

No. 1, Sept Term, 1888

Public Road

versus

Hudson Goff.

Contents:

No. 5<sup>th</sup> Sept Term, 1888

Plaintiff in Error  
Vassate Public Road

versus

Woodward & C. S.

Contents:

X

NOTE.—In case of private roads the release must be executed in favor of the petitioner for said road.  
Also—The viewer will carefully note the number of days employed and set the amount out at the foot of their return. If the viewer is unable to agree with the damages assessed by the original viewer, he may file a protest with the commissioners. 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.

Review of No. 5 Decr. 10, 1883.

No. 5 Jeff Sessions, 1883

Days	Amount.
2	
Days 2	
Cost \$488	Miles 28 12.80
H. D. J. D. J. D.	Days 1
ick # 471	Miles 28 4.80
McNamee	Days 1
etc 471	Miles 28 11.80
Walker	Days
(out 28)	Miles 15.0
Frank Bohem	Days 4 1/2
Chamberlain	Miles 1/30
John Cuthber	Co. 1.50
Craven	

TO ORDER  
To view and lay out a Road  
For Policeuse in the township  
of Union and Clearfield Co.

Decr 10, 1883

Resd. Congress 21, L

By Wm. C.

Esplanade, Remondance

Time or place 1883

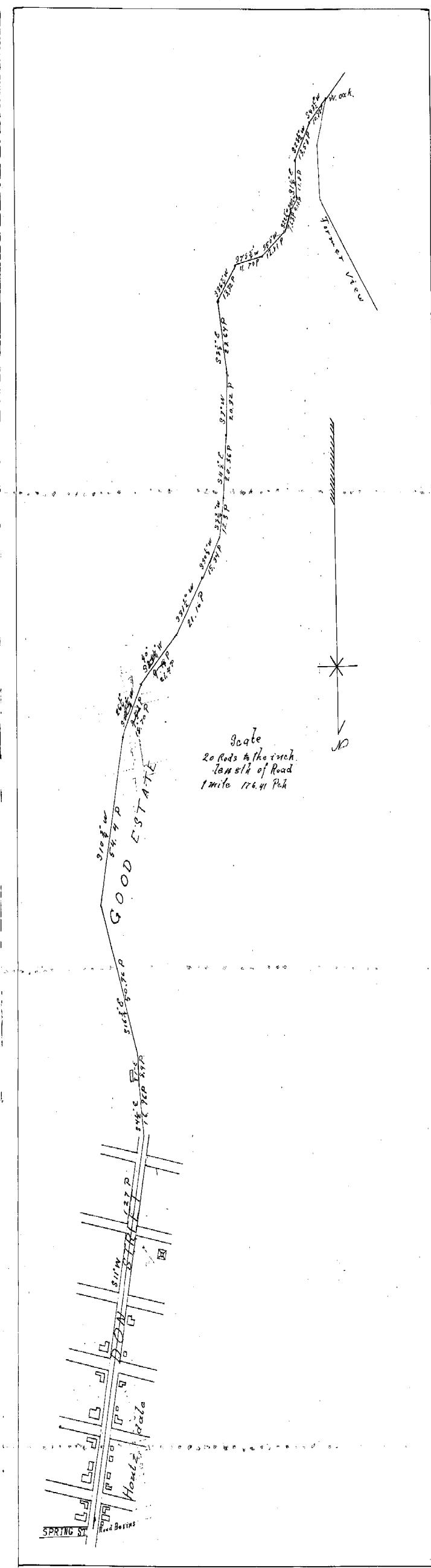
Chancery

Filed 12<sup>th</sup> Dec 20, 1883  
Fees \$1, paid by last Petitioner

To the Honorable David S. Kibb, Judge of the Court of  
Quarteressions of Clearfield County, we, the undersigned viewers  
appointed by the written order of Court to view and <sup>and report</sup> ~~say~~ the  
road therein mentioned respectfully report that we gave lawful  
notice of said road view by having notice posted and met  
agreeable thereto on Monday, September 24, A.D. 1888. All being present,  
and having been first severally sworn or affirmed we viewed  
the following road, beginning at a point where Spring Street inter-  
sects Dow Street, thence up Dow Street south (eleven degrees) west one-  
hundred twenty seven perches; thence south four and one half degrees  
east sixteen and twenty four hundredths perches, thence south one de-  
gree east eight and one tenth perches, thence south sixteen and three fourteenths  
degrees east fifty and nineteen hundredths perches, thence south  
ten and three fourteenths degrees west thirty and seven tenth perches, thence  
south sixteen and three fourteenths degrees west thirteen and twenty four  
hundredths perches, thence south twenty six and three fourteenths degrees west twenty-  
four and six tenth perches, thence south four and one half degrees west  
thirty three and fifteen hundredths perches, thence south thirty five de-  
grees west twenty three and one tenth perches, thence south twenty-  
nine degrees west nineteen and sixteen hundredths perches, thence  
south thirty degrees west twenty and one tenth perches, thence south  
three and three fourteenths degrees east twelve and three tenth perches, thence  
south two and one half degrees east twenty nine and two tenth perches,  
thence three and one half degrees east six and one tenth perches, thence  
and ending at a white oak at former view, a plot or draft of  
which road is hereto annexed showing the course and dis-  
tances and improvements, which road is not necessary  
since another road has been laid out between said points and  
therefore would be needless inconvenient and burdensome.  
Witness our hands and seals this twenty fourth day  
of September A. D. 1888.

(Harry) Byers.

Viewers (W. D. Newberg,  
G. H. Howell



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 21<sup>st</sup> day of August, A. D. 1881, before Judges of said Court, upon a petition of sundry inhabitants of the township of Woodward, in said county, setting forth that two separate

Opening Orders for public roads in Woodward Twp  
one Court of 6/20/35 Sept 58 1873 to run through to day 58 1873  
have been granted in the names of Supervisors of said  
Twp that one through 7/20/35 Sept 58 1873 begins at the South  
End of Good Street in the Borough of Springdale runs to a  
point in the Centre of the Street in the Village of Moran the  
other thereof begins at a point on Don Street in the Borough  
of Foultzdale where Spring Street intersects Don Street runs to a W.  
line of former View where along said line a land out of former  
View to the Village of Moran has been sold & Resurveyed

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, make report to the Court whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers W. D. Dunbury & W. W. Worrell 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.



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 \_\_\_\_\_ the sum of \_\_\_\_\_  
To \_\_\_\_\_ the sum of \_\_\_\_\_  
To \_\_\_\_\_ the sum of \_\_\_\_\_

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

To the Honorable the Judges of the Court of Quarter Sessions  
of Clearfield County:

Your petitioners citizens of the Township of Woodward would respectfully represent, that two separate opening orders for public roads in Woodward Township, one thereof to No 10 Sep. Sessions 1883, and one to Feby. Sessions 1885 have been placed in the hands of the Supervisors of Woodward Township. That one thereof ( No 10 Sep. Sessions '83. ) begins at the south end of Good Street in the Borough of Houtzdale, and runs to a point in the center of the Street in the Village of Moran, and that the other thereof ( No 5 Feby. Sessions '85. ) begins at a point on Don Street in the Borough of Houtzdale, where Spring Street intersects Don Street and runs to White Oak on line or former view thence along said line as laid out by former viewers to the Village of Moran.

Your petitioners would ~~fixxx~~ further represent that by laying out said roads, that it would be opening two roads each leading from Houtzdale Borough and terminating at the same point.

Your petitioners would therefore represent that the road to No 5 Feby. Sessions 1885 beginning at a point on Don Street in the Borough of Houtzdale where Don Street intersects with Spring Street and running to white oak on line of former view " is useless, unnecessary and would be a burden to the tax payers of the Township.

Your petitioners would respectfully pray your Honorable Court to appoint viewers to view and vacate said road and they will ever pray, &c.

John Magen John Murphy  
Charles Howard John B. Magens  
Thomas Purbrick J. Elzaffis  
James Carter John Brook  
H. H. Mulligan Peter Prent  
Michael Murray James Henderson  
Pat Saway Michael Lacy  
Michael Carter Charles Lawson  
F. C. Webb Alex Harper  
Ashley J. Martin Eli Seneff  
James W. Jackson D. G. Pritchard  
J. J. Walpitt Geo. J. Shaffer  
Michael Ward Lewis York  
J. C. Smith H. J. Caraher  
A. P. Seuberry J. W. H. Hamm  
H. W. Archer J. C. Caraher  
H. C. Pogutay B. M. Hess  
Ed Dill James C. Flanagan  
W. C. Mox Wm. Hesinger  
C. C. Cuffee Lewis Seabolt  
John Vaughan William Barns  
Geo. B. Isenberg Allison Evans  
Geo. B. Hall Nelson Knapp  
John Miller J. G. P. Rounseley  
Richard. Lewis

Ghost Beynon P.  
G.P. Anderson

1855 Sept Term 1855

Attala Co. to receive  
Public Seal in May  
and formally organized  
at a point on Donistah St.  
intersection of Donistah St.  
and University St. a point  
near one in this of Public  
Road leading to Memphis  
or there.

This 21<sup>st</sup> day of Aug 1855  
the within people shall  
in open Court and upon  
due consideration of the  
same, the said John W. D. Seubert,  
W. D. Seubert, M. M. Morris  
and E. C. Reddick Henry  
swear to name and seal  
the within seal so formed  
as.

By the Court  
O. C. Tracy

1855 Aug 21<sup>st</sup>

Commission  
seal

1855

In Petition to  
Vacate and Supply  
Public Roads in  
Woodward Township  
In Court of Quarter Session  
of Clearfield County  
No. 6. Sept. 1888

2nd  
In the Petition to review } No 5 Dept AB, 1888  
and Vacate Public Road  
in Crotched Township

To receive the reports of review

1st Said petition to vacate, as illegal for  
the reason that by the provisions of an act  
of assembly, passed the 13th day of  
June A.D. 1836. Sec. 9. Roads laid out  
and confirmed but not opened may  
be vacated and annulled upon the  
petition of the majority of the original  
petitioners for said road, and the  
above petitions are not signed by a  
majority of the original petitioners  
for said road now asked to be  
vacated, and said road asked  
to be vacated having been laid  
out and confirmed according to  
law but not opened

Prud: The petitions to vacate and supply  
and also to view and vacate the  
said roads recites that there are  
orders for two roads from Henshaw

to the village of Moran in the hands of the supervisors, which is not correct. There is but one opening order for road from Dow Street in the Town of Hockleydale to the village of Moran in the hands of the supervisors. The views appointed by the Court to review a road laid out and confirmed Nisi on the 12th day of December 1884 reported as follows as to the course of road as reviewed by them: - Beginning at a point in Dow Street where ~~it~~ Dow Street intersects Spring Street; thence by several turns and distances to a White Oak on line of former view; thence along said line, as laid out by former views to the village of Moran which report was confirmed absolutely by the Court the 26th day of Sept. 1885, and an opening order granted 14th day of July, A.D. 1888 and in order that the supervisors might know where the line of the road was from the said "White Oak" in line of old view to village of Moran, it was necessary

to get the old view and place it in  
the hands of the supervisors.

This was done and thereupon the  
supervisors claimed that there were  
two opening orders in their hands  
for roads leading to village of  
Muran from Brough of Hengdale

3rd. The reviewers appointed to vacate and  
supply No 10 September 23, 1883 and to view  
and vacate No 5 July 5, 1885 were not appointed at  
a regular term of court but were  
appointed on the Twenty first day  
of August A.D. 1888

4th. That the orders to vacate and supply  
and to view and vacate, as  
aforesaid were not issued until  
the 21st day of September 1888 at  
which time the powers of the  
reviewers had expired and the  
powers of said reviewers were not  
renewed.

The first term of court fol-  
lowing the appointment of  
the reviewers, having passed  
without any report.

5th. Notice was not served on the  
tenancy commissioners of Cleafield

lentity of the time and place of view or assessment of damages as required by rule of Court No 142.

6th The viewers did not give notice as required by law of the time and place of view.

7th In proceedings No 6 Dept SS 1888 said Petition and Report were irregular and illegal "in toto" for the reason that the viewers report upon a situation to wattle and daubing a wood which was never confined ~~and~~ which was not in existence at the time. The thousand viewers were appointed

8th Said petitions are illegal and irregular in other respects and should not be confirmed absolutely.

Bloomfield County SS.

W. S. I have atty for ex-  
ceptants being duly sworn, saith that the  
facts set forth in the foregoing exceptions are  
true and corroborable prob of his knowledge  
and belief.

Summons & Subpoena before  
me a Justice of the peace for said  
County this 8<sup>th</sup> day of Dec 1888

W. S. Shain  
atty for exceptants.

Non meritorious

Now April 8th 1889 counsel for Remond  
add additional exceptions in above  
cases

9. The order to view did not empower  
viewers to locate and supply but  
only required them to view and  
lay subs and was asked for in said  
petition

10. Viewers in no 6<sup>th</sup> Sept. 25, 1888  
were not on the ground for more  
than about three quarters of the dis-  
tance.

No 5 Deth. D. 1888  
en Nederd. D. D. 1888.

Gov. R.  
Petkin's to meadow  
Awful no 10 Deth. D. 1883  
to view and create no  
5 July D. D. 1885

Excerpt from the Report  
of various to

July 11 1887

W. W. Deth. D.

In Petition to view and { In Town of Rueter  
vacate, public road } Sessions of Clearfield  
in Woodward Township County

No. 3 Sept 2d 1888  
Executive report of viewers

1<sup>st</sup> said petition to vacate is illegal for the reason that by the provisions of an act of assembly passed the 13th day of June A.D. 1836. See 9<sup>th</sup> road laid out and confirmed but not opened may be vacated and annulled upon the petition of the majority of original petitioners for said road and the above petition is not signed by a majority of the original petitioners for said road asked to be vacated and said road asked to be vacated being law laid out and confirmed, according to law but not opened

2<sup>nd</sup> The petition to view and vacate aforesaid road that there are orders for two roads from Henkdale to the village of Moran, in the hands of the supervisors, which is not correct, there is but one opening order for road from Dunster in the Borough of Henkdale to

the village of Moran in the hands  
of the supervisors. The viewers appointed  
to by the court to review a road laid  
out and confirmed nisi on the  
12<sup>th</sup> day December 1884 reported  
as follows as to the course of the  
road as reviewed by them - "beginning  
at a point on Dan Street where Dan  
Street intersects Spring Street, thence  
by several curves and distances  
to a white oak on line of former  
view, thence along said line as  
laid out by former viewers to  
the village of Moran, which  
report was confirmed absolutely  
by the court the 26<sup>th</sup> day of  
September, 1885 and an opening order  
granted 14<sup>th</sup> day of July A.D. 1888  
and in order that the super-  
visors might know where the line  
of the road was from the said  
white oak on line of old view  
from village of Moran, it  
was necessary to get the old  
view and place it in the hands  
of the supervisors. This was done  
and thereupon the supervisors claim-  
ed that there were two opening

orders in their hands for roads leading to the village of Moran from the borough of Henrydale.

- 3 The reviewers appointed to view and vacate No 5 February 1885 were not appointed at a regular term of court but were appointed on the 21st day of August 1888,
- 4 That the order to view and vacate as aforesaid was not issued until the 21st day of September 1888 at which time the powers of the reviewers had expired and the powers of said reviewers were not enlarged, the pendency of court following the appointment of the reviewers having passed without any report
- 5th Notice was not served upon the County Commissioners of Clearfield County, of the time and place of view or assessment of damages as required by the rule of court No 17 R.
- 6th The reviewers did not give notice as required by law of the time

and place of view.

Said petition is illegal and irregular  
in other respects and should not  
be confirmed absolutely.

<sup>8th</sup> The order upon which said news article did not empower  
anyone to view and vacate said road but only informed  
the news and say my said said asked to be vacated by  
Biltmore Cemetery.

W. S. Shaw, Atty for Exceptants  
being duly sworn saith that the facts  
set forth in the foregoing exceptions  
are true and correct to the best of  
his knowledge and belief.

Served and Subscribed  
before me this 8th day of  
April 1888.

AM Blomm  
P.S.

W. S. Shaw  
Atty for Exceptants

No 5 Draft A.D. 1888

Govt.

Petition to review and  
vacate No 5 July 1888

Excepting the return  
of witness

Heads of party

Witworth & Ham

In the Court of Quarter Sessions of  
Allenfield, County of N<sup>o</sup> C Sept<sup>d</sup> 1888,  
In the Petition of  
Citizens of Woodward  
Township to vacate and  
Supply public road in  
Woodward Township, Also N<sup>o</sup> 5. Debt D.D 1888  
To view and vacate Public Road  
in Woodward Township  
To the Honourable D. L. Kies President, Judge  
of said Court

The remonstrance of the undersigned  
citizens of the Township of Woodward  
respectfully represents

1st That your remonstrators have long  
been in need of a public road  
leading from the South End of  
Pine Street in the Borough of  
Hempstead to the village of Moran.  
That on the 11th day of May  
A.D. 1885 the report of viewers  
appointed to view said road was con-  
firmed. Nisi and on the 26th  
day of September A.D. 1885 was  
confirmed absolutely by your  
Honorable Court, and that in  
pursuance of said absolute confirmation  
an opening order was  
issued to the subscribers of said

and Township will be the 4th day of  
July A.D. 1888, which opening  
order the said supervisors have refused  
to execute.

And we believe the road as confirmed  
absolutely is the cheapest and  
most practicable location for  
road between the points named

3rd The road as confirmed absolutely  
as aforesaid can be built  
much cheaper than the  
road reported and priced by  
the viewers in the report  
to no. 6 September Sessions 1888  
against which we remonstrate as well  
as against no 5 September Sessions 1888

4. The road as reported by viewers in  
no 6 Sept 1888 under proceedings to vacate <sup>equitably</sup>  
no 10 Sept. A.D. 1883 would  
not be for the benefit of the  
greatest number of the residents  
in said township but is in  
the opinion of your remonstrants  
more particularly intended  
for the benefit of the Hempdale

Drexel Park Association

5. Your remonstrants include all persons  
who reside in the vicinity of any of the roads named  
in any of the preceding Suits, i.e. No 10. Sept. 1888  
1888, No 5 Sept. 1888, No 6 Sept. 1888  
while the petitions in No. 5 and 6 Sept. A. D. 1888  
have named any persons if any who reside  
in the vicinity of said roads asked for them -  
I hereby certify that the facts set forth in the foregoing remonstrance  
are true and correct. Witness my hand this 8<sup>th</sup> day of December 1888

State of Pennsylvania

John Dolan  
County of Philadelphia S. S.

Before me a Justice of the Peace  
in and for the said County personally  
appeared John Dolan Jr. who being  
duly sworn according to law saith that the  
facts set forth in the foregoing  
remonstrance are true and correct  
to the best of his knowledge and belief  
Dwight and subscribed the former this

8<sup>th</sup> day of December A. D. 1888  
Robt McNamee J. P. J. S.

Signers -- Signers --

Robert Scobey  
J. W. L. Cole  
Allan Roberts  
John Mork  
Peter J. C. E.  
Eph Gaggon  
Parcheminal  
John & Marie Guilt  
John W. Murray  
C. Stinson  
Michael Dragnoiki  
David M. ~~Price~~  
Thomas Mooney  
Thomas J. George  
Thomas George  
Ellis Dixon  
George W. Price  
James Johnson  
Eugene Dryer  
David Gemmill  
Thomas Forsyth  
David Morris  
Richard Henderson  
Joseph Wheat  
Samuel Johnson

James Montith  
Alex. Montith  
Joseph Ayres  
Jonas Linda  
Elwood Olson  
Severine Janson  
Gabriel E. Haaland  
Larsius E. Haaland  
Vikadas Linda  
Emile E. Haaland  
W. G. Brady  
J. C. C. C. C.  
Galanty  
John Amerson  
John McHendrie  
Albert Felinsky  
Wm Henderson  
Kralis Burns  
Wm Burns  
Robert Steen  
Peter Felinsky  
John Trask  
Casper Zinsky  
Robert Henderson  
James Roberts

Joseph Easton  
Granville Kirk  
James Winters  
Donald Currie  
Peter McAttee  
Robert Russell  
John Dallagher  
John H. Forsyth  
Chas. D. Smyth  
Robert Fergusson  
James Gordon

David Patterson  
John Patterson  
Wm. B. Reid  
William Whetby  
John Cameron  
David Orr  
William Finley  
William Cook  
Isia Stoller  
James Stoller  
Mr. Mackentire  
John Kish  
George Harry  
Joseph Rollson  
John Johnson  
C. Hanson  
John Ober

John Lindström  
Clark Jensen  
Orlandus Johnson

August Johnson  
S. P. Chapmanberg  
John D. Now  
Jed Holl

No 5 Delhi P.D. 1888  
No 6 Delhi P.D. 1888.

Govt.

Petitions to vacate  
purple no 10 Delhi P.D. 1883  
to now and vacate no  
5 Delhi P.D. 1885, in  
consideration -

Remittances  
from  
Citizens of Wm. Wm. York

July 10 1888

Wm. Wm. York

In the matter of In the Court of Sessions  
the order to view and Sessions of Clearfield  
Call Public Road County Pa.  
in Woodward town Sept. Sessions  
ship. Nov. 5th 1888

Depositions of witnesses taken before  
me this eighth day of April, A. D. 1889,  
at the office of W. C. Miller, Clear-  
field, between the hours of 9 o'clock A. M.  
and 9 o'clock P. M. by virtue of the au-  
thorized Rule of Court and notice thereon  
endorsed, for the examination of wit-  
nesses in a certain cause then  
pending, wherein

Harry Byers being produced,  
sworn and examined on the part of  
the remonstrators doth depose and say:  
Q. Sir in Clearfield my business is  
surveying. I was one of the viewers  
appointed by the Court to view and  
ascertain a road running from Don Stump  
in the village of Hulsdale to white oak  
in line of Town view, each upon  
the order that was given to me. Q.  
I was one of the viewers appointed to  
view and ascertain a road for public  
use in the Township of Woodward,  
Clearfield Co. No 5. September Sessions

1888. Beginning at the South End of  
Lord Street in the Borough of Houtydale  
runs to a point in the center of the  
street in the village of Moran, the  
other street of traps at a point in  
Dow Street in the borough of Houty-  
dale where Spring Street inter-  
sects Dow Street and runs to a  
white oak on line of former  
view, thence along said line as  
laid out by former view to the vil-  
lage of Moran. I was a viewer  
in Proceedings No 6 September Ses-  
sions 1888. The Proceedings in No.  
6 Sept. Sessions was view, vacat and  
supply road. I went upon the ground  
and made a view to the white oak.  
The viewers appointed in Nos. 556  
Sept. Sessions 1888 did not survey  
to the village of Moran. We did not  
go over the ground beyond the white  
oak. Our report shows a survey  
from the village of Moran to the borough  
of Houtydale, Parked which was not  
viewed by us. In making our  
estimates we thought it immaterial  
to take into consideration any of  
the ground beyond the white oak.  
We had notices posted to the owners  
of land through which the road passed  
before we began to act I think  
they were posted within the lawful

time. The road that I reported the  
cost of making would be less than  
the cost of the former view, or the one  
laid out by the former view. The  
road I laid out does not pass col-  
liery called Eureka No. 10. I never  
was at the village of Moran. I  
was not with the other views all  
the time during the view. In the  
proceedings to vacate the public road  
from Houltdale at Don Street to vil-  
laged Moran the views did not go  
over the ground further than Houl-  
dale village line from the point  
in Houltdale where Don Street inter-  
sects Spring street <sup>of the white oak</sup>. I do not know  
of my own knowledge how many  
people reside in the village of Moran.  
I believe the road laid out <sup>from</sup> the white  
oak on the line of former view will  
to Houltdale to a point in Houltdale  
where Spring street intersects Don  
street could be made cheaper than  
a road leading from the white oak  
to the south end of Good street by  
the route reported by a majority of  
the views in proceedings No. 6. Septem-  
ber sessions 1888. I do not know  
my own knowledge whether legal  
notice was given. I sent notice  
to a party to work or not before  
we went to do the work, to have him

put up. I sent them to W.H. Patterson & do not know who put them up. I think there is granted a road from Whitetop mine to Bouldale.

### Examined.

We did not go over the road from the white oak to the village of Moran because we understood both roads to be the same and there was no contest from the white oak plumb to the village of Moran. Each of these roads as laid out is a little over two miles long.

### Rutting.

This our mile and 230 perches from the white oak to the south end of Good street from Bouldale through to white oak by Don Shuford route it is our mile 176 perches.

Parry Rogers

## Rule to Take Depositions.

Clearfield County, ss.

In the Matter of  
the order to vacate  
vacate Public  
Way of the Wood  
versus  
Word Sup.

In the Court of ~~Common Pleas~~ <sup>Quarter Sessions</sup>  
Clearfield County, Pennsylvania.

No. 6 September 6, 1888.

And Now, to wit, the 1<sup>st</sup> day of April, in the year of our Lord one thousand eight hundred and eighty-nine, the ~~Administrator~~ 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 ~~Administrator~~ on ~~five~~ days' notice.

*Am. Bloom*  
Prothonotary.

To W. H. Patterson Esq.:

Attorney for Plaintiff, Portdale Pa.

You will please take notice that, in pursuance of the foregoing Rule, depositions will be taken before W. S. Miller, or some other person authorized to administer an oath or affirmation in Pennsylvania, in and for the county of Clearfield, at the office of Oscar Mitchell in the borough of Clearfield, in the county of Clearfield and State of Pennsylvania, on the 8<sup>th</sup> day of April, 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.

Clearfield, Pa.,

April 1, 1889.

*W. S. Miller*

*Oscar Mitchell*  
Atty for Plaintiff.

Some Ohio and 1889  
in W.M. Patterson  
ws Show.

Ohio and 1889 award  
a set of uniform rules  
William M. W.M. Patterson  
Eng. M. S. Show

State of Pennsylvania }  
Crawfurd County } 55.

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 having been first read over to them,  
they subscribed their names thereto in  
my presence.

Witness my hand and Notarial seal.

Sept. Session  
Ch 5556. Date 1888

In the matter of the  
order to review and  
vacate Appeal filed  
in Chancery Courtship.

Depositing  
of witness on part of  
Petitioners

for filing of ch. 5556

Filed  
Chancery  
Court  
1 day

# Rule to Take Depositions.

Clearfield County, ss.

John Read in  
Woodward Group  
VERSUS

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

No. No -

Term, 188

AND NOW, to wit, the 22 day of March, in the year of our  
Lord one thousand eight hundred and eighty-Eight,  
the Plaintiff 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 Plaintiff, on  
5 days' notice.

  
Am. Bloom  
Prothonotary.

To J. M. Pascoe, Esq.:

Atty for Plaintiff

You will please take notice that, in pursuance of the foregoing Rule,  
depositions will be taken before J. B. McGrath, 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. M. Pascoe,  
in the Borough of Clearfield, in the county of Clearfield  
and State of Pennsylvania, on the 2nd day of June A. D.  
1888, between the hours of 8 o'clock A. M. and 8 o'clock P. M.,  
when and where you may attend and cross-examine.

  
J. M. Pascoe

Clearfield, Pa., May 20, 1888. Atty for Plaintiff

Service Accepted

Recd. J. M. Pascoe

11. 1. 1888.

In the Matter of  
Public Road in  
VERSUS  
Woodward Park

In the Court of Common Pleas  
of the County of Chester  
of Term, 18

No. —

DEPOSITION of witness taken before me this Second (2) day of  
June, A. D. 1888, at Office of W<sup>m</sup> H.  
Patterson, Chautauque Pa  
between the hours of 8 o'clock A. M.  
and 8 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 there pending, wherein  
the matter of public road  
in Woodward Township

Defendant, John Howison, of Woodward  
Twp., being produced, sworn and examined  
on the part of the Reconvenors, doth depose and say:  
My name is John Howison; am 30 years of age;  
I live in Woodward Township, my  
occupation is Farmer. During  
the years 1887 and until March 1888  
I was Supervisor of Woodward  
Township. As Supervisor I was  
acquainted with the roads of the  
Township, and as Supervisor I was  
also acquainted with the financial  
condition of the Township. Ten Mills  
was the amount of regular Road  
Tax levied by the Supervisor;

The Road Tax levied by me was  
not sufficient to keep the Roads  
of the Township in proper repair

"The deposition should be in the handwriting of the person before whom it is taken, or the witness, but never in the handwriting of the attorneys, or parties, or their agents. The person before whom the deposition is taken has no power to adjourn without consent and notice; the hours between which they are to be taken are generally named, and they cannot legally be taken at any other time except by consent, all of which must appear. Leading interrogations should be objected to whom they are put, otherwise an exception will not in general be sustained."

a great many roads in Sandusky  
End of the Township were not  
repaired for the reason that  
there was not sufficient Tax  
levied; We did not levy  
a Special Road Tax as directed  
by the Order of Court, for the  
reason that there was already  
more tax levied than the  
citizens claimed they were able  
to pay; <sup>over the total</sup> What amount of mills  
levied for all taxes in Wood-  
ward Township, for the year  
1887, including the Special  
Road Tax of 1886 which  
was being collected in the year  
1887. Objected to by the Council  
for the Petitioners, "1<sup>st</sup> that the  
Assessors books <sup>do not</sup> are evidence  
of the Assessment; 2<sup>nd</sup> that  
being irrelevant as to all  
such taxes but the regular  
Road Tax," Answer - The  
whole amount of taxes were  
66 mills; of which amount  
the Special Road Tax of 1886  
was 13 mills; the Regular Road  
Tax, was 10 mills; The County  
and State Tax was 8 mills; The  
regular Poor Tax was 10 mills,  
also Special Poor 13 mills, &  
School was 12 mills, These  
Taxes were all in the hands

of Collectors during the year 1887.  
for Collection, I am acquainted  
with the Route of the proposed  
road, - I was there at the time  
it was laid out by the Union,  
I should judge it would cost  
about \$500, to make a road so  
as it would be passable for wagons  
over the line of proposed new  
road, - Part of the Road is laid  
out over the line of an alley  
and park is laid out over  
the line of a Street, - ~~to~~

I do not really believe that  
a Township road is necessary  
in that place if the Streets  
are opened as laid out.

Pass ex. by W. L. Pasee for Potts,  
I circulated the Remonstrance  
against this road, - I did  
obtain signs by saying that  
the road was going to the Race  
Course and did not make  
that statement, - or that it was  
going to the cemetery,  
I never built any new  
road, I have estimated the  
cost of building a new road before  
this at my own request  
in Townships where I lived, when

1 then has been notices up for  
2 contracting for new roads I  
3 have made estimates, —  
4 yet I never built any —  
5 I dont know any roads in the Town-  
6 ship that are not used, but I do  
7 know of some that I consider to  
8 be useless — I refer to one run-  
9 ning from Stirling to Bear Run  
10 which is only used occasionally  
11 for hauling Sand — The special  
12 tax was used to pay off the  
13 accumulated debts against the  
14 Township, — I cannot swear  
15 that part of this accumulated debt  
16 was caused by the defalcation  
17 of former officials of the Town-  
18 ship, — I do not know the  
19 estimated number of people living  
20 in Woodward Township

John Hawison

22 The Remonstrators offer in evidence  
23 the following records of the Court  
24 of Com. Pleas, Clearfield County,  
25 At. Judgment No. 1 March 3,  
26 1884. No 2. March 3, 1884. No.  
27 3 March 3, 1884, No. 4. March 3, 1884  
28 with the proceedings  
29 thereto appertaining —  
30 also case No. 13, Sept. 1, 1884.

1 and proceedings had therein,  
2 and also Case 156 May  
3 1886, with the proceedings.

4 The Attorney for Petitioners  
5 offers a general objection to the  
6 foregoing offers of testimony for  
7 the reason that it is un-  
8 competent, and irrelevant, ~~to~~  
9 to the matter at issue,

10 The Atty for Remonstrators, states  
11 that the foregoing cases are  
12 offered as evidence in the  
13 cause and for the purpose  
14 of informing the Court of the  
15 advisability of confirming the  
16 reprobation made by the Mayor.

17 John Howieson recalled, for Cross  
18 Examination - Q. "The Street  
19 and alley referred to in my  
20 examination in Chief, is not a  
21 part of any incorporated Borough  
22 - but are laid out upon the  
23 same plan as the Borough of  
24 Plumstead, and adjoins the Boro.  
25 of Plumstead." I never put  
26 any work on those Streets and  
27 alleys while Supervisor - The public  
28 Authorities of the Township have  
29 never accepted the said Streets  
30 and alleys from the Houtz Heys.

1 I have not been asked, by  
2 any one, to be allowed to  
3 work out taxes on said  
4 streets and alleys, which would  
5 have certainly refused, had I  
6 been asked.

7 *Samuel Henderson*

8  
9  
10 Samuel J. Henderson, being pro-  
11 ceeded, affirmed and examined on  
12 the front of the Remonstrators, did  
13 depose and say as follows:  
14 My name Samuel J. Henderson  
15 I am 46 yrs of age and live in  
16 Woodward Township, I am in  
17 Lumber & Planing Mill business,  
18 Have lived in Woodward Town-  
19 ship for 12 years, I own  
20 Real Estate in Woodward Twp.  
21 North Ferndale Thousand dol-  
22 lars, Question, by Attorney  
23 for Remonstrators "What is the  
24 financial condition of Wood-  
25 wood Township?" Is it much  
26 indebted? Objected to by Attorney  
27 for Petitioners, as irrelevant and  
28 because the witness is not  
29 competent to prove the fact.  
30 Answer - "Yes sir, I would

to the Catholic Cemetery.

Re. Cross Ex.

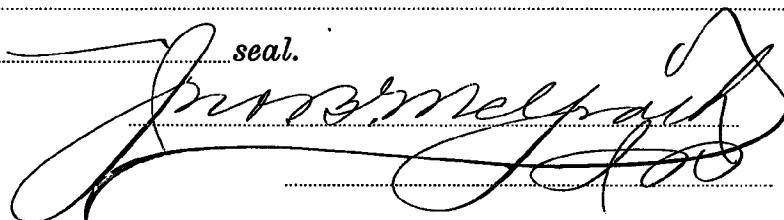
One of the roads I have mentioned ~~crossed~~ <sup>crossed</sup> the slope above old Beaver Run Valley.

J. J. Henderson

STATE OF PENNSYLVANIA, }  
Clarifield County. } ss.

I DO HEREBY CERTIFY, That the above witness 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 witness and having been first read over to them subscribed their name thereto in my presence.

Witness my hand and seal.



No. Term, 18

John  
Acting  
Public  
Prosecutor  
Wm Ward  
Supt.

## Deposition

of witness on part of  
Reconvenor

Fees for taking Deposition, \$ 3.00

Magnini  
John Kinner  
14.37

Filed 18

Prothonotary.

Attorney.

1 Say it is right on to Bank  
2 ~~Wright~~ - Question by  
3 Atty for ~~Petitioner~~: What is  
4 the Amount of Mills levied  
5 in Woodward Township for  
6 Tax purposes for the Year 1888?  
7 Objected to by Atty for Petition  
8 "Because first the Records of  
9 the Assessors are the best  
10 evidence" - 2<sup>nd</sup> As irrelevant  
11 Answer "The total Amount  
12 is 59 Mills - The State & County  
13 8 mills. Road (Regular) 10 mills  
14 (Special) 5 mills. Poor (Regular)  
15 5 (Special) 13. Mills - School  
16 13 mills;" The building  
17 of any <sup>additional</sup> roads in the Town-  
18 ship would be burdensome to  
19 the Taxpayers under the  
20 existing circumstances

21 Cross Examine by Atty for Petitioner  
22 Question by Atty for Petitioner  
23 "Do you not know that a  
24 portion of the indebtedness  
25 of Woodward Twp. was caused  
26 by speculations, or defalcations  
27 of shortages, of some of its  
28 former Officers or of an Officer  
29 or his on their failure to account  
30 for and turn over the public

money in his or their hands  
Answer "No," but I think  
the debt was caused by <sup>mismanagement in</sup> making  
unnecessary roads, not beneficial  
to the public. — I am well aware  
that in Woodward Township there  
are at least two or three unnecessary  
roads, for which we have to  
pay taxes" One starts at Stirling  
and goes to Bear River. I estimate  
it to be about 3 miles in length,  
and another is, a portion of the  
road leading from Burdette  
to West Moshannon Chutes,  
— probably one mile or two — three-  
quarters of this road is so unnecessary —  
I cannot name any other  
roads except these two —  
I don't know how many  
miles of road there are in  
Woodward Township

Redistrict Act —

The building of the New  
Road would be building of  
a road almost parallel  
with the last road that I  
have testified to as being un-  
necessary, and would not be  
over ~~one~~ <sup>an</sup> eighth of a mile  
distant, — In case this proposed road is  
built, there would be three roads leading westwardly  
from Shadydale within a branch of  
half a mile, and in addition to that a <sup>3<sup>rd</sup></sup>  
road leading in the same direction