M. D. D. adreter*

You are hereby notified that you were duly appointed Road Viewer by *Geo. A. Ellis*  
*Chairman Board of Commissioners* of Gallatin County, Montana, on the  
*19<sup>th</sup>* day of *June*, 189*7*, to view and lay out a proposed road, as prayed  
for in the petition of *B. F. Sauborn* and others, described as follows, to-wit.

Commencing at the west  $\frac{1}{4}$  Section corner of Section 23 T.1.N.  
R.3.E. Thence due east along the  $\frac{1}{4}$  Section line of said Sec.  
23 to the Cemetery as laid out on the east  $\frac{1}{2}$  of said Section.

You are hereby ordered to meet, go to be sworn according to law and assume the duties of your office, in  
company with *B. F. Sauborn*, who was duly appointed as a  
Viewer on said road by the *County Surveyor* and by the  
County Surveyor, who is Chairman of said Board of Viewers, on the *16<sup>th</sup>* day of  
*July*, 189*7*, 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 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, at my office this *1<sup>st</sup>*  
day of *July*, 189*7*.

*C. M. Shope*  
County Surveyor.

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

**WARRANT FOR ROAD VIEWERS.***Copy*County Surveyor's Office,  
Gallatin County, Montana.

MR.

*P. F. Sauborn*

You are hereby notified that you were duly appointed Road Viewer by *C. M. Shope*  
*County Surveyor* of Gallatin County, Montana, on the  
*14<sup>th</sup>* day of *July*, 189*7*, to view and lay out a proposed road, as prayed  
 for in the petition of *P. F. Sauborn* and others, described as follows, to-wit.

Commencing at the west 1/4 Section corner of Section 23 T.1.N.  
 R.3.E. Thence due east along the 1/4 Section line of said Sec.  
 23 to the Cemetery as laid out on the east ~~\$\$\$~~ 1/2 of said Sec.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
 company with *M. D. Spadbratis*, who was duly appointed as a  
 Viewer on said road by the *Chairman of the Board of Commissioners* and by the  
 County Surveyor, who is Chairman of said Board of Viewers, on the ~~15<sup>th</sup>~~ *23<sup>rd</sup>* day of  
*July*, 189*7*, 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 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, at my office this *1<sup>st</sup>*

day of

*July*

189

*C. M. Shope*

County Surveyor.

By

Deputy.

# OATH OF ROAD VIEWERS.

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

I, the undersigned, having been appointed <sup>by the Co Surveyor & Mr L. Leedbeater</sup> a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, ~~as per instructions embodied in the notice of appointment by the Board of County Commissioners.~~

W. A. McEwen

Subscribed and sworn to before me this 23<sup>d</sup> day

of July

1897

C. M. Thorpe  
Co. Surveyor.

☒ 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 will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions <sup>chairman of the</sup> embodied in the notice of appointment by the <sup>^</sup> Board of County Commissioners.

M. D. Leedbeater

Subscribed and sworn to before me this 23<sup>d</sup> day

of July

1897

C. M. Thorpe

County Surveyor

☒ 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:

*C.M. THORPE & M.D. LEAD BEATER TWO OF THE*

*WE, the undersigned Road Viewers, appointed by the Board of County Commissioners, at the*  
*10. view a proposed road running from the west 1/4 section*  
*Term of said Board to view a proposed road running from*

*corner of section 23 T. 1 N. R. 3 E. East along the 1/4 sec. line*  
*to said section 23 to the cemetery as laid out on the*  
*East 1/2 of said section*  
*submit the following report.*

On the 23<sup>d</sup> day of July 1897 we started from the west  
1/4 section corner of section 23 T. 1 N. R. 3 E.

the place designated in the Petition as the starting point of such proposed road, and as B. F. Sanborn the other viewer who was appointed by the County Surveyor could not be present we appointed D. H. Weber, <sup>to act as viewer</sup> after the viewers were sworn we proceeded to view the road. Sworn proof of parties having been made by B. F. Sanborn. The proposed road passes <sup>along</sup> the north side of the south 1/2 of said sec. 23 from the west side of said section about 3/4 mile taking therefrom a strip of land 14 ft. in width, the same being owned by the E. M. Dumphrey Estate. See accompanying Correspondence in regard to consent for right of way, and along the south side of the north 1/2 of said section 23 owned by B. F. Sanborn who consents to give a strip of land 16 ft. in width along said south side see accompanying Correspondence. We do not consider that any damages should be paid for right of way. The land over which said road passes is suitable for a road and no work or expense is required to open same for travel.

*and we estimated the cost of opening the same for travel at \$*

*We assess as damages to*

We believe said road to be practicable and of public utility and necessity and do recommend the establishment of the same. The plat of said road, survey and report of Surveyor is hereto attached and made a part of this report.

Dated 23 day of July 1897

*C. M. Thorpe*  
*M. D. Leadbeater*  
*D. H. Weber*

Road Viewers.



REGISTRY RETURN RECEIPT sent \_\_\_\_\_, 189 .

Reg. No. 24 from Post Office at \_\_\_\_\_

\*Reg. Letter } Addressed to M D Leadbeater  
 Reg. Parcel } Manhattan Mont.

After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.

RECEIVED THE ABOVE DESCRIBED REGISTERED { \*LETTER.  
 PARCEL.

(SENDER'S NAME ON OTHER SIDE.)

Sign on dotted lines to the right. M D Leadbeater

When delivery is made to other than addressee, the name of both addressee and recipient must appear.

\* Erase letter or parcel according to which is sent.

REGISTRY RETURN RECEIPT sent July 7, 189 7

Reg. No. 25 from Post Office at Bogman. Mont.

\*Reg. Letter } Addressed to B F Sanborn  
 Reg. Parcel } Manhattan Mont.

After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.

RECEIVED THE ABOVE DESCRIBED REGISTERED { \*LETTER.  
 PARCEL.

(SENDER'S NAME ON OTHER SIDE.)

Sign on dotted lines to the right. B. F. Sanborn

When delivery is made to other than addressee, the name of both addressee and recipient must appear. J F Cagle

\* Erase letter or parcel according to which is sent.

REGISTRY RECEIPT. )

Post Office at \_\_\_\_\_

Registered Letter } No. 24 Rec'd July 7 189 7  
 Parcel } of Mr Thorne

addressed to M D Leadbeater  
Manhattan Mont  
2:45 Brooks P. M.

# Notice of Opening Public Road.

Notice is hereby given that after sixty days from the date of posting this notice, a public highway will be opened, over the following route, to-wit: Commencing the west  $\frac{1}{4}$  sec. corner of Sec. 23 T. 1 N. R. 3 E. Thence due east along the  $\frac{1}{4}$  sec line of said sec 23. to the cemetery and laid out on the east  $\frac{1}{2}$  of said section said road to be 30 ft. in width.

By order of the Board of County Commissioners of Gallatin County, Montana.

Dated Sept 15<sup>th</sup> 1897 *A. R. McNaughton* Clerk,

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

Date of Posting \_\_\_\_\_ 189

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

*C. V. Scollard* being first duly sworn deposes and says, that as the *Manager of Road District No. 2* he received from the County Clerk of said County, on the *19<sup>th</sup>* day of *Sept* A. D., 1897, three copies of the annexed notice, and that on the *20<sup>th</sup>* day of *Sept* 1897 he posted a copy of said notice at each of the following points, on the line of road described in said notice, to-wit: One at *the west  $\frac{1}{4}$  sec. corner of Sec 23 T. 1 N. R. 3 E.* one at *cemetery* and one on line of proposed road about *the center* the ~~middle~~.

and further deponeth sayeth not.

Subscribed and sworn to before me this

*28<sup>th</sup>*

day of

*C. V. Scollard*  
*Sept* A. D., 1897

*Walter Edwards*  
Notary Public in and for  
Gallatin County  
State of Montana