

No. ¹⁵⁻ ~~44~~, Sept ^{SS}
Term, 1887

Tacate v. Supply

~~COMMONWEALTH~~

Decatur ~~versus~~ in
~~Cooper~~ Township

Contents:

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 4th day of

December, A. D. 1889, before Judges

of said Court, upon a petition of sundry inhabitants of the township of Clearfield, in

said county, setting forth that they labor under

great inconvenience for want of a public road
or highway in the Township of Clearfield to begin
at a point on the public road leading from Philperry
to Decoda near which is known as Fiedens Banks
and thence south to a public Road leading
from Cheyenne Run to which is known as Gearhartown
near the Primitive Methodist Church in Clearfield
Township

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, to settle and make report to the Court
whereupon the Court, upon due consideration had of the premises, do order and appoint H. W. Wells and H. C. Lyon, Esq. Reams
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.


A. M. Bloom 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 sealing 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 _____ the sum of _____
To _____ the sum of _____
To _____ the sum of _____

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

To the Honorable Judge of the
Court of Quarter Sessions in and
for Cranfield County,

we the undersigned, citizens

appointed by your honorable
Court to view and report on
the within order for a public
road, do respectfully report,
that due public notice being
given, & being all present at
the time and place mentioned,
and having been sworn
or affirmed, that in our
opinion a public road is not
needed at the place mentioned
in within order, and respectfully
recommend the ~~the~~ road be
continued as a private road.

Signed

G. L. Welles }
J. W. Kizer }
John A. Reed }
W. C. Howard }
J. W. Kizer }
John A. Reed }
W. C. Howard }

Philipsburg Pa.
Jan 30th 1890

No. 15 Park Sessions, 1887

ORDER

To view and lay out a road for
Public use in the township of
Cecilian, Clearfield Co.

Feb 25, 1887 Confirmed
2d - 3d No Court
May 11, 1887 Confirmed & Substitute
By No Court

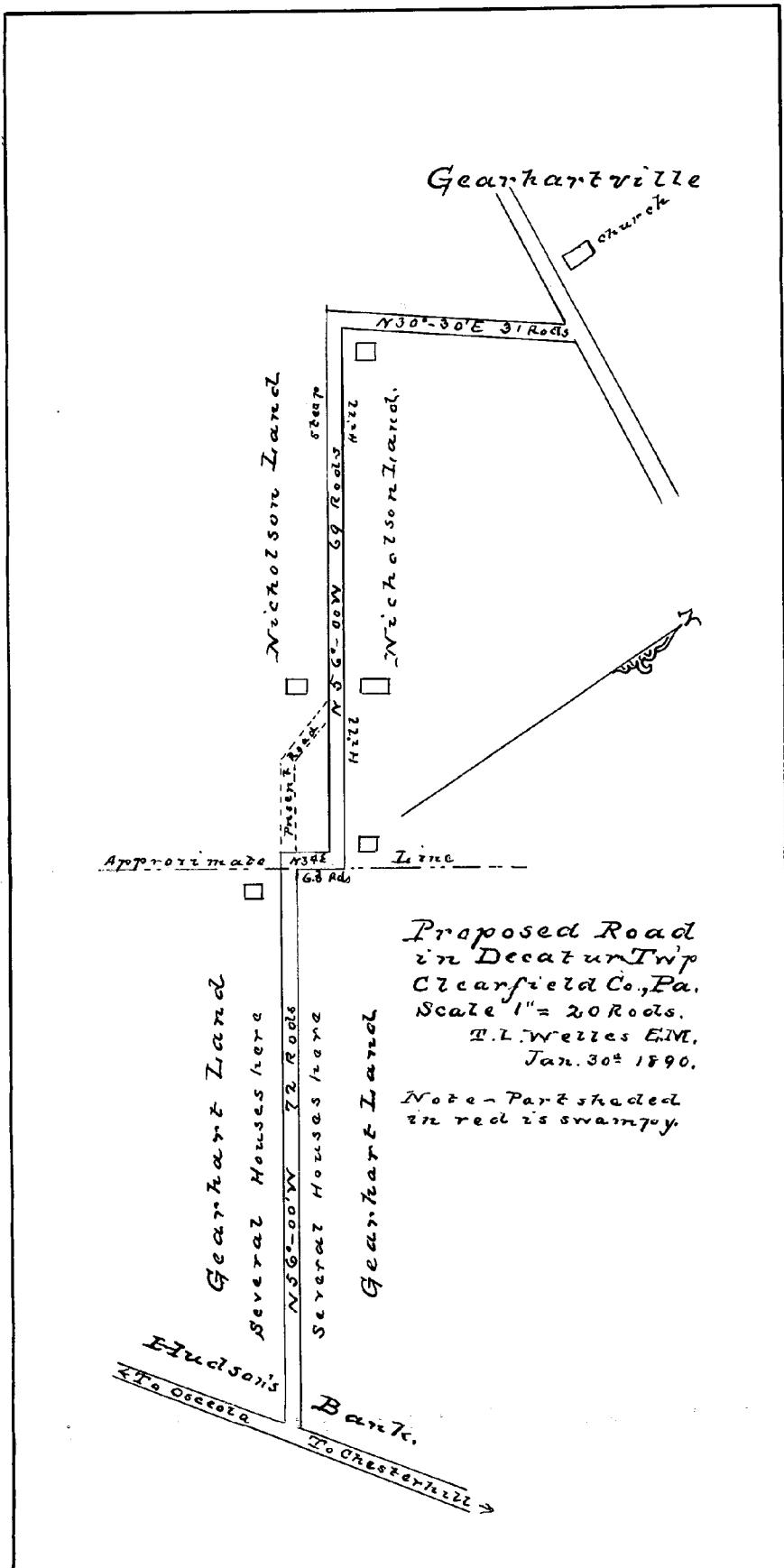
in time
Also
employed and set the roads
Reviewers cannot interfere
with viewers, except so far as
they believe to do the public no harm
dunes built into consideration
the disadvantages of the road, they will report long and effective

J. E. Miller } Days 8
and #117 } Miles 18 9.80

J. H. Neary } Days 1
(County 20) } Miles 6 2.40

J. H. Remus } Days 1
{ Miles 6 12.60
{ Days
{ Miles
{ Days
{ Miles

Filed 22, 1888
Fees \$1, paid by Office of Auditor



No. ~~44~~¹⁵, Sept ^{SS}
Term, 1887

Vacate v. Supply

COMMONWEALTH

Decatur ~~versus~~ in
~~Cooper~~ Township

Contents:

On Re Public Road
in Covington & Goshen Townships. } In the Court of
Frank Coudriet, et al. } Common Pleas of
ss
Clearfield County.
No 13 Sept. 5, 1887.

Depositions of witnesses, taken before me
the 3rd day of May, A.D. 1887, at French-
ville, Pa., between the hours of 9 o'clock
A.M. and 9 o'clock P.M., by virtue of
the annexed rule of Court and notice
hereon endorsed, for the examination
of witnesses in a certain cause then
pending, wherein certain parties are com-
plainants and Frank Coudriet, et al. are
monrotrators. Isaac Smith appearing for
plaintiffs and W.A. Hagerty, Esq. for monrotrators,
Frank Coudriet produced on part of
monrotrators and sworn,

I reside in
Covington Township and am 34 yrs
old. I am acquainted with part
of this road in contest commencing
at a point near Frank Leyey's
old stone house in Covington Township
and extending through Covington,
Girard and Goshen Townships to a
point in public road about near
the village of Shanesville, Plymouth

of this road extends through Girard
Township. The route of this road
runs through for the greater part
of the way what is called a wild-
erness, so far as I know. There
are other roads running near the
proposed route of this road that are
outlets for the parties who would
use this road if built. So far as
I know this would be a very
expensive road to build. There is
considerable bridging and cutting
along the route of this road, and
in my judgment and from my
experience, I would say it
would cost between this and four
thousand dollars to build this
road. The largest portion of the
expense for building this road
would come off of Girard Town-
ship. Girard Township at the
present time is heavily in debt.
In my opinion I do not con-
sider this road a necessity to
accommodate the people living along
the proposed route of the road.

No X Examination J. L. Condrick

George W. Lingle produced and Sworn.

I live in Girard

township near what is known as
the knobs. I am going on 60 yrs
of age. I am acquainted with
this proposed road as described by
Mr. Condit from John Leigey to
Shaverville. I live about a mile
from the proposed route of this road.
The line of this road runs for about
five miles from Isaac Smiths
to Biggs Tylers over a private
road already laid out and used
on which horses have been worked
out and has been kept up as a
township road although no one
has ever been had. That it runs
over another private road for about
two miles from a splash dam
on Trout Run to Shaverville. This
road is a private road but is
kept up by the township.

I think the half of this road runs
through a wilderness. There are
about ten or twelve people living on
this proposed road. I understand
that Emanuel Rouen and John Leigey
are not in favor of this road.

This proposed road runs between
their farms, but they already have
a public road for an outlet from
their farms. Out of the ten or
twelve living along the proposed
road only a few would be accom-
modated, as in the winter time it
drifts so that it cannot be used.
I don't think this road would be
of any advantage to the traveling
public besides the ten or twelve
people living along it. The people
handling heavy loads would use
the upper road as it is not
so steep. Along the line of this
road that I traveled this morning
there would not have to be so
much side-hill cutting, but
there would have to be a good
deal of stoneing and bridging as
a great part of it is over swampy
ground. From John Lucy's to
the ferry the land is swampy
and rocky and would make
a hard road to build up along
Kreamer's in Gorham Township the
same trouble exists.

In my opinion it would not

cost less than six thousand dollars to build the road. Girard would have the burden of the cost of building this road to pay. Girard township has a debt now on its road fund \$5970.22 & think in other cases it is about square. I think that all the people who would be benefited by this road have all the outlets necessary in getting to and from their homes. In my opinion I do not think this road is necessary to accommodate either the people living along it or the traveling public generally.

886 W Single

No X E.

James Stewart, Affirmed

I live in Girard and am 31 yrs. last. I am one of the supervisors of Girard township at the present time. I am acquainted with the route of this road so far as it runs through

Girard Township. As a general
thing the road runs through clay
and marshy ground from Isaac
Smith's to Rogers the line of Gi-
rard Township. This road there, I
consider, will cost about eight dol-
lars a rod to build. The principle
part of this will have to be stoned,
beside the bridging. The estimate
the cost all the way through
Girard Township at about four
dollars a rod. I think the
road runs through Girard
about four miles and a quarter.
From Smith's to Rogers this road
runs through a wilderness.
I don't think this road would
accommodate any one except Isaac
Smith, Harry Martel and William
Kris. It might be a convenience
to them for heavy hauling, other-
wise the people living in that
community have all the accom-
modation, in my opinion, of public
roads that is necessary.
I do not think that this road
would be of any advantage to the
traveling public for the reason

that the business people of the town-
ship do not live along this
road and people wanting to
see them would have to go on
other roads to see them. The
Girard township road fund
at the present time is \$5970⁰⁰
in debt. Girard township
would have to bear the burden
of the expense in building
this road. In my opinion I
do not consider this road nec-
essary to accommodate either the
people living along this road
or the traveling public generally.

X Examined by Isaac Smith

This road
if built would be of no benefit
to me.

Redirect I live about one
mile and a half from the route of
this road

Jas. G. Stewart

Henry Lubell, Officured:

I reside in
Girard Township and am 55 years
of age post. At present I am one
of the supervisors of said Township
and have held the position for fif-
teen years. I am acquainted
with this road in dispute so
far as it runs through Gi-
rard Township. The biggest part
of this road in Girard Township
runs through a wilderness.
Part of this road would be about
as expensive as it could be to build.
It runs through swampy land
and it would have to be either stoned
or corduroyed. The stoners would have
to be hauled a good piece from
Isaac Smiths to Rogers in Girard
Township I think it would
cost ten dollars a rod. I have
built a good deal of road and
would not want to build this
for less than ten dollars a rod.
There are probably twelve or fifteen
people living along the route of this
road in Girard Township. They are
as well accommodated with the Lub-

tic roads that are more open as they would be if this road was to be opened with the exception of them. They might be benefited some for heavy hauling. That is only the three persons. I think Girard township would have to bear the burden of the cost of building of this road. Girard township at the present time is over five thousand dollars in debt in its road fund. An order has been made by the Court to lay a cash tax to pay off this indebtedness. The people living along the proposed route of this road all have other roads to get to and from their places. This road would not be of any benefit to the traveling public generally in this section of the County.

X Ex. by Isaac Smith.

I his return
two and three miles from the pro-
posed route of the road. Emily
Rougey and John Lengy the two most
unruly in this road have a

public road running to their place
and they are opposed to this road.
I do not know whether the road
at Isaac Smiths is a public
road or not, but it is kept up
by the township.

Henry Phibell

Mitchell Newcomb, Sworn.

I reside in Girard
township and am 30 years of age.
Last I live within 80 rods of this
road now in dispute. This road is
made mostly for the use in hauling
heavy loads from Crossfield, but
have such accommodations from other
roads that I do not consider this
road at all necessary, and I am
opposed to the road on account of
the expense in building. I am
acquainted with the proposed route
of this road through Girard town-
ship and through Cuyler township
to Frank Leiges's store where it
begins. The principal part of this
road would be through a wilder-

was in Girard township. It runs through nearly all claim land in Cuyahoga Lwp. There are about four people in Cuyahoga and thirteen in Girard living along the proposed route of this road. These people all have means of getting to and from their places by other roads running near this place. Only about five people in Girard would be particularly benefited by the new road. This road is of no particular advantage in getting to the school houses. There are about three families of us who would be benefited in going to church, but we are all opposed to the road, as we have other roads. I believe the principal part of the traveling public would travel the roads we have if the new road should be opened.

This road would be an expensive road to build through Girard Lwp. I was with the men when this road was laid out, and my recollection is that the road is between six and eight miles long.

The land through which this road is laid out is low, marshy and woodland. It is hard land on which to build a road. The average cost of building this road through Girard, I think, would be four dollars and, and three and a half through Gorham. It would not cost so much through Cushington as part of it is over an old road.

In my opinion this road would not be of much benefit to the people living along the road or to the traveling public as there are other roads for them to use.

Mitchell Newcomb

Mitchell Murray, Affirmed.

I reside in Girard Township and am about 36 years of age. I am acquainted with the route of this road as it runs through Girard Township about two miles.

from the route of this road, that is the
nearest point. I do not know that
this road would accommodate any
body but two families. They are
Ernest Mignott and Cha Jerry and
they are both opposed to having
this road made.

I consider this an expensive
road to build. My reason is that
about four miles of the road is
through woods and swamps and
the majority of it has to be
bridged. The balance of the road
in Grand Lohn would not cost
very much as it follows an
old road that is used as a
public road. I think this road
would be of no benefit to the
traveling public. I do not
think there would be any differ-
ence in the advantage between
the road now and the proposed
new one to the people traveling
between Kahlans and Chaffield.
To make a proper road I
wouldn't agree to make it from
the Covington line to Isaac Smiths
for less than twenty dollars per

rod and from Isaac Smiths to
Graham Line our doctor and a half
fir rod. It is about four
miles from the Covington line to
Isaac Smiths. Girard Lwp.
would have the burden of the ex-
pense of building this road if
granted. I do not think there
is such necessity or demand as
would warrant the putting of
Girard Lwp. into the expense of
making the road. I remember
the route of this road from the
Covington Line to Isa Jevys last
work.

Mitchell Murray

George W. Gray, Sworn:

I reside
in Girard Lwp. and am 66 yrs
of age. I am acquainted with
the upper end of this road
now in dispute that runs
through Girard Lwp.

From what I know of this
road I would consider it a

very expensive road to build. I do not think this road would be of much advantage to any person living along it, as the people all have roads to get back and forward. I don't see that it would be of any advantage to the travelling public generally. From what I have heard other people say I would consider that it would cost four or five thousand dollars to build it through Girard Twp.

Geo W Steiner

John F. Jerry, Affirmed:

I reside in Girard Twp. and am going on 63 years of age. The only part of this road that I am acquainted with is from Ernest Mignot's up to Dr. Jerry's. I was over this part the other day. As far as I could say it would be a hard road to make. It runs through a wilderness there and

The land is sandy or clayey. It is about a mile and a half from Mignot to Jarry. In order to make a passable road it would either have to be bridged or plowed. I wouldn't like to undertake to make this mile and a half for less than ten dollars a rod.

This road might accommodate Mignot and Jarry if made but neither of them want it made.

John F. Jarry

Alfred Viard, Sworn.

I reside in Covington Lk. and am going 44 yrs of age. I know the route of this proposed. I don't see that this road is of any use. It will not accommodate any one. They all have as good roads as they need.

Alfred Viard

Francis Leigey, Dioro:

I reside in Covington Twp. and am about 52 yrs of age. I am acquainted with part of the route of the proposed road. I do not think that this road could be built for less than six or seven thousand dollars. I do not think, taking into consideration the number of township roads these people already have, that the proposed road is necessary.

Francis Leigey

P.C. Condit, Affirmed:

I reside in Girard Twp. and am 28 years of age. I am acquainted with the lower end of this proposed road from Leigey's place to Ernst Mignot's. From the Cuyahoga line to Ernst Mignot there would be a great deal of expense connected with the building of the road. This part of the road

I do not think accomodations any
way. It cuts through only two
farms, and they already have
a public road. They are against
the making of this road.
From the Covington Line to Ernst
Mignots I would judge, it is
about two miles and a half.
The most of this is swampy.
I would not want to build this
part of the road and have it in
good shape for less than
three thousand dollars. I don't
think of this road ever built
it would be of any benefit
to the traveling public in going
through from Karchers to
Oxford. This piece I would
recommend in estimating the
cost of building is in Girard
Township.

P. G. Bondurit.

Leon Delisle, Affirmed.

I reside in Gi-
rard Twp. and am going on 44
yrs. of age. I am acquainted

with part of this road, that is from John Lingeys to Mignot's. I opened a road from Ernest Mignot's mill to John Lingeys land. Part of the road I opened for Mignot is over part of the route of the proposed road. This road is about a mile and a half in length. It is mostly all swampy. We had to clear about five hundred feet of it. The other part to make a good road would have to be stoned. Part of the road was only nine feet wide. It cost over three hundred dollars to build that part. To make that into a good turnpike road I would want nine or ten ~~for~~ dollars a rod.

Leon Dibb

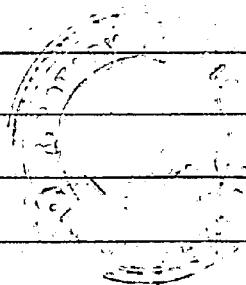
State of Pennsylvania } 88
Clearfield County }

I do hereby certify,
that the above witnesses were duly
qualified and examined at the time
and place stated in the above
caption; that the same was induced
to writing by me, in the presence of
said witnesses, and that they sub-
scribed their names thereto in my
presence.

Witness my hand and official seal,

W.C. Miller,

Notary Public.



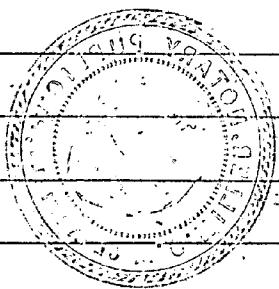
No 13 Sept 1870.

On the Billie Road in
Owyhee & Carbon Lays.

Frank Condit et al.

Defendants. Plaintiffs
on both of imonstrations.

For Proving Tech. H. C. 80
Frank Condit



Bill of Costs of Witnesses.

George W. Lingle

1 day \$1.00
10 miles .60 \$1.60

Janis Stewart

1 day \$1.00
6 miles .36 1.36

Henry Dubree

1 day 1.00
5 miles .30 1.30

Mitchell Newcomb

1 day 1.00
6 miles .36 1.36

Mitchell Murray

1 day 1.00
5 miles .30 1.30

George W. Stover

1 day 1.00
5 miles .30 1.30

John F. Jarry

1 day 1.00
5 miles .30 1.30

Alfred Viard

1 day 1.00 1.00

Francis Linge

1 day 1.00 1.00

Q.C. Conduit		
1 Day		\$1.00
2 Miles		.12
		\$1.12
From Delisle		
1 Day		1.00
3 Miles		.18
		1.18
August 7 Mulson		
Serving 14 Subdivisions		2.10
40 Miles		2.40
	Total	<u>4.50</u> \$18.32

Rule to Take Depositions.

Clearfield County, ss.

In the People vs.
Cornelia vs. John Stetson Erby
VERSUS
Frank Cuthbert Erby

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

No. 13 September Term, 1889.

AND NOW, to wit, the 16th day of April, in the year of our Lord one thousand eight hundred and eighty-nine, the Prothonotary enter a Rule to take the Depositions of ancient, infirm and going witnesses, to be read in evidence on the Argument of this cause. Ex parte Rule of Days on four days' notice.

Amelia Brown
Prothonotary.

To Oscar Mitchell, Esq.:

atty for Petitioner

You will please take notice that, in pursuance of the foregoing Rule, depositions will be taken before W. G. Miller 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 Frank Scam in the Twp of Conemaugh, in the county of Clearfield and State of Pennsylvania, on the 3rd day of May, A. D. 1889, between the hours of 9 o'clock A. M. and 9 o'clock P. M., when and where you may attend and cross-examine.

W. G. Miller
Clearfield, Pa., April 16th, 1889, atty for Petitioner

Now Apr. 16, 1889 Service accepted
Edon Reis rule first repetition
Oscar Mitchell
atty for Petitioner