

No. 19, May Term, 1886

Vacate Road

versus

Brady Township

Contents:

X

RULE TO TAKE DEPOSITIONS.
CLEARFIELD DEMOCRAT PRINT.

CLEARFIELD COUNTY, SS:

Sh. Pe Remonstrance
to Vacating Road
VERSUS

in Brady Imp

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

No. *19*..... *May*..... Term, 1886 .

AND NOW, to wit. the.....*19*.....day of.....*October*....., in the year
of our Lord One Thousand Eight Hundred and Eighty ~~five~~
the ~~Remonstrance~~ *Argument* enter a Rule to take the Depositions
of ancient, infirm and going witnesses, to be read in evi-
dence on the.....*Argument*.....of this case.
Exparte Rule of.....*Remonstrance*.....on.....*10*.....day's notice.

James Kerr

Prothonotary.

To *Thos. McEnally & Wm. Curdy, Esq.:*

You will please take notice that, in pursuance of the foregoing Rule, Depositions will
be taken before.....*L. Schosh*....., 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. Schosh*....., in the.....*Town*.....of.....*Franklin*.....
in the county of.....*Clearfield*....., and State of Pennsylvania, on the.....*fourteenth*.....day
of.....*October*....., A. D. 1886, between the hours of.....*7*.....o'clock.....*AM.*, and
.....*7*.....o'clock.....*P.*M., when and where you may attend and cross-examine.

Clearfield, Pa.,.....*Oct 19*....., 1886

This Rule was served on us Oct. 19. th 1886.

McEnally & Wm. Curdy

*Attys for Parties asking for
vacation of the Road*

Wallace M. M.
Atty. for Rem.

Depositions of witnesses produced,
Sworn or affirmed, and exam-
ined at the Office of Lewis Schoch
One of the Justices of the Peace in and
for the County of Clearfield; On the
30th day of October A. D. 1886, between
the hours of 7 O'Clock A. M. and
7 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 said Court; In Re Remonstrance
to vacating Road in Brady Twp.
On the part of Remonstrators.

Daniel Richel produced, affirmed;
Said; (George Knarr on part of
Petitioners appears, and Objects
to the taking of Depositions before
Esq. Schoch, because he is interested
in the case.) Danl. Richel proceeds
with his testimony; says, I live
in Brady Twp. near Troutville, yes,
I know where the Road is located,
yes, I helped to measure it; yes, I
helped to measure the Hill Road,
I find the Hill Road to be 468 Rod.
in length; I would suppose in
my Observation that the Hill Road

would run from Five, to Eight-degrees, that is, the hills on said Road.

The bottom Road measures 240 Rods in length, I would consider the grade on the bottom Road, to be nearly the grade of Rail. Road; ^{grade} Yes, I believe there can be a Road made there, with reasonable expence good enough to meet all the travel on the same at the present. There is no other Road if this Road is vacated, but the hill Road, or, coming by ^{way} of Frontville; I would suppose that a Road is necessary there, in case People want to go to the grist mill. That would be their nearest Road; In the winter season this Road would be used to a great extent if properly opened, because it is not so apt to drift shut in ~~the~~ winter.

Cross Ex. by George Knarr.

It measured fifty Rod from place of beginning to where the Road crosses the creek, I can not remember who got out the order, Yes, I measured the bottom Road, Oh Yes, I found some Swamp on the bottom Road, found

a place that is very stony, I suppose
-se/ about Eight Rods long, I don't
know of any other travel, Particular
men were hauling out stones on
the day we were there; I went up that
Road three years ago this fall;
I think the Road was in about as
good condition then, than now;
the creek was shut up with brush
and tree tops above the Bridge at that
time; Yes, I would rather drive
the hill Road than the bottom Road
the condition the bottom Road
is in; I do not know.

Re Direct-Ex. I suppose there is about
two or three Rods of Swamp at the
end of Coranoy bridge, but would
not consider it very expensive
to make it so as to be traveled.

Daniel Rishel

Jacob Landie Drorn, I live in Brady
Township, I live South East from
Reamers lower Saw Mill, about
two miles, I drive this Road which
is indisputable in the winter time
to the grist mill, and would drive
it in the Summer Season if it
was Passable; It is nearer for me

to drive this Road when going to the
grist Mill or Bell Lvp. Settlement;
to say that the Road is necessary
I can not; but, if it would be
in a pasable condition it would
be much traveled.

Cross Et., Yes, I signed the Remon-
strance; Because I thought the Road
might Remain where it is; I did
not sign Remonstrance because
of offending David Ream; the last
time I traveled this Road last
winter for the last time, I drove
over the Road with team and sled,
the Road was not much beaten,
much of the time I drive by way
of Troutville. Question, is this
Road necessary for the Public;
Witness refuses to answer. Quest.
as near, as I can guess it is about
two mile from my place to
Ream's Corner Saw Mill,

Jacob Gaudil

Frederick Marshall Sworn, I live
in Brady Lvp. I have traveled this
Road in dispute, both by foot
and team; If this Road was made,

Or, put in good condition. I
would always drive it to the
grist mill; I do not know how
old this Road is; well, say some
twenty odd years; by putting the
same amount of work and expe-
ndes on this Road, in comparison
to the work and expences on other
Public Roads, it could be traveled;
Cross E. 20, there could not be
the same amount of work put
on other Roads if this Road is
kept in Repair, it would leave
less taxes to work out on other Roads.
Besure; I signed Remonstrance,
If, on account of Obstructions on oth-
er Roads I will, or would travel
this Road; Besure; Reams drives
this Road ten times more for log
hauling, than any other man
in our neighborhood; Besure I
would travel the Road, other than
going to mill if I have business
that way; Question; If that Road
is in as good condition as any
other Road; And you have a grist
at the mill; Would you drive the
bottom ^{Road} with your load, if you
have business in Frontville?

No Sir, I can not say how much it requires, either of money or labor to make this Road passable; No, the lower end of Road has been about five years in use.

Re Direct Et. No, the other Roads do not need as much work hereafter as they have required heretofore.

Re Cross Et. No, the other Roads are not complete.

Grinding & Mending

Henry Schmidt Brown; Yes, I tried to drive the Road, No, I did not get through, there was a tree across the Road, I could not tell if the tree had been across the Road for a long time or not.

Cross Et. Yes, I signed Remond's =trance; No, I did not stay there, I backed out till I could turn Round; I thought that was the nearest way home, I didn't measure the distance of the Road, I could not tell how much nearer, well, about three quarters of a mile, It was nearly night when I was there; I knew the Road was bad

Sometime before, I could go through
the bottom Road quicker, than by
way of the hill Road Home;
Henny Schmidt

Peter Wingert-Sworn; I drove this
Road one time, I did not try to
drive this Road after that, I used
to drive the old Road, some ten
or twelve years ago; I suppose about
twenty years that the old part of
the Road has been in use; Oh, I
drive that Road, certainly if the
Road was as good as other Roads,
I would drive it because it is
nearer than any other Road from
my place; Peter Wingert
No cross Et.

L. H. Gilliot, Sworn; I live in
Brady Twp. I call it a little over
a mile from my place to Ream's
lower mill, If the Road was in
as good condition as other Roads
are, I would drive it in going
to mill, that is Rishel's Mill; Because
it is nearer, no, neither I, nor
my neighbors have a nearer Road
to Rishel's grist mill than this one

Cross Cr. I did Signe Remonstrance; I consider that Others, than those who go to Rishel's Grist-Mill, would travel this Road, if it was a good, passable, Road.

Lewis F. Gillist

David Reams Drown; Says I live in Brady Twp. I live about One fourth of a mile from my lower Saw-Mill, I have lived there about thirty two years, the old part of this Road was laid out about the time I came there, the lower end from the lower Bridge down to the point where it intersects the hill Road was laid out by Review about Eleven years ago. It now runs down on the west side of the creek on dry ground at the foot of the hill, it has all been opened where it was last laid out, and some years ago I hauled a great deal of lumber down that way, but, as there has been very little done on it, for several years, it is pretty bad condition, there has been a great deal said of the expense of making this Road, I would bind myself to make this Road as good

as Other Roads have been kept
for Twenty five Dollars a year
for Five or ten years; there has
also been much said that I
wanted the Road to haul my saw
logs, or, I will here say that we
hailed and will haul ninetenth
of this timber to the South bank of
the lower Mill dam, we only
want this Road at the upper end
in stocking the Mill to cross the
Bridge to and from our work;
it is not at all for that; that I
want this Road kept up, One reason
is, it is 240 nearer to Rishels and
Schuckers Grist Mill and the north
of Bell Trp. Settlement than any
other way, and I frequently have
business in that Settlement that
I need the Road to go back and
forth; and have no doubt, but
our whole Settlement living South
East and East from me would
use it a great deal if it was
made fit to travel. or, I Person-
ally notified the Supervisor last
Spring before the harvest to
work upon this Road, the only
work on this Road as far as I can

find out, was to take out a Petition to vacate this Road, I again notified him in writing after Harvest through the mail to work upon it; but so far as I know he paid no attention to it; the grade of the Road in dispute will be about water grade, and the nearest way Round by the hill Road is in two places between seven and eight degrees of a Rise and fall, and is also 2/28 Rod farther than the bottom Road, we done this measuring day before Yesterday (The Witness here produces a Draft ^{made by him} and Offers the same in Evidence in this matter) I say, this Road is necessary for the Public. Cross Cr. About thirty two years I hauled Boards to Big Run on the Old part of this Road, about 15 or 20 Years ago, in winter time; No, not in the Summer time, for we had no good Roads then, well, we had to go around by Henry Harnes to get on dry ground sooner, out of the bottoms; I don't remember that I did notify the Supervisor at that time; No, I did not get part of the

hill Road to Supply the bottom Road; I will say that I have One Road pass the Lower Mill to Intersect Public Road north of Erasmus Luther's Farm; the only other Public Road leading to or from the lower Mill, is this Road in dispute; I do not know if Kopf's hauled them ^{logs} over this Road or not; I did not concern myself anything about it; What timber is near this Road on both sides at the lower end of the tract we do take in and along this Road a part way where we turn off and then to the South bank of the lower mill pond; Why, from the Old Ziegler's Mill towards Luther's on the Hill Road; The logs that Kopf hauled were my own logs.

David Reams

D. G. Krantz sworn;
I live in Brady Twp. I know something about this Road, I have been out a Review on this Road; It is a good while ago since I was on that Review; I helped to measure the Road in dispute and the hill Road on the 28th of this month; The hill Road measures 468 Rods

around by Luthers, and bottom,
Or Road in dispute measures 240
Rods, Well, I would say this Road
would take very little if any more
expense in proportion to distance
than the other Public Road leading
through same tract of land. Not
taking in account Bridge on
lower end of Road; Well, if this
Road was opened, and in good condi-
tion it would be an advantage
to persons living East of Reams
Mill, to travel to Rishels Mill or
points South and West of that
I would say in connection with
that having been on the Review
I considered necessary then and
now.

Cross Ex. I am not here
to take a contract to build Bridge

David G. King

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 presence. Before
Lewis Schock J. P.
L. M. Trille D. C. Oct 20 1888

Bill of Costs taking Depositions
as follows.

Justice Schoch \$6.00
David Reams Subp. wit. 3.90

Witnesses	Daniel Rishel	1.12
	S. G. Krutz	1.12
	Henry Schmidt	1.36
	L. F. Gilliot	1.36
	Fred. Marshall	1.42
	Jacob Fandie	1.42
	Peter Wingert	1.42
	C. P. Kopp	1.18
	Rudolph Kopp	1.18
	David Reams	1.24
	A. E. Ginter	1.12
J. M. McHenry	1.12	
William Rhoads	1.24	
	Total	\$26.22

19 May 28 1886

Read in
Prady's,

depo -
Remonstrance

Filed 5 Nov 1886

CLEARFIELD COUNTY, SS:

THE COMMONWEALTH OF PENNSYLVANIA, TO

Christian Korb, Christian Hartfelt & Rasselas Luther
Capt Kuefely,

We Command You, That, setting aside all manner of business and excuses, whatsoever, you be and appear in your proper person before ~~our~~ ^{J. Hamrick Esq or some other of} Judges, at Clearfield, at our County Court of Quarter Sessions, there to be held for Clearfield county, on the 11th day of December 1886, next, there to testify the truth according to your knowledge in a certain case now pending in our said court, ^{of your own signature} and there to be tried, wherein the ~~Commonwealth of Pennsylvania~~ ^{Pennsylvania} is Plaintiff and The Parties asking Confirmation of a Report of viewers vacating the public roads from the H. Giegler Saw mill dam to the lower saw mill of David Reams are Defendants, and that on the part of the defendants And this you are not to omit under the penalty of five hundred pounds.

WITNESS, the Hon. DAVID L. KREBS, President
of our said Court, at Clearfield the 1st day of
December, Anno Domini one thousand eight
hundred and eighty-six

James Kerr
Clerk.

19 May Term, 1886

~~The Commonwealth~~ *Reemonstrants*

VERSUS

*Parties asking vacation of
Road from H. Zeigler saw
mill dam to lower saw-
mill of David Reams
et al*

Constable's Return.

Constable Service, \$ 7.5

Miles direct, 1.32

Total, \$ 2.17

LEARFIELD COUNTY, SS:

personally appeared before me, the subscriber, who,
duly sworn, doth depose and say that he made
number of services and traveled the number of
set out above in making service of this Subpoena.

J. H. Shier 1887

and subscribed before me this day

, 188

Clerk.

W. G. Gervall, M. Gandy

*Subpoena for witnesses to
appear on Saturday Dec 11th
1886 at 9 o'clock A.M.
at office of J. Hamilton
Esq. at Luthersburg,
Clearfield Co Pa.*

RULE TO TAKE DEPOSITIONS.
CLEARFIELD DEMOCRAT PRINT.

CLEARFIELD COUNTY, SS:

In Re Remonstrance

VERSUS

Confirmation of Report of
viewers vacating public
Road on Brady Tp from old
F. Ziegler saw mill dam to
lower saw mill of David Reams
and of like vacation of another
Road.

In the Court of *Quarter* ~~Common Pleas~~ SS
of Clearfield County, Pa.

No. *19*..... *May*..... Term, 1886.

AND NOW, to wit. the..... *1st* day of..... *November*....., in the year
of our Lord One Thousand Eight Hundred and Eighty. ~~the parties for vacation~~
the ~~parties for vacation~~ enter a Rule to take the Depositions
of ancient, infirm and ~~going~~ witnesses, to be read in evi-
dence on the..... *argument*..... of this case.
Ex parte Rule of..... on..... *5* day's notice.

James Kerr

Prothonotary.

Chick

To *Wallace Bros*....., Esq.,
Attorneys for Remonstrants

You will please take notice that, in pursuance of the foregoing Rule, Depositions will
be taken before..... *J. Hamilton Esq.*....., or some other person authorized to administer an
oath or affirmation in Pennsylvania, in and for the County of..... *Clearfield*....., at the office
of..... *J. Hamilton*....., in the..... *town*..... of..... *Luthersburg*.....
in the county of..... *Clearfield*....., and State of Pennsylvania, on the..... *11th*..... day
of..... *December*....., A. D. 1886, between the hours of..... *9*..... o'clock. A. M., and
..... *5*..... o'clock. P. M., when and where you may attend and cross-examine.

Clearfield, Pa.,..... *1st Nov*....., 1886

Now due 1st 1886 Review
of this rule accepted.
Wallace Bros
attys for Remonstrants

McEnally & McEwry
attys for parties for
vacation of Roads.

19 May 1880

Dr. J. J. Monahan

Confirmation of Report of
Newer Reactions: Public
road on Bradley top
from it to 7 Hgley - saw
mill dam to lower town
mill of David Reano
and of like reaction
of another road

Rule

for departing to pro-
gram report of newer
reactions certain made

MG, MG

1	In Re. Remonstrance	IN THE COURT OF QUARTER SESSIONS; OF
2	'versus	CLEARFIELD COUNTY; PENNSYLVANIA-
3	Confirmation of Report of	NO. 19. MAY TERM, 1886.
4	Viewers vacating Public	
5	Road in Brady Twp. from	
6	old F. Ziegler saw mill	
7	dam to lower saw mill of	
8	David Reams and of like	
9	vacation of another road.	

Depositions of witnesses produced and sworn, [or affirmed]
before Truman Ames, a Notary Public, in and for said County, at the office
of J. Hamilton, Esq., at Luthersburg, Clearfield County, Pa., on the 11th,
day of December A. D. 1886., by virtue of the annexed rule and in accordance
with the annexed notice.

Christian Hartofelt, sworn says, I reside
in Brady Township, age 57. I have re-
sided in Brady Township for 36. I am
acquainted with the road in question
in this case. I do not know how
long it is since the road was laid
out. It was used for public travel
from the old Ziegler house clear down
to the saw mill, at the time I came
there. I cannot tell how much work
has been done on the road. Since
I came here, some has been done.
In 1873, when I was Supervisor,
I put in the bridge just below the
Reams lower mill. That is all the work
I did on the road.

1 There was a bridge there before,
2 and it was broken down, and I
3 fixed it up. I cannot tell what it
4 cost. I think the planks and work
5 cost about \$6⁰⁰ or \$7⁰⁰. We did not
6 work any on the road below, toward
7 Zeiglers. I went over the road, and
8 looked at it. The road was on the
9 left hand side of the Creek, the East
10 branch, going down. Crosses the lead-
11 pipe at the Zeigler mill, and intersects
12 the Luther road. The reason I did not
13 work the road below the bridge, was
14 that the road was not generally used
15 by the people of the Township for travel
16 but was used by parties hauling logs
17 from the Zeigler tract ^{to the mill} in the winter.
18 It would cost at least \$400, to put
19 it in condition to travel. David Ream
20 was living at that time where he now
21 lives, at the upper mill. Mr. Ream never
22 notified me to fix the road, nor did
23 he complain that the road was
24 not in condition. I do not know
25 whether Mr. Ream hauled boards over that
26 road in the winter or not.
27 From the lower mill to the Rishel mill
28 by the lower road it is about 2 1/2
29 miles in my opinion. It is nearly
30 all bottom. To go from the lower
31 mill out by Luther's mill, and Traubille

and then to Riskel's Mill, it is about
3 1/2 miles. In going from any place
to Riskel's Mill I always go around by
Trouville, sometimes in the winter I
go by the bottom road.

Mr. Ream told me that he did not
care for keeping the road open
only that there would sometime be
a rail road coming down Laurel
Run and in that case it would
be good to have the road open
since it is laid out and opened.
I traveled over the road, from the head
of the Zeigler dam, going down the right
hand side of the creek, and intersecting
the Luther Road at the breast of the
dam. Went over it only once.
In coming down from Luther into
the bottom road, it is impossible to turn
to the left into that road the way the
road is now. A turn could be made
there but it would be very expensive,
would have to go to the upper side
of the road and dig into the hill.
I have no idea how much it
would cost to make the road so
as to make the turn, but it would
cost a great deal. In my opinion the
bottom road is not necessary for the
public travel. There are a plenty of
roads without this road, for the use

of the people in that neighborhood.
Crossed by David Ream.

The reason why I did not work
the bottom road below the bridge
was that the road did not run
clear through but only to the log was
before the bridge. I think the new
road on the right hand side of the
creek is the nearer of the two roads.
I believe the ground on the right
hand side of the creek, is the best
for a road. If there had been as much
work done on the bottom road, from
the time it was laid out, up to
this time, it would be as good as
any of the roads down here, but there
being no use for it the work was
not put on there, but on the roads
where they were used. It is not
necessary to go down the bottom road
to go to Luthers. We have a better road
to go around the other way, also a
shorter road. If I was living where
David Ream and his ^{near} neighbors do,
and was going to the Richel Mill,
I would go the bottom road if
it was in good repair. I might
travel it myself if it were in good
repair. If it was made as good as
the other road, I would not drive
it in going to Troutville.

Stephen Gatzert.

1 Christian Korb, Seaman says, I reside
2 in Brady Township Pa. 59 years old.
3 I do not know how long the road known
4 as the bottom road, has been in use as
5 a public road. I think there is no need
6 of a road from the Reams Mill lower
7 to where it intersects the Luthers road.

8 I cannot tell what it would cost to
9 make that road passable for the pub-
10 lic, but think it would cost at least
11 \$500. Have not been over the road
12 for a long time in the winter.

13 From the Reams mill to the Rishel grist
14 mill, it is about $2\frac{1}{2}$, as near as I
15 can judge. To go by Reams lower mill
16 by the way of E. Luthers, and Troutville, to
17 Rishel's mill it is about a mile further
18 that is $3\frac{1}{2}$ miles. I live a little over
19 a mile above Mr. Reams lower mill,
20 probably a mile and a quarter. In going
21 from my place to Rishel's mill I
22 would far rather go by the way of
23 Luthers than by the bottom road.

24 Mr. Ream would not be shut out if
25 that road was vacated. There are
26 other roads that would accommodate
27 him. The majority of the signers on
28 the remonstrance are young men in the
29 township, and in my opinion know
30 very little about it.

31 One of the signers of the remonstrance

(Fred Marshall) said in my presence that he would not have signed the remonstrance but that he wanted to get some lumber plained at Reams Mill, and if I did not sign he would not do it for me. Mr. Ziegler said the same thing.

Cross named by David Reams.

If that road was as good as the other roads in that ~~road~~ neighborhood, I do not say that I would not travel the road. I might go over it once in a year, perhaps more. I know that it has been a public road for a long time. Do not know whether it was opened where it was laid out or not, upwards of thirty years, Christian North.

William Kapp. Some days I reside in Brady Township, age 61 years. Have lived there 19 years. I know the road from Ziegler mill up to Reams lower mill. That road is not necessary for the public travel. I live about 25 or 30 rods from that road. No one can travel that road except in the winter, when a few teams come down it. Mr. Reams is about all that come down it. There has been more or less fires lying across the road, within the last few weeks I have seen

1 was lying across it. I never heard
2 Mr. Ream, say anything about the road
3 not being opened, until the last summer,
4 He never made any complaints that I
5 heard.

6 Cross R. S. Ream.

7 My son drove my team over that
8 road during the last summer, but
9 it was against my orders. I do not
10 know how often this road would be
11 nearer to my son-in-law (Donahue) than
12 by the public road by Luthers. It is much
13 farther by way of Luthers, than the other way.
14 I do not swear that I would not travel
15 the road, nor allow my sons to travel
16 it, for I cannot say what I would
17 do.

18 Re-Direct. There was a road surveyed down
19 the West branch, by my place as far
20 as the Zeigler mill, and was opened &
21 traveled as a public road. It was there
22 when I bought my place. That was
23 the only public road I had an outlet
24 on. Mr. Ream put a re-view on that
25 road and had it thrown up, and now
26 I have no public road. Then there
27 was a road put down the creek on
28 the right hand, ~~of the~~ and I have to
29 keep up my own road from my place
30 to the Luther road.

31 There are some fine tops in the East branch

1 of the creek, which causes the water to
2 flood and take the bridge away. Do not
3 know who cut the top. The whole
4 filling was washed out on the lower side
5 of the bridge. This is the bridge above
6 the Ziegler dam. I was away most of
7 the time in the summer of 1885, and
8 did not hear any complaints about
9 the bridge.

10 Cross 2. The public road to the left
11 of the creek by my place did not
12 connect with the Lusher road. There
13 was about 4 or 5 rods between them
14 that there was no road, I so understood
15 it.

16 Re-direct. The bottom road from Ziegler will
17 up to Reams' lower mill, would cost
18 at least \$100. to put it in shape for
19 public travel. I would not build
20 it for \$50. There can be a turn made
21 in the road where it intersects the Lusher
22 road, by going to large expense.

23 Re-Cross 2. I never took any contracts
24 for making any public road.
25 It would cost at least \$100. ^{to make the road fit to go on} There are
26 large stones on it, some 4 or 5 feet
27 square, some as big as that desk.
28 I do not know whether the road is ^{was} laid out
29 on the line where it ^{was} laid out. The road
30 is in the same place where it was
31 when I came there, except where the

the view was changed,

W^m Koop

Erasmus Lester. affirmed 24th 94. I reside in Brady Township, am 51 years, was born in the township and lived there all my life. To take a straight course from my house down to the bottom road it is about the third of a mile, I am acquainted with that road, have been along it, have been along it every year almost never drove it, for the last three winters I do not think there has been a team along the road from the lower line of Reams land to the Ziegler dam, never saw a track there. Have a brand logging close by, and never saw one there, I do not think the road from Reams lower mill to Ziegler mill is necessary for the public travel, since the other road is laid out.

Cross I have lived where I live now almost 20 years, the road was there when I moved onto my place, and was in use, I do not live at either end of this road, rather near the middle, off from the road up on the hill, If I was living at Rishels mill, and had business at the Reams mill, and the road

1 was in good condition I would per-
2 haps go by that road, but if I lived
3 at Reavis Mill, I would not go by the
4 bottom road, that road would be
5 nearer to go ^{than} by the upper road, I would
6 say it would be from a half to three
7 quarters of a mile nearer. There is no hill
8 on the bottom road, except where you come
9 out into the other road, where there is a
10 small hill, It is a much easier grade
11 than the hill road.

12 Re-ditch. It would cost, to the best of my
13 judgment, \$500. to put the bottom road
14 in ^{as} good condition as the hill road.
15 It is a bad place to build a road there,
16 as it is out of the mud into the rocks,

17 Re-grass it I think it would cost at least
18 \$500. to build the bottom road, I do
19 not know how much the hill road has
20 cost, There has not been much work
21 done on the ~~the~~ road near my place,
22 for the last few years, I do not
23 know what the hill ^{Road.} will cost, I
24 cannot tell whether it cost \$500. - \$1000.
25 or \$1500, do not know, I do not
26 know whether it cost \$1500, or more,
27 I do not know whether it cost \$500.
28 or more or less.

29 The reason why I would not drive ^{deep} from
30 Reavis Mill to Rishel mill is that I would
31 go where the public go generally, up

the hill road.

Erastus Luther

George Swann. Swann says, I reside in Brady Township, age 62 years - have lived in the Twp since 1831. I am one of the supervisors of Brady Township. I know the road from Reams' sawmill to the old Ziegler Mill. It is not necessary for the public travel. It has not been traveled to amount to anything for the last several years. That road has always been in bad condition, and no one has urged any supervisor to work on it. I have come that road in summer and winter frequently and I never saw a wagon or sled track below the peaves lines, and no wagon tracks above it, only since this winter season, a couple of fallows have driven it. In the best of my judgment it would cost at least \$500. to put this road in good passable condition for to have loads over two horse loads.

Q. There used to be wagoning done on this road some twenty five years or so ago, but since the other roads were laid out it has not been traveled much.

I do not know whether the Supervisors have worked ^{any} on this road any for the last three, four, or five years. I have not been supervisor previous to this year for 5 or 6 years. I do not know whether David Reams notified the Supervisors about the road. All I know is that he said on Cross Examination that he had not. He notified me. He notified me by postal card, and also personally. I did work on it. I worked on it this fall, after harvest, it was after the Remonstrance was out. I only fixed the bridge. What I did amounted to about \$6.00 or \$7.00. I cut one tree out of the road and put five planks on the bridge. I don't know whether Mr. Reams notified the Supervisors before me or not, only what you said on Cross Examination.

The nearest way for me to go to Reams' mill is by Luther's mill and right down to the mill, and not by the hill road. I do not go by Shubly's, but cross that road. It would not suit me to go by the bottom road to get to Reams' mill.

He asked If that road was made equal to the other roads in that neighborhood

1 it would cost at least \$15⁰⁰ per
2 rad. It cannot be done for \$500.,
3 with the same amount of material
4 as it that there is on the other
5 roads.

6 Re Cross & I think some of the roads
7 in that neighborhood cost more
8 than that.

9 If I lived where Ream's does and I wanted
10 to go to Risk's mill, if the ^{bottom} road was
11 in good condition, I would not go
12 the bottom road, would take the
13 ridge road at any time, if it
14 was a mile farther. I do not say
15 that I will never drive that road,
16 if it is put in condition for travel.

17 J. J. Primmer
18 State of Penna.

19 County of Clearfield & P. D.

20 I hereby certify that the above wit-
21 nesses were produced sworn and their
22 foregoing depositions taken, and
23 subscribed before me at the office
24 of J. H. Hamilton Esq. at Luthersburg
25 Pa. on the 11th day of December
26 A.D. 1886. between the hours of
27 9 o'clock A.M. and 9 o'clock P.M.
28 of said day, in the presence of
29 Geo. Knapp for rule, and David Ream
30 contra. Witness my hand and seal
31 this 11th day of Dec. A.D. 1886.

Thurman Ames.
Notary Public

Mo 19, May 21 1882

Dr. W. Cunningham
no

Confirmation of the report
of Lewis Peckham a
Public Road in Brady
shop - from old T. Taylor
and mill dam, to the
Lower Peckham mill, &
for the location of
another road -

~~14 April 1882~~

of 88 - # 802

Rec'd by Rev. Wm. H. H. H. H.

June 16 Dec 1882

May 7-1886

Petition

To vacate public road
in Grady Co from the
public road at the north
side of the old track
Taylor's name down to
Dart's name lower
acrossable

Filed 28 July 1886

28 July 1886 Returned
Sherman Geo. E. Kirk
Mackin Dutton and Dan
Goodlander appointed
Devers & Davis report
at the next term
By the Court
Geo. E. Kirk
J. J.

was over

To the Hon. the Judges of the Courts of
 Cleunfield, County.

We the undersigned citizens of Brady Township
 in said county having heard that there is a move-
 ment on foot to vacate a certain public road
 from the "public road at Fredric Zeigler's old
 sawmill dam, to David Reams lower sawmill"

We take this method to pray said Court NOT to
 vacate said road as it is the only direct and
 nearest line for the signers in the first column
 below to and from Rischel and Schucker's Grist
 Mill and would be travelled a great deal if the
 Supervisors would keep it in proper repair.

We would also state that this said road is all open
 and part of it has been opened and traveled for about
 thirty years; it only needs to be kept in repair.

Hoping and trusting that said Court will not
 - deprive us of said road we will ever be,

Names of Citizens		
David Reams	P. L. Krunt	A. Kork
George Durand	S. J. (Bry)	A. A. Hor
Peter Rischel	J. A. Rischel	
Jacob Rischel	J. A. Rischel	
J. F. Lillist	Jacob Rischel	
Daniel Rischel	J. A. Rischel	
J. P. Kopp	J. A. Rischel	
Geo. Schuch	J. A. Rischel	
Schucker's Dam	J. A. Rischel	
Henry H. Heber	J. A. Rischel	
David Rischel	J. A. Rischel	
John Haag	J. A. Rischel	
Wm. H. H.	J. A. Rischel	
J. B. C. C.	J. A. Rischel	

Edison W. Krizer	J. H. Moore
E. G. Hayes	J. H. Edinger
R. H. Moore	H. A. Troutman
B. J. C.	
John	
Philips	
Henry	

Mar 19 1886
Return of Citizens
of Brady Co
against vacating
public Road from
H. J. S. S. S. S.
down to D. H. S. S. S.

Filed 16 Sep. 1886

re-
Saw mill.

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 ensembling and delivery hereof, have remised, released and forever quit-claimed and do hereby remise, lease 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 .

.....
IL S.I
.....
IL S.I
.....
IL S.I
.....
IL S.I

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 the sum of
To the sum of
To the sum of

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

CLEARFIELD COUNTY, SS: 9

At a Court of Quarter Sessions of the Peace of the county of
Clearfield, held at Clearfield, in and for said county, on the
28th day of July, A. D. 1886,

before Judges of said Court, upon a petition of sundry inhab-
itants of the township of Brady, in

said county, setting forth that a road has been
long since laid out commencing at public road
at the north side of the old Frederick Ziegler saw
mill dam leading to David Reams lower saw-
mill; that said road is now useless, inconve-
nient and burdensome to the inhabitants there-
abouts

and therefore praying the Court to appoint proper persons to view ^{and vacate} ~~and lay out~~ the same
according to law,
whereupon the Court, upon due consideration had of the premises, do order and appoint
Geo. C. Huie, Martin Suter and Paul Goodlander
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 ^{no} 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 the 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 14th Rule of Court.

BY THE COURT.

James Kerr
CLERK.

To the Honourable the Judges within named:
We the subscribers appointed by the within order
of Court to view the road therein mentioned, do re-
port that in pursuance of said order, having been
respectively sworn according to law, we have viewed
the road in the within order mentioned, and are of
the opinion that the same is useless, inconvenient
and burdensome, and therefore ought to be vacated.
Witness our hands this 7th. day of Sept. A.D. 1886.

Geo. C. Kirk,

W. H. Luther

Viewers.

To the Honorable the Judges within named:

The report having been referred back
to the viewers is amended to read as follows.

We the undersigned persons appointed by
the within order of the Court to view the road there-
in mentioned, respectfully report: That having been
present together with Daniel Godlander also appointed
as aforesaid, at the view of the said road, and hav-
ing all been first severally sworn or affirmed in pur-
suance of the said order and having first given due
notice of the view, we have viewed the said road,
and that we the undersigned are of opinion that the
said road, a draft of which is hereto attached and
made part of this report, is, useless, inconvenient
and burdensome, and therefore ought to be vacated.
Witness our hands

Viewers

NOTE—In case of a Private Road, the referee 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.
 Reviewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the reviewers.
 N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

Geo. E. Hunt	Days 1	Amount.
	Miles 3	4.30
M. H. Clutter	Days 1	
	Miles 2	2.20
R. Woodland	Days 1	
	Miles 3	2.30
Geo. E. Hunt	Days 1/2	
on Reference	Miles	2.00
	Days	
	Miles	

Reimbursement filed
 16th Sept 1886.

May 20 1887 Refund back to the
 Dyerbrook 47th Sept
 By the Court

Refiled with draft
 Attached 13 June 1887
 Wm. G. Cooney
 Per

No. 19 May Session, 1886

ORDER

To view and lay out a Road

For _____ test in the township

of Brady Clearfield county.

Commencing at public road at north side of the old Frederick Reiger saw-mill dam, leading to David Reams house saw-mill

Report of viewers
 locating said Road.

Sept 20 1886, Confirmed by the
 By, 1886, Continued, Per Court,
 July, Sep 1887, Continued

Filed 14th Sept, 1886

Fees \$1.10, paid by Wm. G. Cooney

Sept 20 1887. Confirmation of the
 with refund - By the Court
 Wm. G. Cooney
 Per