

No.

Sept

SS
Term, 1886

Public Road

~~versus~~ in

Lawrence Township

Contents:

R. S. # 3. Page 228

† (List)

Start
CLEARFIELD

Lancaster BORO

Page at ... road
Near ...
of 102 ...
its ... road near
Ellis ...

Prof May 18 57

33-16²

I did not set the fence quite out to the line
My reason for not putting my fence out
to the line was to give room for parties
to drive along, I did not know when I
moved my fence that there was a partition
for a road. I heard not talk of it for
two or three weeks. from my fence
to the Ainsborough fence is about
16 feet; It would be a damage to me to
have the road on the line at that place
I have a row of trees 8 or 9 feet from
the fence, This road passes along my yard
and garden. at the upper end of my lot
~~the~~ above the Orchard the fence stands
about 10 ft from the line.

Cross Est

Say nothing about the fence. the new road
would not be any more damage to me
than the old road. the trees stood in the
fence corners on the inside of the old
fence. they are all peach trees in the first
row except one. that is a walnut; if my
neighbor had moved his fence out as
far as I did mine the road would be
closed up.

ac cross

Mr Ainsborough land opposite my house
is used for a grain field. The old road
was a damage to me. it never was any
benefit to me. The trees are coming to
bearable age. and the cattle were eating
them off.

Re Cross Ex

I have five acres of land. My wife has the title to it. the lane was there when I set out my peach trees. Some of these trees are five and others eight years old the peach trees never bore very much fruit.

J. L. Conklin.

I certify that the above witnesses were duly qualified and examined at the time and place stated in the caption, and Subscribed their depositions in my. April 5th 1887

L. R. McCullough J. P.

Depositions

Woslo

L. R. McCullough J. P. 200

I think the new road is no more damage than
the old road was. where Conklin's fence stood
before. J. L. Thompson

Joseph Thompson sworn

I signed the partition
for this road. I objected to the steep place above
Conklin's House Mr. Lanich said that would
be graded around, there was nothing said
about the fences to me. The snow drifts
some by Lanich's Gate, but not above that
cross etc

This lane does not drift as bad as
some roads in the Tp.

J. L. Thompson

W. J. Shaw sworn

I live in Lawrence Tp.
I haul coal along this lane. the grade
is very heavy. I drove through the fields
on account of the drift.

W. J. Shaw

J. L. Conklin sworn

I live in Lawrence Tp.
along this road. I have lived where I now
live about 14 years. when I went there
the land was not cleared. This lane has
been opened about 11 years. or a little
over, before that time the people turned
north at my house and went along the
edge of the woods. I moved my board fence
in August last. at that time the lane was
badly washed on the side next to my
fence. parties drove on the other side.

There is heavy grade in two places. To locate the road as this is located requiring Mr. Couklins to move his board fence taking that amount of ground from his lot and taking a row of trees mostly peach trees I would consider serious damage. It would make as good a road to locate it making Couklins fence the boundary at that point as to locate it on the line from Couklins fence to Amstrongs fence is about 16 or 18 ft.

Cross Et

I have nothing to do with private roads as Supervisor. I thought it was to be a public road. I demonstrated against a public road.

E. H. Shirey

J. H. Thompson Sworn.

I live in Lawrence St about one fourth of a mile from this road. I signed the remonstrance against this road. This lane has been on this ground about 12 years on the upper end. The lane between Couklins fence and Amstrongs fence is about 16 or 18 feet wide. The people drove along Couklins fence before he moved it on. This board fence was built about the first of August. It was before I heard of the partition being circulated.

Cross Et

I do not know what it would cost to move the fences back to where it was. I think

Deposition of witnesses produced, sworn, and
Examined, at the office of L R McCullough,
one of the Justices of the Peace for Clearfield
County, Borough office on East Market Street
in Clearfield Borough on the 5th day of April
A D 1887 between 9 o'clock A M. and 9 o'clock P. M.
of said day, in obedience to the rule of Court,
and notice, hereto attached, to be read in a
cause depending in the Court of Common Pleas
of Clearfield County, in which Petitioners
are Pff and respondents are Defs.

J M. Lawrence sworn.

I live in Lawrence Twp on
the Ainsborough farm. it joins Mr Conklin's
farm. it is about a year from last fall
since coal was taken from the Ainsborough
Bank. I have been along this road since
it was laid out about every day.
As near as I can tell Mr Conklin has set
out his fence about 12 or 15 rods. I
never counted the parrals. This is
along Mr Conklin's Orchard, from the
fence to the first row of trees is
about 8 or 9 feet. They are small trees.
from Conklin's fence to the Ainsborough
fence is about 16 feet.

~~Before~~ There is a deep ditch washed in the
lane along Conklin's fence. after that
people drove along Hinsborough's fence.
there is room between the two fences for
parties to drive along safely. The ground
is as good for a road ^{making} along Conklin's fence
the boundary as to put the road on the
line. I shut up the road myself, to keep
the cattle out for a short time until
I got my crops moved. I put in bars
so that they could be opened by any
one passing. This road or part of it drifts
badly. - Cross Et

The first row of trees are peach trees.
they stood near the old fence before he
moved it. I never seen any peaches on these
trees. I know the lane has been there for
a number of years I think this road does
not drift more than other roads ^{under} sim-
ilar circumstances.

he cross Et

It drifts so that they cannot drive
it in winter.

J. W. Young

E. K. Shirey Sworn I live in Lawrence &
a little over two miles from this road
I have been Supervisor of Lawrence &
for the last two years. I was along
the line of this lane in July or March
I was up there to look at the ground for
this road. The ground is all right but
the grade is very heavy for a short
distance.

❖ Rule to Take Depositions. ❖

Clearfield County, ss:

In Re

Road in Law-

rence Township

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

No. 18 September Term, 1886.

And Now, to wit, the 29th day of March, in the year of our
Lord one thousand eight hundred and eighty-Seven
the Exceplants enter a Rule to take the
Depositions of ancient, infirm and going witnesses,
to be read in evidence on the Argument of
this case. Exparte Rule of Exceplants on
five days' notice.

Wm. J. Simon
Prothonotary.

To Frank G. Harris, Esq.:

Atty for Pleluners

You will please take notice that, in pursuance of the foregoing Rule,
Depositions will be taken before L. K. McCullough, or some other
person authorized to administer an oath or affirmation in Pennsylvania, in
and for the county of Clearfield, at the office of L. K. McCullough
in the Borough of Clearfield, in the county of Clearfield
and State of Pennsylvania, on the fourth day of April A. D.
1887, between the hours of 9 o'clock, A. M. and 9 o'clock, P. M.,
when and where you may attend and cross-examine.

Clearfield, Pa., March 29, 1887

Doughton Bell
atty for Exceplants

CLEARFIELD REPUBLICAN PRINT.

Mar. 29. 87. revised acceptant.
F. G. Harris
atty for Road,

Wm Brauer

Wm E. Conklin

Jas Or

98640 E 2750th

Wm Ambrose

□

□

Wm E. Conklin

□

Miss Tranch

□

Public Room

Rear

Levis Tranch

□

Public Room

□

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 14th day of Oct, A. D. 1886, before Judges of said Court, upon a petition of sundry inhabitants of the township of Lawrence, in said county, setting forth that they labor under

great inconvenience for want of a road beginning at a public road near the residence of Lebo's Ranch in said township and thence by the nearest and best route until it intersects a public road at or near William Beaumont in said township

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint E. L. Read, John McPride & Linn McPherson who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do least injury to private property, and state particularly whether they judge the same necessary for a public or private road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose lands said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next Court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated lands through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

James Keen

Clerk.

Release of Damages.

Know all Men by these Presents, That we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes, for and in consideration of the sum of ONE DOLLAR to us respectively paid by the at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this day of
A. D. 188 .



ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To *Mrs J S Conkling* the sum of *One Dollar*
To *James Orr* the sum of *One Dollar*
To the sum of

Witness our hands this day of A. D. 188 .

Henry C. Fair
J. S. Thompson
J. A. H. L. L. L.

To the Honorable the Judges of the Court
of Quarter Sessions,

We the undersigned owners appointed by
the within order of Court to view and lay
out the road therein mentioned would respectfully report
that after giving good and sufficient notice of
the time & place of meeting for said view, we met
in pursuance of said notice and all being
present and all being first severally sworn according
to law. We have viewed the premises and have laid
out and do now return the following road, to wit:—
Beginning at a Chestnut tree at the public road near
the corner of lands of Wm Ainsbors and J. L. Conklin
thence along the line between said lands South $86^{\circ}40'E$.
10 $\frac{3}{4}$ Chains to Corner of J. L. Conklin Lot thence continuing
on same course the additional distance of 17 $\frac{1}{2}$ Chains
along said land of Ainsbors and land of James Orr. to
Corner of Ellis Lauck's lot thence along the dividing line of
said lot & the Ainsbors land a distance South $31^{\circ}00'$
West 4 $\frac{3}{4}$ Chs to public road near the stable of Ellis
Lauck. which said road we judge necessary for a
private road a plot or Draft of which is hereto annexed.
Witness our hands this 11th day of Dec A.D. 1886

Emory C. Read

J. L. McPherson

J. H. Mc Bride

Note.—In case of a private road, the release must be executed in favor of the petitioner for said road.
Also.—Viewers will carefully note the number of days employed and set the amount out at the foot of their return.
Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.
N. B.—If the viewers believe the parties are not entitled to damages, take it into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

Geo A McNeal Days 1 Amount.

Geo A McNeal Miles 2 Days 1

Geo A McNeal Miles 3 Days 1 1/2 \$330

Days
Miles

Reasonance filed
1 July 1887

CLEARFIELD REPUBLICAN PRINT.

No. 18 Seph Sessions, 1887

ORDER

To view and lay out a Road
For Public use in the township
of Lawrence Clearfield Co.

July 18th 1887 Road com-
enced this day, and to be
33 feet wide except where
there is a hill cutting in the
center or where there is a
16 feet wide by the Court

May 18th 1887. The Court confirmed
the road to be opened and a
private road, at the expense of
the petitioners, by the Court

Filed 1887

Fees \$1.25 paid by Geo A McNeal

May 18th 1887 confirmed by the Court

Geo A McNeal
for Road
July 18th 1887

no 18 Sept 28, 1886

Petition to Vacate

Public Road in
in Lawrence Township

Filed 4 Oct 1886

Now 4 Oct 1886, Petition
made return upon E. E. Reed
John W. Briddle and John
W. Henson are appointed
viewers to view and report
to the Court at the next
term.
By the Court
O. Z. Hedy

By

To the Hon. D. L. Krebs President Judge, and
his Associate Judges of the Court of Common Pleas
of Clearfork County:

The Petition of the Citizens of the Township
of Lawrence in the County of said.

Respectfully represents that your petitioners labor
under great inconvenience for want of a Road
beginning at a public road near the residence
of Lewis Laniach in said Township, and thence by
the nearest and best route until it intersects
a public road, at or near William Beaumont
in said Township. Your Petitioners therefore
respectfully pray your Honors to appoint proper
persons to view and lay out the same according
to law.

And they will Ever pray &c.

A. G. Watson

J. D. Beaumont

W. E. Laniach

J. H. Kremer

Allen Orr

H. M. Muller

H. L. Orr

Virgil Secoy

Wm. L. Laniach

John H. Kremer

Appreciated brought

J. L. Thompson

John H. Kremer

L. A. Laniach

J. F. White

W. H. Beaumont

Hugh Orr

James Orr

L. D. Gulick

J. E. Kremer

H. W. Wilcox

J. P. Laniach

R. Wallace

Ed. Tilgall

In Re Private } In the Court of Quarter
Road in } Sessions of Clearfield Co
Lawrence Twp } Nov 18 Sept. SS 1886

Now 7 Feby 1887 J. L. Centline
by his attorney Singleton Bell, excepts
to the confirmation of the report of jurors
in the above case for the following reasons:

First:— That no necessity exists for a
road connecting the points named as the
termini in this view other than the roads
now existing and that the road as laid
out is entirely unnecessary

Second:— That the road as laid out has
not been put on the best ground, having
regard to shortest distance and best grade

Third:— That the road has not been laid
out so as to do the least damage to the
property of the private individuals through
whose land said road passes.

Fourth:— For other defects apparent from the
records.

Singleton Bell
Atty for Exceptants

And now 3rd June 1887 the several exceptions within contain-
ed are overruled and report confirmed, see report, Exception
allowed still sealed for Exchequer

By the Court
David L. Kelly
J

No 22 Sep 88 1882

Road in

Lawrence Twp

Exceptions

June 8th 1887

St Bell

No. 18 Sept 55 1882

Read in Lecture 7th

Remonstrance

Dec 31st Jan'y 1887

2228

To the Honorable Judges of the Court of
Quarter Sessions of Clarfield County Pa.

The petition of the undersigned, citizens
of the Township of Lawrence in said
County respectfully represents:

That a petition was presented to your
Honorable Court to No 18 Sept SS 1886
praying your honorable Court to ap-
point viewers to view and lay out
a road from the public road at a point
near the residence of Lewis Lamm in
Lawrence township and thence by the
nearest and best route to intersect a
public road at or near William Beau-
monts in said township.

That the said viewers, E. C. Read, John
D. M. Under & J. L. M. Pherson have filed their
report laying out a private road between
the points designated in the petition.

That your petitioners believing the said
road to be unnecessary and that the
same has not been laid out with
due regard for the rights of property
owners through whose land said road passes
nor in such manner as to do the least
injury to private property, do petition
your Honorable Court to refuse to
confirm said report herein referred to

And they will ever pray

R. E. Shaw
P. L. Conklin
Wm. Graham
Ed. Varick
E. W. Hawley
Wm. J. Shaw
J. C. Barnes
J. H. Mullen
J. B. Ogden
R. H. Ogden
James Leroy
P. H. Thompson
Frank Thompson
R. Conklin
M. J. Owens
Alvin H. S.
Jas. C. C. C.
Joseph Young
Coryd Siddick

Austin Haney
Zach Ogden
Matt Ogden
J. W. Ogden
J. Frenchberger
Jacob F. White

Rule to Take Depositions.

Clearfield County, ss :

In Re Public
Road in Lawrence
Township

VERSUS

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

No. 18 Sept Sess Term, 1886.

And Now, to wit, the 18 day of March, in the year of our
Lord one thousand eight hundred and eighty- 7
the Petitioners enter a Rule to take the
Depositions of ancient, infirm and going witnesses,
to be read in evidence on the argument of
this case. Ex parte Rule of Petitioners on
5 days' notice.

A. U. Bloomer
Prothonotary.

To Singleton Bell, Esq.:

Atty for Remonstrators

You will please take notice that, in pursuance of the foregoing Rule,
Depositions will be taken before E. M. Cullough, or some other
person authorized to administer an oath or affirmation in Pennsylvania, in
and for the county of Clearfield, at the office of E. M. Cullough
in the Town of Clearfield, in the county of Clearfield
and State of Pennsylvania, on the 23 day of March A. D.
1887, between the hours of 9 o'clock, A. M. and 10 o'clock, P. M.,
when and where you may attend and cross-examine.

Clearfield, Pa., Mar. 18, 1887

Anna Harris
Atty for Petitioners.

CLEARFIELD REPUBLICAN PRINT.

Now 18 March 1887 Service accepted

Singleton Bell
Atty for Remonstrators

Depositions of witnesses produced, sworn and affirmed, and examined, at the office of L. R. McCullough, one of the Justices of the Peace for Clearfield County Penn. Office in East Market St Clearfield Penn on the 23rd day of March A.D. 1887 between the hours of 9 O'clock A.M. and 10 O'clock P.M. of said day, in obedience to the rule of Court, and notice hereto attached, to be read in a cause depending in the Court of Common Pleas of Clearfield County in which certain remonstrators are Plffs and the defendant is Def.

E. C. Read Affd

I was the Surveyor that layed out this road. This road is located in an old lane which is the line between Wm Ainsborough on the South and Coullins and James on on the North. This lane has been opened and traveled for many years. I consider this road necessary for an outlet and a near cut for Laricks and that neighborhood to the Beaumont road, and to the Mt Zion School house. Without this road the people of this neighborhood would have to travel 2 1/2 miles around to get to the School house. This road is on the best ground shortest distance and best grade without cutting Ainsboroughs farm into two pieces.

The road where located now does the least damage to private property. it does not interfere with anybodys Orchard. without this road Levi Conklin could not get out either east or west.

— Cross Et
the old lane spoken of above about 20 ft wide. I think the most of it is on the Orr side. the line runs nearly through the center. from the old line to Conklins apple trees is 24 or 25 ft. This road does not cut off any of Conklins garden. from Lanicks to the Mt Zion School ^{house} is about one mile. it may be a few rods over. from Lanicks to the Montgomery School House is about one mile. This road before reaching the Beusmont road is steep. in one place. that is the natural ground is steep. it could be made a 4 degree road. there is about ten rods of the lower end that could be fixed in the same way.

Emory C. Read

Jacob White

I live in Lawrence Tp about three fourths of a mile from this road. I signed the remonstrance against this road. I signed it because Levi Conklin said the road all came off of him. and went through his garden & orchard. I would not have signed the remonstrance if I had known the road would be on the line. and did not interfere with Conklins orchard or garden.

I think the road is needed through there for the convenience of the public. I think the road should be on the line where it is. I do not think this road is any damage to anybody. I have seen the list of remonstrators, and think there are but two or three that live in the immediate neighborhood and are affected by the road.

Cross Et

The coal bank I refer to is owned by Mr. Sinsborough. I don't know how near the trees are to the road.

Jacob. F. White

Ellis Lanich Sworn

I live in in Lawrence Tp near the east end of this new road. I think this road is necessary as laid out by the viewers. I think the road is on the best ground it is on the line. Without this road there is no way for my children and other children to get to school without going two miles around or more. The road as located by the viewers runs through an old lane which has been there more than 30 years.

This old road has been kept in repair for years by the Lanichs and Cross before the viewers left the ground. Levi Conklin closed up the road by putting three or four panels of his fence out on the line.

Before this Levi Conklin had closed up
the road by putting stuff in it.

This road is a near cut between the
Boumont road and the Lanich road
leading to Clearfield. Mr Conklin objected
to my children going through his field
cross Et

The children of Ellis Lanich Levi Conklin
Lewis Lanich and John Fauner have
to go to school from that neighborhood,
about one year ago Levi Conklin shut
up the road. The lane was about 20 ft
wide where Conklin shut it up.
we could always drive this lane.

re Examined

If this old lane had been cleared out
it would have been wide enough
for all purposes. Mr Conklin set

re cross

Mr Conklin set his fence out about
8 feet. The new board fence was built
about four weeks before the view.

W E Lanich

John Dale Sworn.

I have known the old lane where this road is located for 30 years. it has been used by the people all that time. It was traveled before Boutlin lived there. If the lane had been kept cleaned out it was wide enough for all purposes. I consider a road through there is necessary for the accommodation of the public. The old lane can be opened up and a road maintained without interfering with the right of any one. any more than has been heretofore.

John. L. Dale

J. L. M. Pherson Sworn.

I was one of the viewers on this road. I consider this road is necessary where this road is located. in view of the fact that there has been an old road there for 30 years. we located the road on the best ground considering the interest of the property owners. I think if the old lane had been opened up it would be wide enough for all purposes. I have seen the list of remonstrators and think with exceptions of Levi Boutlin that none of them are affected by this road. it would be a benefit to the Thompson boys.

Cross Et

The intention of the viewers was to locate the road to cover the same ground that was covered by the old road.

No 18, Sept S.S. 1886.

Depositions.

Certs.	
E. C. Cullough	\$ 2.00
E. C. Read	1 day 1.00
J. L. McPherson	1.12
James White	1.18
Ellis Lammie	1.18
John Dale	1.12
Harry Orr	1.12
Five Lammie Bros.	1.40
	<u>\$ 10.12</u>

Filed 25 mar 1887
Attest
Harris

we could have gotten better ground
but to do so would have to go away
from the line. did not attempt to locate
the road on other ground.

J. L. McPherson

I certify that the above witnesses were
duly qualified and examined at the time
and place stated in the caption, and sub-
scribed their names in my presence.

March 23rd 1887

L. K. McCullough J. P.