

No. of ~~Case~~ Road. 121

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

"P&Selle" Road.

Plaintiff

The Road ^{vs.} Biggers Report
on within Petition is
hereby accepted and adopted
and the old road ordered
discontinued and the new
one established and ^{Defendant} declared
a public highway.

Action for

By order of the Board

This the 6th day of Nov. 1897.

Attest

Geo. W. Eddy

Ed. Plummer
Dep. Clerk

Chairman of the
Board of Co. Comm.

Attorney for Plaintiff

Notice sent Surveyor Nov 4th 1897

Attorney for Defendant

PETITION FOR ROAD.

O. M. Thorpe, County Surveyor
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 ~~residents~~ ^{residents & taxpayers} of Road District No. 2 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;~~
Considering it a public benefit & convenience, hereby respectfully petition the

~~that the proposed road will be a public convenience, and we think the public good requires it~~
~~Hon. County Surveyor and~~ ~~that the County Board~~
~~the Hon Board County Commissioners~~ ~~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 thereon, and sumo~~

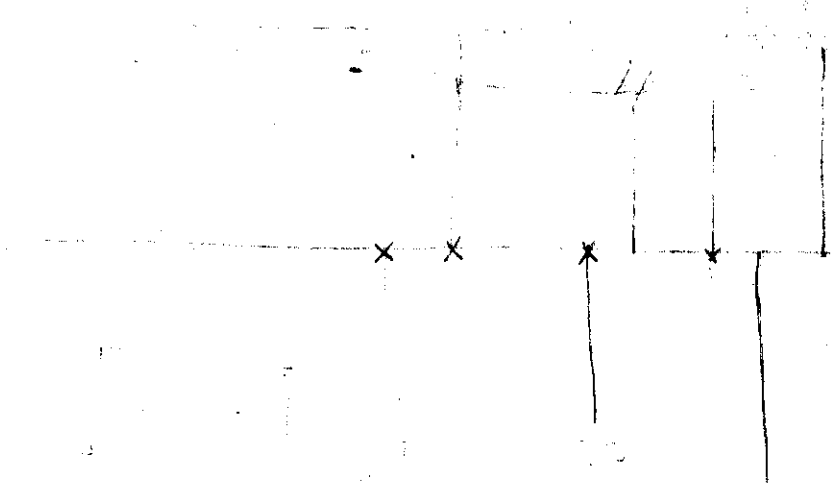
- (a). The general route of the proposed road. (b). Over what lands it is proposed to be established. (c). Who are the owners thereof. (d). Whether such of them as can be found consent thereto. (e). Who of them do not consent. (f). The probable cost of the right of way where such consent is not had.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

That the present traveled road across Sections 34 & 33 Town 1 North Range 3 East be discontinued & changed to run along section line at a width of 60 feet commencing at a point on the northwest corner of section 2 and the north east corner of section 3 town 1 S R 3 East known as the Patterson Lane thence running west on section lines between sections 3 & 4 town 1 South R 3 East and sections 33 & 34 town 1 N Range 3 East intersecting with the present traveled road leading to and known as Madison River road. The owners of sections 3 & 4 are Messers Teselle & D. E. Seunick respectively and of 34 & 33 town 1 N R 3 E are Messers Teselle and Manhattan Malting Co. respectively each of which give their consent for the changing of the proposed road considering it a benefit to the adjoining property holders and a very small expense to the County. The adjoining property holders claim no damages and the estimated expense of the proposed change in road will be about seventy five dollars to the County & where traveled at present works a hardship on property owners cutting their land nearly in two.

- NAMES:
- | | | | |
|---|--------------------|----|----------------|
| 1 | Res. D. E. Seunick | 2 | |
| 3 | E. Bos | 4 | |
| 5 | P. Patterson | 6 | |
| 7 | J. Teselle | 8 | |
| 9 | Joseph Seach | 10 | |
| | | | Joe R. Bussell |
| | | | Lena Te Selle |

Received and filed in the
County Surveyors Office, this
28th day of May - 1897

E. M. K. Hoff
County Surveyor



BOZEMAN, MONTANA, Nov. 6 1897.

To the Honorable Board of County Commissioners
of Gallatin County Mont.

Gentlemen:

I have with
submit to you, the papers relating to the
petition & widening of the "G & S" Road
the same being road no. 121

I hereby certify that a notice of the widening
of said road was posted at the close of the
County Clerk's office on Sept. 27th 1897

Very respectfully
C. M. Thorpe
C. Surveyor.

WARRANT FOR ROAD VIEWERS.

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

Copy

MR. *Martin Beach*

You are hereby notified that you were duly appointed Road Viewer by *C.M.S. of*
County Surveyor of Gallatin County, Montana, on the
17th day of *September*, 1897, to view and lay out a proposed road, as prayed
for in the petition of *Mrs. Reed Tooke* and others, described as follows, to-wit.

That the present traveled road across Sections 34 & 33 T.1.N.R. S.E. be discontinued, and changed, to run along Section line at a width of 60 ft. commencing at a point at the north-west corner of section 2 and the north-east corner of section 3 T.1.S.R.S.E. known as the Patterson Lane, thence running west on section lines between Sections 3 & 4 T.1.S.R.S.E. and Sections 33 & 34 T.1.N.R.S.E. intersecting with the present traveled road, leading to, and known, as Madison River road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *V. J. Snaw*, who was duly appointed as a Viewer on said road by the *Chairman, Board of County Commissioners* and by the County Surveyor, who is Chairman of said Board of Viewers, on the *21st* day of *October*, 1897, 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 *18th*
day of *Sept*, 1897.

C.M.S. Trope
County Surveyor.

By _____ Deputy.

WARRANT FOR ROAD VIEWERS.

County Surveyor's Office,
Gallatin County, Montana.

copy

MR. *A. J. Snow*

You are hereby notified that you were duly appointed Road Viewer by *Geo. M. Ellis*
Chairman a *Board of County Commissioners* of Gallatin County, Montana, on the
17th day of *September*, 189*7*, to view and lay out a proposed road, as prayed
for in the petition of *Mrs. Anna DuSelle* and others, described as follows, to-wit.

That the present traveled road across Sections 33 and 34 T.I.N.R. 3.E. be discontinued, and changed, to run along Section line at a width of 60 feet, commencing at a point at the north-west corner of Section 2 and the north-east corner of Section 3 T.I. S.R.3.E. known as the Patterson Lane, thence running west on Section lines between Sections 3 & 4 T.I.S.R.3.E. and Sections 33 & and 34 T.I.N.R.3.E., intersecting with the present traveled road, leading to, and known as, the Madison River road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with *Martin Heach*, 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 *21st* day of *October*, 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 *18th*
day of *September* 189*7*.

C. M. Snow
County Surveyor.

By _____ 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 will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the ^{C. Surveyor} ~~Board of County Commissioners.~~

Martin Leach

Subscribed and sworn to before me this 21st day

of Oct 1897

C. M. Thorpe

C. 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 embodied in the notice of appointment by the Board of County Commissioners.

R. J. Shaw

Subscribed and sworn to before me this *21st* day

of *Oct.* 189*7*

C. M. T. Gordon
C. S. ...

This must be returned to the County Clerk after execution.

ROAD VIEWERS' NOTICE.

Notice is hereby Given to all whom it may concern. That we the undersigned Road Viewers, appointed by the Chairman of the Board of County Commissioners of the County of Gallatin, and by the County Surveyor of said County, Montana, on the 17th day of September 1897, to view and mark out a proposed County road as prayed for in the petition of Mrs. Leud DeSelle et. al., will in company with the County Surveyor, who is chairman of said Board of Viewers, meet for such view on the 21st day of October, 1897, the time fixed by said Surveyor, and at the point designated in said petition, as the starting point of said proposed road, to-wit:

That the present traveled road across Sections 33 & 34 T.I.N.R. 3.E. be discontinued, and changed, to run along Section lines, at a width of 60 feet, Commencing at a point at the north-west corner of Section 2 and the north-east corner of Section 3 T.I. S.R.3.E., known as the Patterson Lane, thence running west on Section lines between Sections 3 & 4 T.I.S.R.3.E. and Sections 33 and 34 T.I.N.R.3.E., intersecting with the present traveled road, leading to, and known as, The Madison River road.

Dated this 27th day of Sept., 1897.

C.M. Inope
W. J. Decker
G. J. Shaw } VIEWERS.

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

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 30 feet for the south 1/2 of a Right of Way, for a County Road, ~~through~~ along the ^{along} North End of the East 100 acres Sec. 3, T. 15. R. 3 E., as viewed and surveyed by Martin Leach, R. F. Shaw + C. M. Thorpe on the 21st day of Oct., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: [Signature]

Dated at this 21st day of Oct., 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 30 feet for the North 1/2 of a Right of Way, for a County Road, ~~through~~ or along the South side of the S 1/2 of SE 1/4 Sec. 34, T. 1 N. R. 3 E., as viewed and surveyed by Martin Leach, R. F. Shaw + C. M. Thorpe on the 21st day of Oct., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: [Signature]

Dated at this 21st day of Oct., 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 30 feet for the North 1/2 of a Right of Way, for a County Road, ~~through~~ or along the South side of the SW 1/4 Sec. 34, T. 1 N. R. 3 E., as viewed and surveyed by Martin Leach, R. F. Shaw + C. M. Thorpe on the 21st day of Oct., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: [Signature]
For Lena E. Sells owner

Dated at this day of 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 30 feet for a Right of Way, for a County Road, through or along the the south 1/2 of North side of the West 55 acres of the N.W. 1/4 of Sec. 3 the N.E. 1/4 and E. 1/2 of N.W. 1/4 of Sec. 4 T. 15. R. 3 E. as viewed and surveyed by Martin Leach R.F. Shaw and C.M. Thorpe on the 21st day of Oct., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: Jan te Selle

Dated at this 21st day of Oct., 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 30 feet for a Right of Way, for a County Road, through or along the the south 1/2 of North side of the N.E. 1/4 Sec. 3, T. 15. R. 3 E., as viewed and surveyed by Martin Leach R.F. Shaw & C.M. Thorpe on the 21st day of Oct., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: West Gallatin Irrigation Co Eckinney General Managers

Dated at Manhattan this 25th day of October, 1897.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 30 feet for a Right of Way, for a County Road, through or along the the north 1/2 of South side of Sec. 33, T. 1 N. R. 3 E., as viewed and surveyed by Martin Leach R.F. Shaw & C.M. Thorpe on the 21st day of Oct., 1897. And hereby agree to place my fences on said lines without charge to the County.

Signed: Manhattan Manning Co General Managers

Dated at this 22nd day of Oct., 1897.

REPORT OF ROAD VIEWERS.

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

WE, the undersigned Road Viewers, appointed by the ^{Chairman of the} Board of County Commissioners, ^{and the Co. Surveyor} at the ^{Term of said Board} together with the ^{Co. Surveyor} to view a proposed road running from the N.E. Cor. of Sec. 3, T. 1 S., R. 3 E. along the township line 60 ft. in width to a point where the Madison Riv. Road crosses said township line said point being the N.W. Cor. of the E. 1/4 of N. 1/4 of Sec. 4, T. 1 S., R. 3 E. That on the 21st day of October, 1897, we started from the above ^{subscribed starting 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 is due West along the township line from the above described starting point to the terminus above described a distance of $\frac{3}{4}$ miles. The probable cost of constructing the proposed road is \$90 =

2. The estimate of damages to the owner of any land over which it is proposed to run the highway, as follows: All land owners adjoining said proposed road are benefitted fully equal to 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: John T. E. Sells, Lewis T. E. Sells, Egbert Bos, Rev. D. C. Samirick, West Gallatin Irrigation Co. Manhattan Milling Co.

4. The names of land owners who do not consent and the amount of damages claimed by each, as follows:

5. The following facts bearing upon the subject, which may be of importance to the Board:
 The line of the proposed road is fully marked by stakes set at 100 ft. intervals. Each stake marks the center of the road the width of the road is 30 ft. each side of said township line. (See back of report)
 We believe said road to be practicable and of public utility and necessity and do recommend the establishment of the same.

Dated Oct. 21st, A. D., 1897

C. M. Porter
 R. F. Shurt
 Martin Leach } Road Viewers.

(No. 5 Continued)

The land over which the proposed road passes is good for road building. When the road is properly graded the grades will not exceed 8 ft. per 100.

We would recommend that when the road is established on the line as described above that the roads which cross sections 33 & 34 T. 1 N. R. 3 E be discontinued.

See accompanying map.

Office of County Surveyor, Gallatin County Montana.

Hon. Geo. W. Ellis

Chairman Board of County Commissioners, Gallatin County Montana.

Dear Sir:

You are hereby given notice, that a petition for a County road has been received in my Office, signed by Mrs. Lena TeSelle and twelve (12) other residents of road District No. 2 in said Gallatin County. Said proposed road is to commence at a point on the northwest corner of section 2 and the northeast corner of section 3 T. 14 S. R. 3. E. and to terminate at a point in the center of the County road known as the Madison River road.

You are hereby requested to appoint one viewer on the above proposed road.

Dated at Bozeman, Montana, this 15th day of September, 1897.

Very Respectfully,

C. M. Thorpe
County Surveyor.

Office of Board of County 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. R. J. Shaw to act on behalf of the Board of County Commissioners, as a viewer on the above petitioned for road.

Dated at Bozeman, Montana, this 19th day of Sept. 1897.

Very Respectfully,

Geo. W. Ellis

Chairman, Board of County Commissioners, Gallatin County Montana.

REGISTRY RECEIPT.

Post Office at

Bozeman, Mont.

Registered Letter Parcel

No. 254

Rec'd Sept 27 1897

of Co Sur.

addressed to Martin Leach

Manhattan Mont.

D. H. Brooks

P. M.

REGISTRY RECEIPT.

Post Office at

Bozeman, Mont.

Registered Letter Parcel

No. 255

Rec'd Sept 27 1897

of Co Sur

addressed to R. J. Shaw

City

D. H. Brooks

P. M.

REGISTRY RETURN RECEIPT sent Sept 27, 1897

Reg. No. 254 from Post Office at Bozeman, Mont.

*Reg. Letter / *Reg. Parcel Addressed to Martin Leach
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. When delivery is made to other than addressee, the name of both addressee and recipient must appear.

Martin Leach
Jr. Plus

* Erase letter or parcel according to which is sent.

REGISTRY RETURN RECEIPT sent Sept 27, 1897

Reg. No. 255 from Post Office at Bozeman, Mont.

*Reg. Letter / *Reg. Parcel Addressed to R. J. Shaw
City

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.

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

R. J. Shaw

* Erase letter or parcel according to which is sent.

When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.
A penalty of \$300 is fixed by law for using this card for other than official business.

Post Office Department.

OFFICIAL BUSINESS.

Post Office at

Stamp here name of Post Office



RETURN TO:

Name of Sender

Co. R. 1st

Street and Number,
or Post Office Box.

Bozeman, Mont.

Post Office at

County of

State of

When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.
A penalty of \$300 is fixed by law for using this card for other than official business.

Post Office Department.

OFFICIAL BUSINESS.

Post Office at

Stamp here name of Post Office

10-2

and date of delivery.

RETURN TO:

Name of Sender

Co. R. 1st

Street and Number,
or Post Office Box.

Bozeman, Mont.

Post Office at

County of

State of

copy

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 At the N.E. Cor. Sec. 3. T.1 S. R. 3 E. Thence due west along the Township line, 60 feet in width, To a point where the Madison river road crosses said Township line, said point being the N.W. Cor. of the E. 1/2 of No. 1/4 of Sec. 4 T.1 S. R. 3 E.

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

Dated Nov. 6th 1897

H. P. McNaughton
Clerk,

By _____
Deputy.

Date of Posting Nov. 20 1897

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

C. V. Ballard being first duly sworn deposes and says, that as the person appointed for that purpose he received from the County Clerk of said County, on the 16th day of November A. D., 1897, three copies of the annexed notice, and that on the 20th day of November 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 Beginning and one at Summers Corner and one one half mile west of each of ending of Road and further deponeth sayeth not.

Subscribed and sworn to before me this 24th day of November A. D., 1897

C. V. Ballard
Notary Public
in and for Gallatin County
State of Montana

Map

of the

Se Selle Road No. 121

Viewed Oct. 21st 1897 by

Scale 800 ft. to the inch

C. M. Thorpe

R. F. Shaw.

Martin Leach

Township 1 North

Range 3 East

