

No. 241

PETITIONER,

*N. Barnhart et al*

Petition filed *June 3* 1904

Viewers appointed *Aug. 9th* 1904

Report filed *Dec 5* 1904

Date of hearing *None required* 1904

Report approved *Dec. 5* 1904

Order of survey *Dec. 5* 1904

Surveyor's Report filed *May 20* 1905

Declared County Road *June 7* 1905

*By order of the Board This 7th*

*day of June 1905*

*Geo E David*

*Chairman*

See Book *9* Commissioners' Proceedings,

pages *508, 543, 611*

Recorded, Road Book, pages

County Clerk

# PETITION FOR ROAD

TO THE HON. BOARD OF COUNTY COMMISSIONERS, of Gallatin County, Montana:

The ~~Underigned~~ <sup>and petitioners</sup> Your petitioners, Citizens of the United States, respectfully show and represent that they are residents of Road District No. 2, in the County of Gallatin State of Montana, where the road, hereafter petitioned for, is to be located, laid out and established, if this petition be granted; that the proposed road is a public convenience, and, we think, the public good requires it.

Your petitioners do respectfully ask and petition that a County Road, sixty feet in width, to be a public highway, to be laid out, located and established. 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 N. W. corner of Section 18 <sup>Top 1</sup> South of range 3 East and running south on section lines <sup>thru mile</sup> to the S. W. corner of Section 3 <sup>Top 1</sup> South of range 3 East (B) Over west section line of Section 18 <sup>Top 1</sup> South of range 3 East, East section line of Section 12 <sup>Top 1</sup> South of range 3 East, West section line of Section 19 <sup>Top 1</sup> South of range 3 East, East line of Section 24 <sup>Top 1</sup> South of range 3 East, West line of Section 20 <sup>Top 1</sup> South of range 3 East, East line of Section 25 <sup>Top 1</sup> South of range 3 East.

(C) Section 19 <sup>Top 1</sup> of R 2 E. owned by Loren R. Churchill  
 Section 18 <sup>Top 1</sup> of R 3 E. owned by State school of mines. Section 19 <sup>Top 1</sup> S. of R 3 E. owned by Frank House. Sections 24<sup>2</sup> and 25 <sup>Top 1</sup> of R 2 E. owned by B. C. Scollard. N. W. 1/4 Sec 20 <sup>Top 1</sup> of R 3 E. owned by C. W. Lewis. S. W. 1/4 Sec 20 <sup>Top 1</sup> of range 3 E. owned by Clark Smith. (D) Exclusive right of way is given. (E) An outlet to market

NAMES:

- 1 H. Barnhart
- 2 T. House
- 3 Loren R. Churchill.
- 4 George Ferrel
- 5 B. C. Scollard.

NAMES:

- 6 C. V. Scollard
- 7 Jennie Le Munyon
- 8 Anna Walcott
- 9 E. Paulson
- 10 G. Russell, M.D.

REPAID

JUN 1904

*H. C. Merrill*  
County Clerk.

By *A. J. Schumaker* Deputy

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

~~HON. J. L. PATTERSON,~~

To ~~Chairman~~ of the Board of County Commissioners, Gallatin County, Montana.

Gentlemen

DEAR SIR:—You are hereby notified that a petition for a County Road has been received in this office, signed by H. Barnhart and others

of Road District No. 2

The petition above referred to, petitions that a Road be established, commencing at the N.W. corner of Sec 18, T. 5, R. 3 E and running south on Sec. line three miles to the S.W. corner of Sec 3, T. 5, R. 3 E

You are hereby notified to appoint three Viewers to view the above proposed Road.

Yours, Very Respectfully,

A. A. Cameron  
County Clerk and Recorder.

Dated at, Bozeman, Montana, this 9 day of August 1904.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

A. A. Cameron

~~MR. E. V. BLANKENSHIP,~~

County Clerk, Gallatin County, Montana.

DEAR SIR:—In pursuance of the above notice, <sup>the Board</sup> hereby appoints

C. M. Thorpe  
W. H. Sales  
Wm Potter

to act in behalf of the Board of County Commissioners as viewers of the above petitioned Road

Yours, Very Respectfully,

Geo. E. Davis  
Chairman of the Board of County Commissioners, Gallatin County, Montana.

Dated at Bozeman, Montana, this 9 day of Aug. 1904.

*Cofey*

# Warrant for Road Viewers.

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

Mr. \_\_\_\_\_

You are hereby notified that you were duly appointed Road Viewer by \_\_\_\_\_  
~~Chairman~~ of the Board of County Commissioners of Gallatin County, Montana, on the 9<sup>th</sup>  
day of August 1904, to view and lay out a proposed road, as prayed for in the  
petition of H. Barnhart et al. and others, described as follows, to-wit:

**Commencing at the N.W. Corner of Section 18, Twp. I South of  
Range 3 East and running south on Section Lines, three miles, to the S.W.  
Corner of Section 30 Twp. I South of Range 3 East.**

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in  
company with E. M. Thorpe, Wm. Potter & Walter H. Sales, who were duly appointed as  
Viewers on said road by the ~~Chairman~~ of the Board of County Commissioners, on the 9<sup>th</sup>  
day of August 1904, 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 17<sup>th</sup>  
day of Sept. 1904.

A. A. Cameron  
County Clerk,

By H. R. Martin  
Deputy.

Copy

# Warrant for Road Viewers.

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

Mr. C. M. Thorpe, W. H. Sales & Wm. Potter

You are hereby notified that you were duly appointed Road Viewer by Chairman of the Board of County Commissioners of Gallatin County, Montana, on the 9th day of August 1904, to view and lay out a proposed road, as prayed for in the petition of H. Barnhart and others, described as follows, to-wit:

Commencing at the N.W. Corner of Section 12, Twp. J South of Range 3 East and running south on section lines to the S.W. Corner of Section 30, Twp. J South of Range 3 East

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with Yourselves, who were duly appointed as Viewers on said road by the Chairman of the Board of County Commissioners on the 23rd day of Sept 1904, 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 19th day of Sept. 1904.

A. A. Cameron  
County Clerk,

By H. R. Martin  
Deputy.

County Clerk's Office.

Bozeman, Gallatin County, Montana,

June 7th, 1906.

Mr B.A. Scollard  
Manhattan, Montana.

Dear Sir:-

The Board of County Commissioners to-day instructed me to notify you that you will have to move your fence along the east lines of sections 24 & 25, T.1.S.R.2.E., so as to allow a 60 foot road as established by the Board in June, 1905.

Complaint having been made to the Board to-day that you had not changed your fence the Board instructed me to notify you that you must move your fence within thirty days from this date, and if not moved at that time the road supervisor will be instructed to move your fence and the expense charged to you.

The owners of sections 19 & 30 will also be notified to change or build their fences so as to allow for a 60 foot road.

Very truly yours

*A. A. Cameron*  
Clerk of Board.

*Copy mailed by registered mail  
to B. A. Scollard June 8, 1906*

*A. A. Cameron  
Clerk*

# 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.

*C. M. Thorne*

Subscribed and sworn to before me this 28th day  
of September 1904

*A. A. Cameron*  
*Co. Clerk*

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.

*Wm Potter*

Subscribed and sworn to before me this 30 day  
of Sept 1904

*C. M. Thorne*

*Co. Surveyor*

This must be returned to the County Clerk after execution.



# REPORT OF ROAD VIEWERS.

ROAD NO. 241

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

We, the undersigned Road Viewers, consisting of W<sup>m</sup> Patten and C.M. Hooper, two of the viewers, (the other viewer Walter Sales not being present)

appointed to view a proposed road running from the N.W. Corner of Sec. 18 T. 1 S. R. 3 E.

to S.W. Cor. of Sec. 30 T. 1 S. R. 3 E.

as described in the annexed petition, say, That on the 30<sup>th</sup> day of Sept.

A. D., 1904 we assembled at the place designated in the petition, as the starting point of such proposed road and proceeded to view the same, and submit the following report:

1. The width of the proposed road, the description of the center line of the same, the length, how defined, the marks and sources, grades, character of ground, description of the land and owners of the same, over which the proposed road passes, and probable cost of constructing the said road, as follows:

The width of the proposed road is 60 feet. The description of the center line is as follows to-wit: Beginning at the N.W. Corner of Section 18 T. 1 S. R. 3 E. and running south on section line between Section 13 & 18, 19 & 24, 25 & 30 to the top of the bluff on North side of gulch near 1/4 Section Corner between Section 25 and 30, thence leaving said section line and running south westerly on a grade not exceeding 8% to the foot of hill thence running easterly to the section line, thence south on Sec. line to S.W. Corner of Section 30 T. 1 S. R. 3 E.

The length of the road is 3 miles. The line of the road is defined by the U.S. Gov. Corners and by blazed fence posts and mounds of rock. The grade will not exceed 8% when properly graded. The ground over which the proposed road passes is suitable for road building.

The description of the land and names of owners over which the proposed road passes is as follows.

Section 13	T. 1 S. R. 3 E.	Loren R. Churchill	owns
Section 24 & 25	" "	B.A. Beallard	"
Section 18	T. 1 S. R. 3 E.	State School of Mines	"
Section 19	" "	Frank House	"
N.W. 1/4 Sec 30	" "	A.W. Lewis	"
S.W. 1/4 " "	" "	Mrs. E. Smith	"

The probable cost of constructing the proposed road is for grading: \$12000  
" 10 Culvert. \$25.00  
\$145.00

2. The names of the land owners who consent to give the right of way, and we hereto attach their written consent, as follows:

B. A. Scollard. ~~Mrs Eleanor Smith~~. A. W. Lewis  
Frank House and Loren R Churchill

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

Mrs Eleanor Smith. Claims \$30.00 for expense changing 1/4 mile of fence, and building 1/4 mile of new fence as she is not able to build the fence without this amount from the County.

4. The estimate of damages in excess of benefits to the owner of any land over which it is proposed to run the highway, as follows:

We would recommend that Mrs. Eleanor Smith be allowed \$30.00.

5. The following facts, bearing upon the subject, which may be of importance to the Board:

We find the road needed as an outlet for settlers.

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

Dated Oct. 1<sup>st</sup> 1904 A. D., 189

C. M. Cooper  
Wm. Patton

Road Viewers.

Bozeman, Mont, September 19, 1904.

Mr. C. M. Thorpe, W. H. Sales & Wm. Potter

.....

Dear Sir:- Sent you "Warrant for Road Viewers" Saturday, but set the date wrong, it should have been on the 23rd, of Sept., as per the enclosed Warrant, please return the first one sent, and oblige,

respectfully yours,

A. A. Cameron Co. Clerk

By H. R. Martin

Deputy.

BOZEMAN, MONTANA, Dec., 7, 1904

State Board of Land Commissioners,

Helena, Montana.

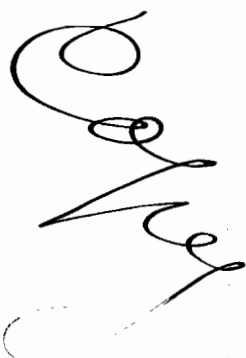
Dear Sirs:-

As Chairman of the Board of County Commissioners, of Gallatin County, I respectfully petition your Honorable Body to grant a right of way, for a public road, thirty feet in width, along the west side of Section 18, Township I south of Range 3 east, as per plat enclosed.

Respectfully,

*Geo. E. Dennis*  
.....

Chairman of the Board of County Commissioners of Gallatin County, Montana.

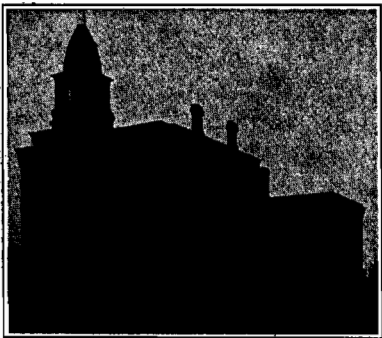


April 29 1905

Manhattan Mont

Mr. A. A. Cavanaugh

Dear Sir as I understand  
that the County is a  
going to put a road a  
long on the West side of  
my land on the Tract 19  
Cadd the C. Birchill road  
and I never find the  
permit and I still  
ask a damage of to  
hundred and fifty  
Dollars  
Yours  
Frank Haull



OFFICE IN CITY HALL

Bozeman, Montana, May 20, 1905.

To the Honorable Board of County Commissioners  
Of Gallatin County, Montana.

Gentlemen:-

As ordered by you I have surveyed the H. Barnhart Road, No. 24I, the starting point, terminus and all Section corners, 1/4 Section corners and angle points of which are marked with substantial iron and stone monuments. Where the fences have not already been built in the proper place I set stakes out 30 feet each way from the center line marking same "Fence Line" Three Notices of Opening were posted along the line of said road.

I request further time for the filing of the map .

Respectfully,

C. M. Thorpe,

By ..... *L. S. Thorpe* .....  
Deputy.

May 20, 1905

Department of the Interior

Office of the Surveyor General

Montana

As ordered by you I have surveyed the H. B. ...  
 ... the starting point, terminus and all section cor-  
 ... and scale points of which are marked  
 ... stone monuments. Where the fences have  
 ... I set stakes out 30  
 ... fence line  
 ... the line of said road.  
 ... the file of the map.

Respectfully,

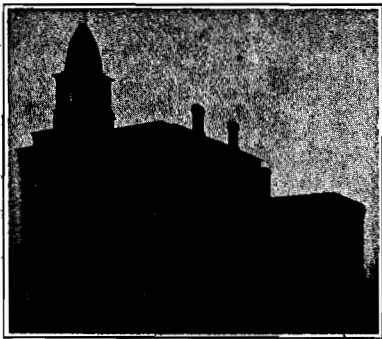
C. W. Brown

Deputy

MAY 20 1905

County Clerk

EX-111



OFFICE IN CITY HALL

C. M. THORPE  
COUNTY SURVEYOR GALLATIN COUNTY

Bozeman, Montana, March 5, 1906.

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

Gentlemen:- I hereby certify to your Honorable Body  
that I have this day filed in the office of the County Clerk, the  
Plat and Field Notes of "BARNHART ROAD" No 241

Very respectfully,

*C. M. Thorpe*  
County Surveyor.



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 West side of S.W. 1/4 of Sec. 30 T. 1 S. R. 3 E.

as viewed and surveyed by C.M. Thorpe & Wm. Patten

on the 1st day of Oct 1904

And hereby agree to place my fences on said lines for the sum of \$30.00 the same to cover the cost of 1/4 mile of new fence and changing 1/4 mile of old fence without charge to the County.

Signed Eleanor Smith

Dated at this 1st day of Oct 1904

ACKNOWLEDGEMENT.

STATE OF MONTANA, } ss. On this 1st day of Oct, County of Gallatin,

A. D. 1904, before me Co. Surveyor in and for said County, came Eleanor Smith

who is personally known to me to be the person described in and who signed the annexed consent for right of way and acknowledged to me that he had executed the same freely and voluntarily, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C.M. Thorpe Co Surveyor

**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 East side of Sections 24 & 25 T. 1 S. R. 2 E and extra right of way on E line of Sec. 25 at gulch when it will be necessary to leave the see line running into on a grade of 8% <sup>Sec</sup> 25, T. 1 S., R. 2 E. as viewed and surveyed by G.M. Thorne & Wm Patten on the 1st day of Oct 1904. And hereby agree to place my fences on said lines without charge to the County.

Signed B. A. Scullard

Dated at \_\_\_\_\_ this 1st day of Oct 1904

**ACKNOWLEDGEMENT.**

STATE OF MONTANA, }  
County of Gallatin, } ss. On this 1st day of Oct.  
A. D. 1904, before me County Surveyor  
in and for said County, came B. A. Scullard

who is personally known to me to be the person... described in and who signed the annexed consent for right of way and acknowledged to me that ...he had executed the same freely and voluntarily, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

G.M. Thorne  
Co Surveyor.

**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 West side of the N.W. 1/4  
of Sec. 30 T.1 S. R.3 E.

as viewed ~~and surveyed~~ by C.M. Hooper & Wm Patten  
on the 1st day of Oct. 1904 And hereby agree to  
place my fences on said lines without charge to the County.

Signed A W Lewis

Dated at \_\_\_\_\_ this 1st day of Oct 1904

**ACKNOWLEDGEMENT.**

STATE OF MONTANA, }  
County of Gallatin, } ss. On this 1 day of Oct.  
A. D. 1904, before me County Surveyor  
in and for said County, came A.W. Lewis

who is personally known to me to be the person... described in and who signed the annexed consent  
for right of way and acknowledged to me that ...he had executed the same freely and voluntarily,  
for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C.M. Hooper

Co. Surveyor.

*L.R. Churchill*

**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 East side of Sec 13 T.1S. R 2 E

Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_  
as viewed ~~and surveyed~~ by C.M. & L.H. Walker Sales. + Wm Patton  
on the 30<sup>th</sup> day of Sept 1904 And hereby agree to

place my fences on said lines without charge to the County.

Signed Loren R. Churchill

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_

**ACKNOWLEDGEMENT.**

STATE OF MONTANA, }  
County of Gallatin, } ss. On this \_\_\_\_\_ day of \_\_\_\_\_

A. D. 190\_\_\_\_, before me \_\_\_\_\_

in and for said County, came \_\_\_\_\_

who is personally known to me to be the person... described in and who signed the annexed consent  
for right of way and ocknowledged to me that ...he had executed the same freely and voluntarily,  
for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

*Loren R. Churchill*  
*Bozeman*

# 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 Northwest corner of Section 18, Township One South, Range  
Three East and running south on Section lines to the Southwest  
corner of Section 30, same Township and Range.

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

Dated March 17, 1905 189.

A. A. Cameron  
Clerk,

State of Montana, )  
County of Gallatin. ) ss.

C. M. Thorpe, being first duly sworn, deposes and says, that as the  
Surveyor of Gallatin County he received from  
the County Clerk of said County, on the 17th day of March, A. D.  
1905, three copies of the annexed notice, and that on the 18 day of May, 1905,  
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 Each end and one  
in center

and further deponent sayeth not.

C. M. Thorpe  
By L. S. Thorpe, Deputy

Subscribed and sworn to before me this 20 day of May, A. D. 1905.

A. A. Cameron

PRINTED

MAY 20 1968

*D. J. ...*  
COUNTY CLERK

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

50

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REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at Manhattan, Mont.  
(Delivering office.)

Registered (Letter) No. 1019 from Bozeman, Mont.  
(Office of origin.)

Addressed to Mr. B. A. Scollard,  
(Name of addressee.)

Date 6/20 , 1906  
(Date of delivery.)

B. A. Scollard  
(Signature or name of addressee.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

(Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at Manhattan, Mont.  
(Delivering office.)

Registered (Letter) No. 625 from Bozeman, Mont.  
(Office of origin.)

Addressed to Walter H. Sales,  
(Name of addressee.)

Date \_\_\_\_\_ , 190   
(Date of delivery.)

W. H. Sales  
(Signature or name of addressee.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

(Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at Bozeman, Mont.  
(Delivering office.)

Registered (Letter) No. 633 from Bozeman, Mont.  
(Office of origin.)

Addressed to C. M. Thorpe,  
(Name of addressee.)

Date \_\_\_\_\_ , 190   
(Date of delivery.)

C. M. Thorpe  
(Signature or name of addressee.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

(Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

