

Road No. 172

No. of Case Filed April 30th 1900

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

Dr. John Kruse et al Road. in
Sec 15 T. 2, S. R. 6, E.

Report of views accepted
and Road ordered surveyed
June 4, 1900 - J. S. Patterson
Chairman

Survey approved and
Road ordered opened as
petitioner for Defendant
By order of the Court
Sept 8, 1900 - J. S. Patterson
Action for Chairman

Attorney for Plaintiff

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

was notified and
sent to the post office
Notices declaring Road
opened, sent 4-16-1900

REVERSIBLE DOCUMENT ENVELOPE, No. 200,
Manufactured by Cincinnati Paper Specialty Company,
106 Walnut Street, Cincinnati, O.
Patented April 1, 1893.
1903

PETITION FOR ROAD.

To the County Surveyor of Gallatin County, Montana:

The Undersigned, your petitioners, citizens of the United States, respectfully show and represent that they are residents of Road District No. 5, 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 will be 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, be laid out, located and established, and show:— (a) The general route of the proposed road; (b) 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:

Beginning at the S.W. corner of the N. 1/2 of NW 1/4 of Sec. 15 T.2 S. R.6 E., thence north along the west line of said section 15 to a point on the north side of the N.P. Ry track the same being in the center of the traveled road running east. thence in an easterly direction along or near the old traveled road by the most practical route, to a point where said old road crosses the section line between sections 11 and 12 T.2 S. R.6 E. the same being a point near Mr. Kellups house.

The proposed road passes over a portion of section 15 said T. & R. the same being a State military reservation along the line between section 10 & 15 Wm. Cain, being the owner of the land along said road in sec 10, also through a portion of sec. 14 owned by Fred & Wm. Smith, and through sec. 11 owned by F. K. Armstrong and Joseph Kopp.

The following land owners consent to give the right of way
Joseph Kopp F. K. Armstrong William Cain F. K. Smith
Wm. Smith

as an outlet for settlers, being used by many people. The object of this petition being, to properly establish the road, and that the same may be recorded as required by law.

NAMES:

NAMES:

- 1 Joseph Murray
- 2 Josef Wagner
- 3 Dr. John Bruce
- 4 William Hoffman
- 5 Pat. Kelly

- 6 E. G. Gagn
- 7 Regard Gardin
- 8 John S. Craig
- 9 D. D. Pattee
- 10 Alex. M. Laine

I certify that the names of the petitioners are correct and true, and the same appear in the

Warrant for Road Viewers.

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

Messrs John Kruse, C. M. Thorpe & B. F. Bisel

You are hereby notified that you were duly appointed Road Viewer by J. J. Patterson
Chairman of the Board of County Commissioners of Gallatin County, Montana, on the 3rd
day of May 1900 to view and lay out a proposed road, as prayed for in the

petition of Dr. John Kruse and others, described as follows, to-wit:

Beginning at the S.W. Corner of the N 1/2 of
the N.W. 1/4 of Sec. 15 Tp. 2 N. R. 6 E. thence North
along the West line of said Section 15 to
a point on the North Side of the N.P. Ry.
track - thence in an easterly direction
along or near the old traveled road, by the
most practicable route to Mr. Kelly's house,

more particularly described in the petition.

copy

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with (names of viewers), who were duly appointed as

Viewers on said road by the Chairman of the Board of County Commissioners on the 24th
day of May 1900, commencing at the place designated in said petition as the

starting point of the road sought to be at 10 o'clock A.M. 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
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 4th
day of May 1900.

J. E. Blankenship
County Clerk

By _____ Deputy.

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. J. L. PATTERSON,
Chairman of the Board of County Commissioners, Gallatin County, Montana.

DEAR SIR:—You are hereby notified that a petition for a County Road has been received in this office.

signed by Dr. John Kruse et al

of Road District No 5

The petition above referred to, petitions that a Road be established, commencing at the S.W. corner of the N¹/₂ of N¹/₄ of Sec 15 T¹ S. R. 6 E. thence running North along the West line of said Section, more particularly described in the petition

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

Yours, Very Respectfully,

E. V. Blankenship
County Clerk and Recorder.

Dated at, Bozeman, Montana, this 3rd day of May 1900.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

MR. E. V. BLANKENSHIP,
County Clerk, Gallatin County, Montana.

DEAR SIR:—In pursuance of the above notice, I hereby appoint:

C. M. Thorpe

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

Yours, Very Respectfully,

J. L. Patterson
Chairman of the Board of County Commissioners, Gallatin County, Montana.

Dated at Bozeman, Montana, this 3 day of May 1900.

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.

E. M. Thayer

Subscribed and sworn to before me this 23rd day
of May 1900

E. V. Blankenship
County 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.

Dr John Hesse

Subscribed and sworn to before me this 24th day
of May 1900

E. M. Thayer
County 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.

B. P. Bissel

Subscribed and sworn to before me this 24th day
of May 1900

C. M. Hofer.

County Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 172

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

We, the undersigned Road Viewers, consisting of

B. F. Bisel,

Dr. John Kruse, and C. M. Thorpe, appointed
by J. L. Patterson Chairman of the Board of
County Commissioners of said County

appointed to view a proposed road running from the S.W. corner of the N¹/₂ of NW¹/₄
of Sec. 15 T.2S. R.6E

to a point where the traveled road crosses the line between sections 11 & 12
said T. & R. the same being near Mr. Killips house
as described in the annexed petition, say, That on the 24th day of May

A. D., 1900 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 of the proposed road is
as follows to wit: Beginning at the S.W. corner of
the N¹/₂ of NW¹/₄ of Section 15 T.2S. R.6E. thence
North along the west line of said Section 15 to a point
on the north side of the N.P. Ry track, the same being
in the center of the traveled road running east,

thence in an easterly direction along the traveled
road to a point on the section line between sections
10 and 15, said T. & R. the same being on the east side
of the East Gallatin River. thence East along the said
section line between Section 10 and 15, and between
sections 11 & 14, to the foot of the bluff on the east
side of the G. L. P. and Ry. Co's. power ditch,

thence south easterly, and north easterly, along
the road as now traveled, the same being along the
change of road as made by Joseph Kups to a point
on the line between sections 11 and 12 said

T. & R. the same being where the said section line
is crossed by the old traveled road, the same being
the terminus as described in the petition, and being
near Mr. Killips house. The length of the proposed
road is about 2 1/4 miles. The line of the road is

defined by the traveled road and by the section line
between sections 10 and 15, and between sections 11 and
14. The proposed road is an old traveled road, the
grades are very light, the ground over which the road
passes is suitable for a road.

The description of the land and names of owners over which the proposed road passes is as follows. along the E. side of N.E. 1/4 of N.E. 1/4 of Sec. 16 owned by John Guber. through Section 15 (along N. side of N.P.R.) and along N. line of said Sec 15 and the south line of S.E. 1/4 of Section 10 said T & R. the same being a State Military Reservation. along the south side of S.W. 1/4 of S.E. 1/4 of said Section 10. ^{portion of road line} along a portion of the south line of S.W. 1/4 of Sec. 11 owned by F. K. Armstrong. through a portion of the N. 1/2 of Section 14 said T & R. owned by F. and W. Smith. and through the S.E. 1/4 of Section 11 said T & R. owned by Joseph Kops.

While the proposed road is an open traveled road there should be some grading done through the river bottom probably cost \$5000.

We are informed that Mr. Joseph Kops agreed to make the change of road through his land as good as the old road so far this has not been done. He should be required to do more work and grade a road wide enough for two teams to pass.

REPORT OF BOARD MEMBERS

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

Wm. Cain F. & W. Speith F. H. Armstrong
Joseph Keffe

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

all consent

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:

No damages asked and none allowed.

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

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

Dated May 24th A. D., 1890

B. F. Bissel
J. John Linnick
C. M. Thorpe } Road Viewers.

C. M. THORPE,

County Surveyor and Superintendent of Roads.

BOZEMAN, MONTANA, Sept. 5th, 1900. 189

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

Gentlemen:

As instructed by you I have surveyed the Dr. Kruse Road, No. 172

The road is open and traveled. The object of the survey
being principally to establish the road as traveled.

The land owners along the road whose fences are not out a suffi-
cient distance are as follows: John Gurber, Wm. Case,

Fred Spieth, and Joseph Kopp. Mr. Kopp having given only

30 feet between his fences. Along the line between

Fred Spieth and Judge Armstrong, Mr. Spieth should move his
fence 30 feet south.

I would respectfully ask for more time in which to prepare the
map for record, of this road and the other roads surveyed

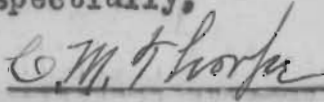
during the quarter. I wish to call the attention of the ~~Board~~

Board to the provisions of sections 2764 to 2766 of Political

Code relative to opening of roads. Also section 2721 to 2725

relating to the removal of fences.

Respectfully,



County Surveyor.

Report of Co. Surveyor
Road No. 172

On Kruze Road

FILED

Sept. 6th 1900
E. O. Blankenship

THE WITHIN Report IS
EXAMINED, FOUND CORRECT AND IS HERE-
BY APPROVED and ordered
filed
BY ORDER OF THE BOARD, THIS 8
DAY OF Sept A. D., 1900
J. Patterson CHAIRMAN.
ATTEST: _____ COUNTY CLERK.

BOZEMAN, MONT. 1900

The word is open and preserved. The object of the survey
is that, made by you, I have surveyed the Dr. Kruze Road, No. 172
County, Montana
to the Honorable Board of County Commissioners
Bozeman, Montana

REGISTRY RECEIPT.
Post Office at Bozeman, Mont.
Registered Letter Parcel { No. 106 Rec'd May 4 1900
of County Clerk, Pol. Co.
Bozeman, Mont.
addressed to Dr. John Kruse
Bozeman Mont.
W. B. Burkett P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont
Registered Letter Parcel } No. 108 Rec'd. May 11 1900
of County Clk., Gal. Co.
Bozeman, Mont
addressed to C. H. Bissel, Jr.

F. K. Armstrong

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~~ along the south line of S.W. 1/4 of Sec. 11, T. 2 S. R. 6 E. as viewed ~~and surveyed~~ by B. F. Bissel, Dr. John Knorr and C. M. Thors on the 24th day of May, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: F. K. Armstrong

Dated at Bozeman this 26 day of May 1890

John Gurber

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~~ along the East side of N.E. 1/4 of N.E. 1/4 Sec. 16, T. 2 S. R. 6 E. to the North side of the N.E. 1/4 as viewed ~~and surveyed~~ by B. F. Bissel, Dr. John Knorr and C. M. Thors on the 24th day of May, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: John Gurber

Dated at Bozeman this 24th day of May 1890

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~~ along the North side of N 1/4 of Sec. 14, T 25, R 6 E.,
from the N.W. corner east to foot of bluff, and a 60 foot right of way, as viewed
as viewed ~~and surveyed~~ by B. F. Bisel, Dr. John Kruse and C. M. Thorne

on the 24th day of May, 1890. And hereby agree to place

my fences on said lines without charge to the County.

Signed: J. M. Spith by J. Spith.

Dated at this 24th day of May, 1890.

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~~ along the South side of SW 1/4 of SE 1/4 Sec. 10, T 25 R 6 E.,
from the East Gallatin River East,
as viewed ~~and surveyed~~ by B. F. Bisel, Dr. John Kruse and C. M. Thorne

on the 24th day of May, 1890. And hereby agree to place

my fences on said lines without charge to the County.

Signed: Wm. Cairn

Dated at this 24th day of May, 1890.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County

Road, ~~through~~ along the S.E. 1/4 of Sec. 11, T 25, R 6 E.,
along the road as now traveled,
as viewed ~~and surveyed~~ by B. F. Bisel, Dr. John Kruse, and C. M. Thorne

on the 24th day of May, 1890. And hereby agree to place

my fences on said lines without charge to the County.

Signed: Joseph Kopp

Dated at this 24th day of May, 1890.

Notice of Petition for opening Public Road.

Notice is hereby given that fifteen residents of Road Dist., No. 5 of Gallatin County, State of Montana, have filed a petition in writing with the County Commissioners of Gallatin County, State of Montana.

Said petition praying that a new road be established. A description of the route of the road which it is proposed to lay out and establish is as follows to wit:—Beginning at the S.W. corner of the N. 1/2 of N.W. 1/4 of Sec. 15 Tp 2, S R, 6 E. thence North along the West line of said Section 15 to a point on the North side of the N.P. Ry. track the same being in the center of the traveled road running East. thence in an Easterly direction along or near the old traveled road by the most practical route, to a point where said old road crosses the section line between section 11 and 12, Tp 2, S R, 6 E. the same being a point near Mr. Kelleys house.

Said Road will be viewed by viewers appointed by the chairman of the Board of County Commissioners, according to law, who will commence said view at the place of beginning of said Road, so proposed to be established, on Thursday the 24th day of May A.D. 1900. Said viewing to commence at ten (10) O'Clock A.M. of said day.

E. J. Blankenship
County Clerk.

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

Johnnie Egan being first duly sworn deposes and says, that ~~as the~~ he received from the County Clerk of said County, on the *4th* day of *May* A. D., *1900*, three copies of the annexed notice, and that on the *11th* day of *May* *1900* 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 the terminating point.*

and further deponeth sayeth not.

Subscribed and sworn to before me this *11th* day of *May* A. D., *1900*

I, hereby certify that I posted a copy of the above notice, at the front door of the Recorder's Office on the *11th* day of *May* A.D. 1900

Johnnie Egan
E. J. Blankenship
County Clerk.

subscribed and sworn to before me this *23* day of *May* A.D. 1900

E. M. Thorpe Co. Surveyor

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 ^{declared} at the S.W. cor. of the E. 1/2 of N.W. 1/4 of Sec. 15 T. 2, S. R. 6 E. thence N. along the W. line of said Sec. to a point on the North side of the N.P. Ry. track, thence in an Easterly direction along the traveled road to a point on the Sec. line between Secs 10 and 15 said T. & R. the same being on the E. side of the East Gallatin River, thence East along the said Sec. line between Sec's 10 and 15 and between Sec's 11 & 14 to the foot of the Bluff on the East side of the G.L.P. and Ry. Co's power ditch, thence Southeasterly and northeasterly along the road as now traveled, the same being along the change of road made by Jos. Kopp to a point on the line between Sec's 11 and 12 said T. & R. being where the Sec. line is crossed by the old traveled road. The same being the terminus as described in the petition and near Mr. ^{Boys} house.

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

Dated Sept. 8th 1900 189.

E. V. Blaukenship
Clerk,

By _____ Deputy.

Date of Posting _____ 189

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

Albert Melton (Sup.)

being first duly sworn deposes and says, that ~~as the~~ he received from the County Clerk of said County, on the 26th day of April A. D., 1901, three copies of the annexed notice, and that on the 27th day of April 1901 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 - one at or near the center of the route and one at the point of termination

and further deponeth sayeth not.

Subscribed and sworn to before me this 27th day of April A. D., 1901

Albert Melton
E. V. Blaukenship
County Clerk.

Form 1548.
REGISTRY RETURN RECEIPT sent May 4 1890

Reg. No. 106 from Post Office at Bozeman Mont.

Reg. Letter / ~~Parcel~~ Addressed to B. F. Bice
Bozeman 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. Bice

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

* Cross letter or parcel according to which is sent.

Form 1548.
REGISTRY RETURN RECEIPT sent May 4 1890

Reg. No. 106 from Post Office at Bozeman Mont.

Reg. Letter / ~~Parcel~~ Addressed to Dr. John Kruse
Bozeman 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. Dr. John Kruse
Jacob E. Kruse

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

* Cross letter or parcel according to which is sent.