

No. <sup>13</sup>~~71~~, Sept <sup>88</sup> Term, 1887

Vacate & Supply

COMMONWEALTH

Decatur <sup>versus</sup> in  
~~Looper~~ 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 4<sup>th</sup> day of  
December A. D. 1887, before Judges  
of said Court, upon a petition of sundry inhabitants of  
the township of Deaton, in  
said county, setting forth that they have under

great inconvenience for want of a public road or highway in the Township of Okeaton to begin at a point on the public road leading from Philippsburg to Okeola near what is known as Hudsons Banks and thence north to a public Road leading from Chester Hill to what is known as Gearhartville near the Primitive Methodist Church in Okeaton Township.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, ~~H. Wells~~ *not* ~~make report to the Court~~ whereupon the Court, upon due consideration had of the premises, do order and appoint ~~H. Wells~~ *not* ~~Lyden~~ *Wm. Ransom* 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.

*AM 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 enrolling 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 Clearfield County;

we the undersigned, viewers  
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

Philipsburg Pa.  
Jan 30<sup>th</sup> 1890

J. L. Welles }  
J. W. Kizer }  
W. A. Reed }  
Viewers

No 15 *264* Sessions, 1887

ORDER

To view and lay out a road for  
*Putte* use in the township of  
*Nebraska*, Clearfield Co.

*Feb Sep 1890 Confined the*  
*SE By the Court*  
*May Sep 1890 Confined the SE*  
*By the Court*

Filed *28* 1887

Fees \$1, paid by *Putte*

Also - The project and see the original viewers, except so far as by the viewers. N. B. - If the viewers believe the parties to the proceedings are not the disinterested parties, they will report to the court.

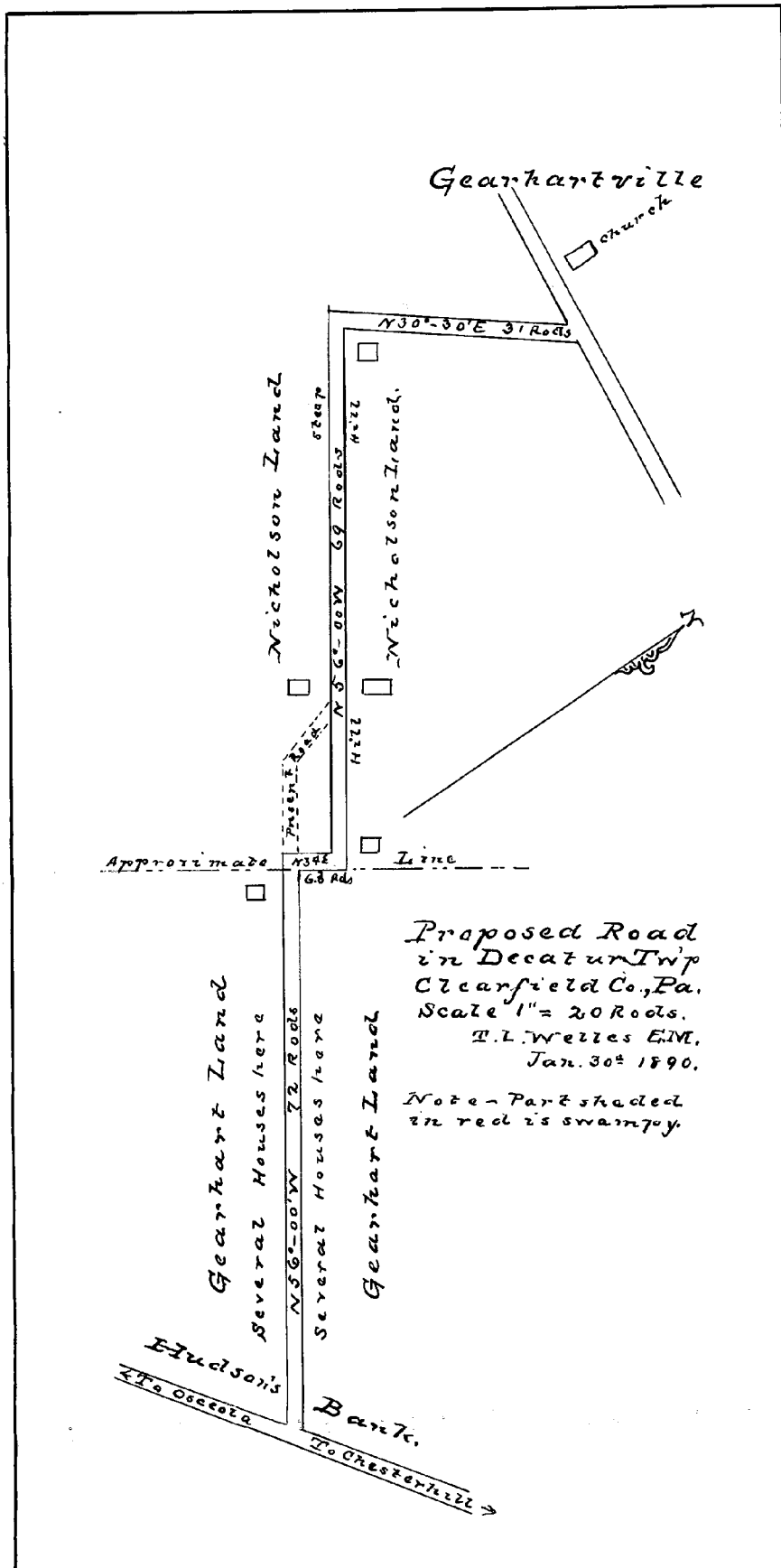
*52* *117* Days *2* Amount  
 Miles / *9.80*

*1* *117* Days *1* Amount  
 Miles / *3.40*

*1* *117* Days *1* Amount  
 Miles / *2.60*

Days  
 Miles

Days  
 Miles



No. <sup>13</sup>~~77~~, Sept <sup>88</sup> Term, 1887

*Vacate v. Supply*

**COMMONWEALTH**

*Decatur* **versus** *in*

~~*Loose*~~ *Township*

**Contents:**

In Re Public Road  
in Covington & Goshen Twp.

vs  
Frank Condrick, et al.

In the Court of  
Common Pleas of  
Clearfield County.

No 13 Sept. T. 1887.

Depositions of Witnesses, taken before me  
the 3<sup>rd</sup> day of May, A. D. 1889, 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  
thereon endorsed, for the examination  
of witnesses in a certain cause then  
pending, wherein certain petitioners are com-  
plainants and Frank Condrick, et al. are  
respondents. Isaac Smith appearing for  
petitioners and W. A. Hagerty, Esq. for respondents.  
Frank Condrick produced on oath of  
respondents and Swore,

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 Lipey's  
old store room in Covington Township  
and extending through Covington,  
Girard and Goshen Townships to a  
point in public road at or near  
the village of Shawsville, the most



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 wilderness, so far as I know. There are other roads running near the proposed route of this road that are out lets 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 three and four thousand dollars to build the road. The largest portion of the expense for building this road would come off of Girard township. Girard township at the present time is heavily in debt. In my opinion I do not consider this road a necessity to accommodate the people living along the proposed route of the road.

No. X Examination F. L. Condriet

George W. Lingle produced and sworn:  
I live in Girard  
township near what is known as  
the knots. I am going on 80 yrs  
of age. I am acquainted with  
this proposed road as described by  
Mr. Condit from John Leigey to  
Shawsville. 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 Bigler Kyplers over a private  
road already laid out and used  
on which taxes have been worked  
out and has been kept up as a  
township road although no view  
has ever been had. Then it runs  
over another private road for about  
two miles from a splash dam  
on Trout run to Shawsville. 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 Royce 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 accommodated, 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 hauling heavy loads would use the Hopper 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 stoning and bridging as a great part of it is over swampy ground. From John Leary's to Cha Jones the land is swampy and spouty and would make a hard road to build. Up along Kraams in Goshen township the same trouble exists. In my opinion it would not



cost less than six thousand dol-  
lars to build the road. Girard would  
have the burden of the cost of build-  
ing this road to pay. Girard town-  
ship is debt now on its road  
fund \$5970.<sup>00</sup> I 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.

Edw M Gingle

No X E.

James Stewart, - Affirmed.

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

Girard Township. As a general thing the road runs through clay and morass ground from Isaac Smith's to Rogers the line of Girard Township. This road there, I consider, will cost about eight dollars a rod to build. The principle part of this will have to be stoned, besides the bridging. He estimates 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, Henry Martel, and William Krice. It might be a convenience to them for heavy hauling, otherwise the people living in that community have all the accommodation, 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 \$597.84  
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 ne-  
cessary 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 us.

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

Geo. H. Stewart

Henry Philbel, Affirmed:

I reside in Girard Township and am 55 years of age past. At present I am one of the supervisors of said township and have held the position for fifteen years. I am acquainted with this road in dispute so far as it runs through Girard 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 cordroyed. The stone 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 pub-

lie roads that are now open as they would be if this road were 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 on its road fund. An order has been made by the Board 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 E. L. Isaac Smith.

I live between two and three miles from the proposed route of this road. Emmet Rougey and John Leigey the two most interested in this road have a



Public road running to their places  
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 P. Philbeck

Mitchell Newcomb, Sworn,

I reside in Grand  
township and am 30 years of age.  
Last I live within 80 rods of this  
road now in dispute. This road if  
made might benefit me in hauling  
heavy loads from Croxford, 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 Grand town-  
ship and through Arlington Lick  
to Frank Leiges store where it  
begins. The principal part of this  
road would be through a wilder-

was in Girard Township. It runs through nearly all cleared land in Covington Twp. There are about four people in Covington 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 their places. Only about two 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 Twp. I was with the viewers 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 a rod, and three and a half through Gorhen. It would not cost so much through Cuyington 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 Twp. I live about two miles

from the route of this road, that is the  
nearest point. I do not know that  
this road would accomodate any  
body but two families. They are  
Ernest Mignot and Ira Jarry 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 swamp and  
the majority of it has to be  
bridged. The balance of the road  
in Grand Lake 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 Keshams and Charfield.  
To make a proper road I  
wouldnt agree to make it from  
the Carington line to Isaac Smith  
for less than twenty dollars per

rod and from Isaac Smiths to  
Gordon line our dollar and a half  
per rod. It is about four  
miles from the Covington line to  
Isaac Smiths. Girard Loh.  
would bear 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 Loh. into the expense of  
making the road. I went over  
the route of this road from the  
Covington line to Ira Jarry last  
week.

Mitchell Murray

George W. Stewart, sworn.

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

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 traveling 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 Loh.  
Geo M. Menner

John F. Jurey, Affirmed:

I reside in Girard Loh 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 Ira Jurey's. I was over this part the other day. So far as I could say it would be a hard road to make. It runs through a wilderness there and

The land is mury or clayey It is about a mile and a half from Mignots to Jugays. In order to make a passable road it would either have to be bridged or stoned. I wouldnt like to undertake to make this mile and a half for less than ten dollars a rod.

This road might accomodate Mignot and La Jury if made but neither of them want it made.

John L. Jury

Alfred Viard, Sworn.

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

Alfred Viard

Francis Leigey, Sworn.

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. Condrick, 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 store to Ernest Mignot's. From the Covington line to Ernest 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 accommodat[ing] any  
ours. It cuts through only two  
farms, and they already have  
a public road. They are against  
the making of this road.  
From the Conington River to Ennet  
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 put it in  
good shape for less than  
three thousand dollars. I don't  
think if this road were built  
it would be of any benefit  
to the traveling public in going  
through from Karcham to  
Chorfield. This piece of road  
I mentioned in estimating the  
cost of building is in Girard  
Township.

D. C. Boncourt

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 Lingey's to Mignot's. I opened  
a road from Ernest Mignot's mill to  
John Lingey's land. Part of the road  
I opened for Mignot is our 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 plank 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 town-  
ship road I would want nine or  
ten ~~for~~ dollars a rod.

Gen. Bish

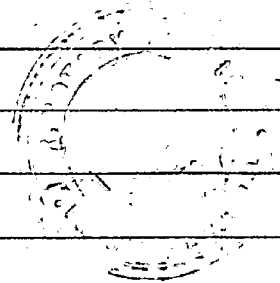
State of Pennsylvania } ss.  
Chearfield County }

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 reduced  
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 1877.

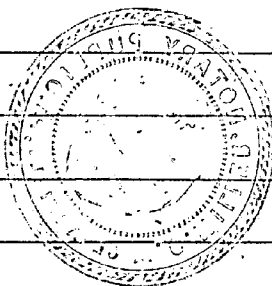
At the Public Road in  
County of Essex Suffolk

25

Frank Condit et al.

Defendants of the one  
part vs. the other part.

For the Defending Part. \$6.00  
Paid by Frank Condit



## Bill of Costs of Witnesses.

George W. Lingle		
1 Day	\$1.00	
10 miles	.60	\$1.60
Jamies Stewart		
1 Day	\$1.00	
6 Miles	.36	1.36
Henry Plubee		
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. Storer		
1 Day	1.00	
5 miles	.30	1.30
John F. Perry		
1 Day	1.00	
5 miles	.30	1.30
Alfred Viard		
1 Day	1.00	1.00
Francis Ligeey		
1 Day	1.00	1.00

O.C. Condrick

1 Day

\$1.00

2 Miles

.12

\$1.12

Low Delisle

1 Day

1.00

3 Miles

.18

1.18

August F. Wilson

Serving 14 Subpoenas 2.10

40 Miles

2.40

4.50

Total

\$18.32

# Rule to Take Depositions.

Clearfield County, ss.

*In the Public Record*  
*Conroy & Gester vs*

VERSUS

*Fraudulent Estate*

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

No. *13* *Septuaginta* Term, 18*89*.

AND NOW, to wit, the *16* day of *April*, in the year of our  
Lord one thousand eight hundred and eighty-*nine*  
the *Remunerator* 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 *Sept* on  
*Five* days' notice.

*Am Blum*  
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. B. Miller Esq*, or some other person  
authorized to administer an oath or affirmation in Pennsylvania, in and  
for the county of *Chesapeake*, at the office of *John O'Leary*  
in the *2nd* of *Conroy* in the county of *Chesapeake*  
and State of Pennsylvania, on the *3rd* day of *May*, A. D.  
18*89*, 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. B. Miller*  
Clearfield, Pa., *April 16*, 18*89*, *Atty for Remunerator*

*now Apr. 16, 1889 Service accept.*  
*Edou this rule for the petitioner*  
*Oscar Mitchell*  
*Atty for Petitioner*