

No 15 Sept 1880

Vacate Public Road

in

Bradford & Graham

Dep

Filed 23 Aug 1884

Mitchell

Clearfield County, ss:

In the matter of the
Vacation of Public Road

in
Bradford Graham

Jurys

In the Court of Common Pleas of Clearfield
County, Pennsylvania.

No. 15

Sept Term, 1886.

AND NOW, to wit, the 2 day of Aug, in the year of our
Lord one thousand eight hundred and eighty-four, the
Petitioners enter a Rule to take the Depositions
of ancient, infirm and going witnesses, to be read in evidence
on the Arguments of this case.
Ex parte Rule of Petitioners on 5 day's notice.

James Kerr

Prothonotary.

TO Murray Gordon, ESQ:

You will please take notice that, in pursuance of the foregoing Rule, Depositions will
be taken before M. J. Curley J.P., or some other person authorized to
administer an oath or affirmation in Pennsylvania, in and for the county of
Clearfield at the office of M. J. Curley J.P., in
the Township of Bradford in the county of
Clearfield and State of Pennsylvania, on the 7
day of August, A. D., 1884, between the hours of 8 o'clock
A. M., and 11 o'clock P. M., when and where you may attend and cross-
examine.

Clearfield, Pa., Aug 2, 1884

Dea Mitchell
City for Adams

Served accepted 2 Aug
1884 Just waived
Murray Gordon

And now 7, Aug. 1884 it is agreed
by the attorneys interested in the case
in which the within rule was issued
that the time of taking the testimony
on the within rule be continued to Thurs.
day Aug. the 21-1884 and that the
testimony be taken on this rule to have the
same effect as if a new rule had been
issued and regularly served.

Oscar Mitchell
Attorney for petitioners
for vacating and
amending
order for Kirsch.

Depositions of witnesses produced Sworn And
Examined by me this the 28th day of August
AD 1884 at my office in the Village of Woodland
between the hours of 8 O'clock AM and 10 O'clock
PM by virtue of the annexed rule of Court of Quarter
Sessions And notice hereto attached for the Examination
of witnesses In the matter of the Vacation of Public
Road in Prauford and Graham Townships

Samuel K Cowder affirmed on the part of petitioners for
Vacation of Road Says I live in Prauford Township
Clarke County Pa aged 47 years. I know the road
for which the petition to vacate was presented to the
Court of Quarter Sessions. which was laid out
from Henry Bumbarger to the Susquehanna
River at Yellow Harbor. I do not believe that the
part of said road which has been recently vacated
is of any use to the public.
It does not lead to any public place, and there is
no Fording or Bridge and no other Township road
Connects with it. There are no farms along the road
which has been vacated. The road is not used for
any thing that I know of except for hauling a little
timber during the winter. There is not much timber

1 to be hauled on it now. There was a road laid out ^{and}
2 made on the other side of the river to intersect the road
3 now asked to be vacated. I do not know of the road being
4 vacated on the other side of the river.

5
6 Cross Examination by Edmund Dale on part of petitioners
7 for Renewal.

8 The Road leads to the River at Galloway Harbor. I do not know
9 what people go there for except to fish in the summer time.
10 S. K. Cowder

11
12 John Livingston produced and affirmed on the part
13 of the Petitioners for Vacation Says; I am about 49
14 years of age and reside in Bradford Township
15 Clearfield County, Pa. I know the part of the road
16 which has been vacated by the Viewers located in
17 Bradford Township which leads from the McCartney
18 place to Galloway Harbor at the Susquehanna River
19 I do not believe that part of the road which the
20 first viewers reported in favor of vacating is of
21 any use to the Public. It leads to no place but
22 the River and there is no fording there. The ^{water}
23 now where the road intersects with the river
24 is from six to ten feet deep. The way we got the
25 road there was; Benjamin Knapp built a big house
26 down there, and intended to keep there and intended
27 to have a Bridge across the river. There was a
28 road laid out and made on the other side of
29 the river that was to connect with the road
30 now to be vacated, the Bridge across the
31 Susquehanna River was never built. The Bridge

1 That was Calculated to have been built was afterward
2 built at Dear Creek. The Road that was made
3 on the opposite side of the river has since been
4 vacated or at least shut up and fields cleared
5 over the road and the road forced in

6
7 Cross Examination by Edmund Dale.

8 It is of no use to the public except a few individuals
9 not over a dozen individuals in the whole Township
10 and that is for hauling timber or fishing, no other pur-
11 pose that I know of without some person would
12 go there to bathe. It is not an important place for
13 landing only on the other side of the river. About a
14 half mile of this road is to be vacated. The road from
15 the McCartney place to Henry Bumbarger is used more
16 than the road from McCartney to the river. I do not believe
17 that the road from the McCartney place to the river has
18 been used this summer as I was along there in
19 June and there had not been any one along there then
20 with a wagon. I was and am now Supervisor of
21 Bradford Township. I did not repair that piece of road
22 any this summer. John Livingston

23
24 William Livingston produced and affirmed on part
25 of the petitioners for vacation of Road. I am 42 years of
26 age and reside in Bradford Township Clearfield Co
27 Pa. I know the road which has been vacated
28 by first report of Viewers leading from the McCartney
29 place to the river in Bradford Township.

30 It is of very little use to the public in general except
31 a few individuals and only for hauling timber is the

1 Road used for, this is the only use I know of the
2 road being used for. The road does not lead to
3 any public place except to the river and connects
4 with no other road. There was a public road
5 laid out and made on the other side of the river
6 to connect with this road and there was a
7 petition for a bridge across the river at this
8 point and there was also at the same time ^{petition}
9 for a bridge across the river at Deer Creek
10 at the same time; the bridge was built across
11 the river at Deer Creek in place of the one
12 at Gallows Harbor. Cannot ford the river at Gallows
13 Harbor it is too deep to ford. I have been in swimming
14 there and could not touch bottom at any place I
15 have been. About one third of the road to be vacated
16 on the end next to the river has never been opened by
17 the Township.

18 Cross Examination by Edmund Dale

19 The part of the road vacated is not used as much as
20 the other. J. W. Irvington

21
22 Joshua Graffius Affirmed on the part of the Petitioners
23 for vacation I am about 51 years of age and
24 reside in Mansfield Township Clearfield County Pa
25 and say: I know the Road which the first witness
26 in this case reported in favor of vacating from
27 the McCartney farm to the Susquehanna River
28 in Mansfield Township. I do not believe that the
29 Road is of any use to the majority of the Community.
30 It is used for going to and from the river in the Spring
31 of the year for hauling bows & pins and trimmings for

1 Raft's, and in the winter for hauling timber and that is the only use
2 that I know of. It does not lead to any other place except the
3 Susquehanna River there is no fording there and the River
4 cannot be crossed with a team - there is no purpose for
5 which the road is used except for hauling timber and going
6 to fish.

7 Cross Examined by Edmund Dale

8 It is used just as I stated before only for hauling timber
9 &c. Some of the teams hauling timber on the Moravian Road
10 cross back by this road, there is no public road leading
11 to the river at this point. I think the upper end of the
12 road is used the most. There is no one lives below
13 the McCartney place - when I go to the river at Gallows
14 Harbor I go by way of Henry Grappin's and use
15 both ends of the road but it is very seldom I go.

16 Joshua Grappin

17
18 W. A. Horner produced and affirmed on the part of
19 the Petitioners for vacation and says I am 39 years
20 of age reside in Bradford Township Clearfield Co Pa
21 I know of the Road which the first viewers in this case
22 have reported in favor of vacating; the road is not
23 needed for public use or travel and leads to the
24 River at Gallows Harbor and does not connect with
25 any other Road. All I know of it being used for
26 is for hauling timber in the winter

27 Cross Examined by Edmund Dale

28 I have not been on the road for four or five years I live
29 about three mile from the road. It does not lead to any
30 public place

W. A. Horner

1 Wm E. Greay produced and sworn on the part of the
2 petitioners for vacating Road and says I am 41 years
3 of age and reside in Bradford Township Clearfield
4 County Pa I know the Road which the first viewers
5 in this case have reported in favor of vacating and
6 leading from the McCartney Farm to the Susquehanna
7 River. The Road is not used that I know of by
8 the public I know it is not. It does not intersect
9 with any other road, and the river is too deep
10 to cross where it intersects.

11 No Cross Examination W E Greay

12 John A Woodbridge produced and affirmed on the part
13 of the Petitioners for vacating Road and says I am 40
14 years of age reside in Bradford Township Clearfield
15 County Pa I know the Road which the first viewers
16 in this case have reported in favor of vacating and leading
17 from the McCartney Farm to the Susquehanna River
18 there is no fording at the river at Galloway Harbor
19 this road only leads to the Susquehanna River and I
20 cannot see that it is needed for public purposes
21 there is no houses along the part of the Road
22 vacated I cannot say that any of the public uses
23 the road if I wanted to go fishing or to Galloway Harbor
24 I would go that road but it is a very rough and
25 hilly road to travel

26 Cross Examined by Edmund Dole

27 I was on the road last summer my reason for knowing it
28 is not traveled is because there is nothing there to
29 cause travel.

John A. Woodbridge

A W Cowder produced and affirmed on the part of
the Petitioners for vacating Road and says I am about
34 years of age and reside in Bradford Township
Clearfield County Pa. I know of the Road in which
the first viewers in this case reported in favor of
vacating in Bradford Township. I do not think
that the Road is needed or used for the traveling public
the public do not use it now as there is no place
to go to except to the river. It does not lead to any
public place only the river.

No Cross Examination A W Cowder
James M. Woodrider produced and sworn
on the part of the Petitioners for vacating Road and says
I am about 38 years of age reside in Bradford
Township Clearfield County Pa. I know of the road in
which the first viewers reported in favor of vacating
leading from the McCartney farm to the Susquehanna
River, I do not think the road is needed or neces-
sary for the traveling public. It is not used by the
public but is used for hauling timber and rafting pur-
poses, it does not connect with any other public road
or place except the river. The road runs through
bad rocky ground and would be very expensive to
keep repaired, there is two bridges on this piece of road
and one of them is very large or long, there is three
bridges on the road as it is now used. I was on
the road weeks before last the road is steep and the
most of it is very steep. If wagons do go down the
road in the summer time I do not know what it would
be for except it would be to fish
Cross Examined by Edmund Dale

Examination

The Road does connect with the Moravian Road which was a public road but was vacated three or four years ago: This is the only public road leading to the River at Gallons Harbor. In going to the river you can go by way of A. McQuaders at the head of Harbor or in sight, or by way of John Harriers at the Back Hill finding, I don't know of any other way to get to the river at Gallons Harbor except by the road to be vacated that is with a team. The whole of the road from McQuaders to the river will need repairing.

Mr. Woodbridge
Elijah M. Dowell produced and affirmed on the part of the Petitioners for Vacating Road and says: I am about 52 years of age. Reside in Bradford Township Clearfield County Pa. I know that part of the Road which was vacated by the viewers in this case; It is not used by the public nor is it necessary for the public use, this road does not lead to any public place except the river and there is no finding or bridge ^{there, or} dwelling houses or farms along the part to be vacated or ~~never~~ ^{any farms} can be, as the land is very desolate. The road is very steep and as it is used now there are three bridges, the longest of which is about seventy five or eighty feet the second one is not much short of the other. The Bridges are now pretty well rotted down and to replace them and put the road in good condition it would take near one hundred and fifty dollars. The only use I know of the road to be is for the purpose of hauling timber, go blackberrying and fishing.

Cross Examined

by Edmund Dale

They were vacating a half mile or a little over
I was Supervisor three years. Persons traveling with
a team cannot get to Gallows Harbor without going in
on this road, I think this Road cost one dollar per
year during the first two years.

E. M. Howell

Clearfield County SS

I certify that the above witnesses and each of them
were duly qualified and examined at the time and
place as stated in the above caption and each of
them subscribed their depositions in my presence
Witness my hand and seal this 21st day of August
AD 1884

W. J. Curley
Woodland La

Certs

Justice W. Curley

\$4.35

Sup. 9 Witnesses	60
10 Oaths	100
Affida Cor.	2.25
Cart & Car	50
Witness Fees	4.35

Ex Coroner 6 M³ at 43

John Livingston 9 " " 52

John Livingston 8 " " 44

John Livingston 10 " " 55

W. A. Hoover 6 " " 43

W. E. Henry 6 " " 43

Geo. A. Woodbridge 6 " " 43

A. W. Coroner 12 " " 61

Geo. A. Woodbridge 12 " " 61

E. M. Howell 8 " " 49

499

No 15 Sept 1880

Went to Public Road

in

Bradford & Lyndon

Sept

then 23 Aug 1884

Mitchell