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No. 2 Dec Term, 1888

In Re separate
Account in
Graham's account

VERSUS

Deposition

of witness on part of Reman

Abraham

Fees for taking Deposition, \$ 5.75

Filed 18

Prothonotary.

Attorney.

Witnesses

W. H. Hall 1d \$ -

11m d. 6c \$ 6.66

W. H. Hall 1d \$ -

11m d. 5c \$ 6.66

W. H. Hall 1d \$ -

11m d. 5c \$ 6.66

E. J. Williams Canoll

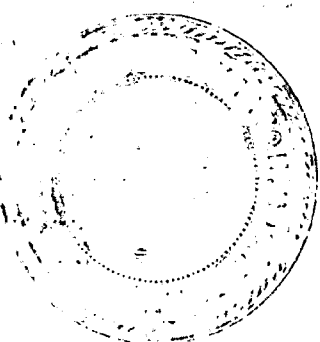
S. J. 6d

11m d. 36c

96

Other Expenses Notary \$ 5. -

\$ 10.94



STATE OF PENNSYLVANIA, }
Clearfield County. } ss.

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 ^{short hand} writing by me, in the presence of said witnesses
and ~~having been first read over to~~ and a subscribed type
name thereto in my presence written copy of said
notes are hereto attached.

Witness my hand and notarial seal.

Alex Patterson
Notary Public

In Re
Private Road
VERAUS
Graham
Townsip

In the Court of Common Pleas
of the County of Clearfield
Of December Term, 1888
No. 2

DEPOSITION of witnesses taken before me this eleventh day of
January, A. D. 1889, at the office of J. J.
Harriet E. Clearfield Borough, Penn-
sylvania 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 there pending, wherein
E. M. Peters is Petitioner and
James Meyer is

Defendant Remondant
being produced, sworn and examined
on the part of the, doth depose and say:
My name is; am years of age;

Isaac Rothrick being produced, sworn and examined before me deposes as follows:

My age is 49. I live in Graham township. I live $1\frac{1}{4}$ to $1\frac{1}{2}$ miles from Mr. Peters farm. I am well acquainted with the location of this proposed road as viewed by the viewers, the route across Moravian Run, through Mr. Peter's land. I never seen it till yesterday. I was over the ground yesterday. The road that runs from Hummel's up along the dam has been in use as near as I can recollect, it has been traveled back and forward on that road for about twenty years I think, - since Mr. Myers has been there, he has been back and forward all the while I think. That road follows a part of the distance the view as reported in this case. The road right straight across the Run would be more expensive than the one that is viewed. If I would take a contract of either one I would take the route the surveyor has laid out. The road down across the run there, the principal part of it is woods and very stumpy and there would be a bridge there that would cost considerable money. The span required for a good bridge there, to put it straight across where he wants it, without building abutments would take a springer 60 feet long; it could be shortened by putting in abutments, I suppose 8 or 10 feet. After you cross the run, between that and the main road it is middling swampy, it would have to be all stoned and thrown up to make a good road out of it; yesterday it was very swampy. Part of it next the old road was a little dry, but the main part of it out to the main road is middling swampy. This new road as viewed does not run through any cultivated ground of Mr. Moyer. Right in front

of his house along there where it has been laying out a kind of commons for years, it does. A little bit of it right beyond his house there runs through woods belonging to Moyer. That land has been kind of cleared off around his house for a number of years but never has been fenced. The damage in my estimation to Moyers land by the making of this road I would not think taking the advantages with the disadvantages would be more than five or six or eight dollars, something like that. I think it would be an advantage to him if the road is made there for the sake of accomodation to some. Mr. Peters or Mr. Moyer have no other way to get out than to travel over the old road that has been there for a number of years; that is the road they have traveled for a good while. There is no other good way without going around. That is the only direct road they have.

Cross-examination.

Q. Has this road been kept up?

A. There has never been any work done.

Q. Is is not just an old timber road?

A. An old road that has been traveled.

Q. Is not it an old timber road?

A. The far end of it used to be used for a timber road, but on this end of it there never was much timber hauled from Myers down to the pike that I recollect of.

Q. Did the timber road, the old road come on to that side of the dam where my buildings is?

A. I dont recollect whether that timber road crossed there.

3.

Can you say what portion of it was on the old road?

A. A little part of it right beyond Mr. Myers house. I can't tell how much of that. I didn't measure it.

That is close to his house. The old road runs not over two rods from his house, I think. It is all cleared land except a little strip the distance that this new road passes through him.

Q. What is the distance from Peter's place across to the Wallaceton road?

A. I can't tell that for I never paid any attention to it. It would I suppose be close on to a half a mile.

Q. You cannot certainly understand the question?

A. I dont suppose it would be over a quarter of a mile.

Q. Is it that much.

A. I believe it is according to the best of my knowledge.

I never was along the route till yesterday, but I suppose it would be a quarter of a mile without measuring it or anything.

I cannot tell the distance that the new road passes through the Myers place. I never stepped it nor measured it. To the best of my judgment it would be in the neighborhood of fifty or sixty rod.

Q. Do you swear that the distance that this road passes through Myers place is less than the distance from Peter's place to the Wallaceton road, or were you mistaken in stating it was a quarter of a mile from Peter's place to the Wallaceton road?

A. Recollect I dont say positively. It is further from the pike up

to Peter's line, something further than it is from Peter's line across the road on that other route something.

From Peter's place to the Wallacetown road I think it would not lack much of a quarter of a mile. It might lack some across that way. It would be a little more on the road that is laid out along there.

Q. How far is it from Peter's place to the Centre Hill road down at Hummel's as near as you can tell?

A. I must be I suppose near $\frac{1}{2}$ of a mile to the pike there.

.....

Abram Hummel Sen. being produced, sworn and examined before me deposes as follows:

I am 70 years old. I live right at Centre Hill, where this road strikes the pike, just across the run from where it strikes the road. I suppose maybe ten or twelve rods. I moved there I think some time in 1870. I cannot tell for certain. I never kept any count of it. The old timber road at the dam I have been acquainted with for over 20 years. I didn't make that timber road. I at one time on that side of the run where I built the mill, I bought the right of way for a road from Mr. Myers father. The road from my place up the run to Mr. Peter's place has been used for somewhere about 20 years. It was in 67 when I built the mill and that is the time I made that road, and bought that ground from Old Daddy Myers. My right of way calls for it to run up the run as far as the water dam's back.

Mr. Murray counsel for

We object to proof of any right of way or lease, because it appears by the testimony of the witness that it is a written article which is not produced.

Witness continues:

The water has been backing up there above Myers house, ten or fifteen rod further than Mr. Myers house. It dammed back near about where that other road you were speaking of would come across in time of high water.

Q. Has this road been used by Mr. Myer and Mr. Peters all these years for a wagon road in and out there to the pike?

A. Since I built the mill it has been used back and forward by the neighbors all the time. After I had my part done Mr. Myer got at it and opened the road from the end of my road up past his house.

Q. If that road were closed up would Moyer or Peters either of them have a road to get out to church and to school?

A. Not if I should close that road up they could not. Not unless a road were made through Moyer's land.

Q. Does that old road run through any of his cultivated land?

A. It has not been cultivated. It has been cut off but has never been fenced in on the upper side of the road. The lower side between that and the dam is fenced up. It has been traveled back and forward there ever since I built the mill.

After he got the road up to his house the next summer he opens the road.

Cross-examination.

Q. That is an old timber road?

A. No sir. There was never a stick of timber hauled on it. The old timber road come on this side, below Moner's house.

Q. Has this been kept up as a public road?

A. It has been kept up as a private road from past my place, after he opened up to his house. He worked at it and so did the rest of us.

Q. How much of the road passed through is woodland, passed through by this road?

A. I dont suppose there is over twelve or fifteen rod.

.....
E. M. Peters being produced, affirmed and examined before me deposes as follows:

I am the petitioner for this road.

Q. Why did you not continue to use that road and not ask for a view?

A. Well there was logs and brush put in the old road and it was shut up, and then I asked for a view on it to get a road, so as I would have an open road out, so as I would not be closed out.

Q. How long had you been using the old road from your place down to the pike at Hummel's?

A. I have been using it for over 13 years.

Q. Was it in existence when you moved there?

A. Yes sir. I didnt have to open it up.

I have no other way to get out in that direction to school or to church.

Q. Is there a private road on your farm out to Turner's that Mr. Moyer has been using?

A. Ever since I made a lane through Mr. Moyer has been using it when he wanted to go that way. It is a nearer road for him across to Turner's. That road would be a continuance of the new road proposed by the viewers. I am familiar with the view. I was along the day it was made. Mr. Moyer and myself carried the chain.

Q. State whether or not Mr. Moyer directed the viewers as to where that road should go with reference to his buildings?

A. When we came up to the forks of the road, to the one that came up past Mr. Moyer's house, Mr. Moyer directed them to come past his house where the road is laid out, and they followed his directions.

Q. Mr. Moyer has sworn in his testimony in this case that he proposes to build his buildings on another part of his farm and move away from there. How long to your knowledge has he been talking of moving these buildings to another part of his farm?

A. In the neighborhood of 12 or 13 years. He is no nearer moving them now than he was that long ago. He has been making some permanent improvements where he is, where he lives at present, where his buildings are now located.

Q. If this road were opened where it is located would you be willing to allow Mr. Moyer the right to use it with the road through your land to Turner's provided he would bear a reasonable portion of the expense of keeping it up?

A. O yes of course certainly. I would not object to him using it if

he would not keep anything up.

Q. You would be perfectly willing to keep it up so as to use it anyhow.

A. Yes, I would keep it up to suit me and if it didn't suit him he could fix it better.

Q. What damage does he sustain by this road as located taking into consideration the advantages and disadvantages?

A. I don't think that he ought to have any damage at all.

The right to go across my place towards Turner's would overbalance any damage he would receive from the other portion of the road. W

Where the road runs through Mr. Moyer's land it would not be a hard road to make. It does not run through any cultivated land of Mr. Moyer's. He has never raised any crops on the land where the road runs. It has never been tilled. On one side it has never been fenced. It is fenced part of the way on the lower side and the balance of the way on the left hand side.

I would not have money enough to make a road through the place Mr. Moyer would want the road. The hardest and most expensive road to make would be the one across the dam.

Starting from my place the first thing to contend with would be stumps. Stumps would have to be taken out. Then on the opposite side of the run next the township road it is very swampy which would have to be wooded or stoned. It would have to be stoned and ditched on both sides to make a road. When you come to the township road it makes a kind of raise and a fork would have to be made to go both ways right and left. A bridge would have to be made with a 60 foot span. This would have to

be .. plank bridge or else a stone arch.

Cross-examination.

Q. What is the distance from Mr. Peter's place the nearest point from your place across to the Wallacet n road.

A. I didn't measrue it but I suppose it may be 35 rod. It may be further than that I am just guessing. It might be less.

Q. What is the distance from that same ponit down to Hummel's?

A. On the right of the new road I think it would be 80 rods or something like that?

Q. Is thar not a road across towards the Wallacetin road from your place down to the run?

A. That is where Mr. Moyer wanted it. It is prushed out but has never been made. It is brushed out and the logs are taken out of the road. It is brushed out from Mr. Emigh's corner down to his house, but it dont react to the run.

Q. How far is it from the end of that place whare it is brushed out to the Wallaceton road?

A. It may be 15 rod; it may be a little over. I cannot say wh brushed it oot. I dont know who made that road. I never seen anybody travel it. I had a road that run out there by Dixon's that I closed up. When I first went there I slipped out wherever I could. I suppose it is near six years since I closed up that road by Dixon's. I could not say how far it was from my line by the Dixon road to the Wallaceton road; I never measured it. I think it would be over 40 rods.

ReDirect.

From Mr. Emigh's corner to make a road across there, that new road, the way Mr. Moyer had reference to, from Mr. Emigh's corner up across my woods there, it is about 25 rods through the woods that would be very expensive to make.

Emigh is Mr. Moyer's son in law.

Q. Would this road that he wants made down there, would it or would it not be of more benefit to Emigh than to you?

A. It would be a benefit to him because he could travel it. It would let me out on the township road if I would make a bridge there across the run, and by petitioning for a road across there through Mr. Hummel's land.

Re-cross examination.

Q. Dont you know Mr. Moyer ~~was~~ offered to help you to make that road across to the Wallaceton road?

A. Yes! the day that the viewe s were on there he come and told us he would help us, the day that the viewers were on.

.....

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Handwritten notes in the left column, including: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	Handwritten notes in the right column, including: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
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Rule to Take Depositions.

Clearfield County, ss.

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

In Re Private

VERSUS

*Road in Graham
Township*

No. 7 Dec

Term, 1888.

AND NOW, to wit, the 4 day of July, in the year of our
Lord one thousand eight hundred and eighty-~~nine~~
the Petitioners enter a Rule to take the
Depositions of ancient, infirm and going witnesses,
to be read in evidence on the Argument of
this case. Ex parte Rule of Petitioners on
5 days' notice.

A. M. Bloom
Prothonotary.

To *Murray Gordon*, Esq.

Atty for Petitioners

You will please take notice that, in pursuance of the foregoing Rule,
depositions will be taken before Alex Peterson A.P., or some other
person authorized to administer an oath or affirmation in Pennsylvania, in
and for the county of Clearfield, at the office of A. G. Harris
in the Pro of Clearfield, in the county of Clearfield
and State of Pennsylvania, on the 11th day of July 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.

A. G. Harris
Clearfield, Pa., July 5th, 1889. *Atty for Road.*

Served accepted &
July 1889
Murray & Gordon
Atty for Petitioners

STATE OF PENNSYLVANIA, }
Chesterfield County. } ss.

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 ^{short hand} writing by me, in the presence of said witnesses
and ~~having been first read over to~~ and a subscribed ~~stan-~~
name thereto in my presence ~~of~~ type written copy
of said notes is hereto attached.

Witness my hand and notaral seal.

Alex Patterson
Notary Public

No. 2 Dec Term, 1888

Richard J. Drunk

versus
Graham Corp

Deposition

of witness on part of

Heaven

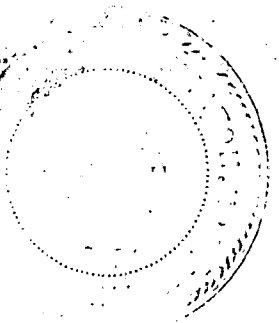
Read by Jeters

Fees for taking Deposition, \$ 4.00

Filed 1888

Prothonotary

Attorney



In Re
Private Road

VERSUS

Graham
Township

In the Court of Common Pleas
of the County of Clearfield
of December Term, 1888
No. 2

DEPOSITION of witness taken before me this fourth day of
January, A. D. 1889, at the office of
Murray & Gordon, Clearfield, Penn-
sylvania between the hours of 10 o'clock A. M.
and 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
W. H. Peters is Petitioner and James
Moyer is Remonstrant

Defendant

being produced, sworn and examined
on the part of the , doth depose and say:
My name is ; am years of age;

James Moyer being produced, sworn and examined before me deposes as follows:

I am aged 53 years past. I live in Graham township, Clearfield county. I am the remonstrant opposing the granting of the private road asked for in this case. The road passes through my land in a crooked irregular shape and cuts my land bad. It does me considerable damage. I own 41 acres of land there. I suppose there is about 15 or 18 acres or so cleared as near as I can tell. I farm it. My buildings are located between the saw mill dam of Abraham Hummel and the proposed road as reported by the viewers. I contemplate moving my buildings away from the dam which is a disagreeable location to a point north west from where they are now located, a distance of about 100 rods, and when thus moved will expect to have a private road from there out to the turnpike, so that this road that is now reported would give no service to me. The map attached to the report of the viewers properly represents the location of my house and of Hummel's dam, also the road to Wallaceton and the two roads to Bigler for a part of the way. The road marked to Bigler on the north east corner of the draft is the Black Moshannon pike. From there to where the other road marked to Bigler enters it is about $\frac{1}{2}$ of a mile. My farm runs down to the pike and my east line runs almost north and south. The school house for that section is at Centre Hill, probably 8 or 10 rods east of Hummel's store. The store is marked on the draft. A public road runs from the pike at Centre Hill to Wallaceton, also

marked on the draft. This road is almost parallel with the private road reported by the viewers for a considerable distance almost up to Peter's line. One road is on each side of Hummel's dam. I never measured it but to the best of my knowledge the two roads are about ten rods apart. I object to this private road running through my property in the way that it does. A better route could have been selected that would not have thus damaged me. It would be by running the road from Peter's land along the line between my farm and the farm of John Emigh who is my son in law, across the creek at the head of the dam to public road leading into Wallaceeton. There is a good location for a road there, just as good as where he has it now. The public road to Wallaceeton is a township road. It would be less expensive to keep that up than the road reported. It is a road on higher ground, and you strike a public road at much less distance. It is 51 rods from Peter's line to where I would strike the Wallaceeton road. The difference in distance of the road as laid out from Peter's line to Hummel's store by the private road as reported is one rod and a few feet less than by the route that I recommend. I had the distances measured.² There is no difficulty in getting across the creek by the route you propose except the building of the bridge across the stream, which is Moravian Run. ^A A 20 feet stringer would reach across the creek from one bank to the other. I don't own any land across the creek.

Cross-examination.

I have a title to this land by my father leaving it for me and my buying my brother out. Two of the heirs are not bought out. I hav'nt got a full claim of the place. There were five heirs. I bought two

out. I have a title to three fifths of the land, a three fifths undivided interest. I hav'nt got the one third interest all paid for yet, but then I bought it. I have lived in the present building some 20 years. Whenever I want to build me a house I want to build me a barn next summer, but I dont know when I will move. I have been talking about moving for three or four years. To get out from my place I come down part of the way by the same route that the viewers have reported along the dam. To get to Hummel's store I dont altogether follow the same road as adopted by the viewers, but it is close alongside of it; some places it is on it and some places it is off it. They varied it but followed the general course of my road down to Hummel's store. I dont know whether they varied it from my road to better it or not. From my place to Peter's line I cannot tell you how many rod. I suppose it is 30 rod from my place up to Peter's line by the route they have run and it is a crooked line cutting my land by an angle. I was there the day the view was run part of the time. I was till dinner time with them, and when they run up I wanted them to run their road on to the corner between me and John Emigh; when they come back from dinner they changed their notion, they drove a stake in and ^{run} ~~right~~ right off to Peter's fence and didnt go out to the corner at all. This road from his land out past Hummel's store he has used it ever since my father died; I dont think it is 20 years since. I cannot tell how long Mr. Peters has lived there. I gave him privilege to use it and never forbade him. He could have used it, only I put a gate across it and he forbade me putting it. My father died in 1872

and the road was not then made to the pike where it is now. We had a road up through the field and above that I used back and forward till my father died and then I made the road straight. The road down along Hummel's dam has been used since '72. Before that they had another old road near to it. I had a road above. The old road up along that dam I made myself. There was a view for a public road up along there. But one was never reported there at any time. There was a view made and remonstrance against it and it was put on the other side of the dam, and that is the Wallaceton road. They could not get down there. It was too muddy. The Wallaceton road is on the opposite side of the dam from my land. I proposed to use this same old road to Hummel's store until I moved my house. I need the house very bad now.

Q. When did you give Mr. Peter's privilege of going ~~xxxxxxx~~ down by Emigh's line and across the dam and across somebody else's land?

A. I didn't give him the privilege of going across Hummel's land at all. I consented to his going along my line in the summer.

Q. Was it before or after his petition was filed?

A. A good while before. That is what started it. He came down to me and told me in my potato patch that I -

Q. What is the character of the ground down along Emigh's line and where you wanted him to put the road, is it level or hilly?

A. It is not level but not any worse than Peters has it in his lane, not as bad.

Q. He cannot avoid that hill in his lane?

A. Yes he can.

Q. What is the character of the ground on both sides, is it not swampy?

A. On my side it is not swampy, it is good ground. On the other side from the dam about six or eight rods it is wet. It is not a good road without it is made a good road.

Q. You say he would have to build a bridge at least 20 feet long to get across the stream?

A. I suppose his bridge would be about 20 feet long from one side to the other across.

Q. The run gets high sometimes there. It would require a good bridge to stand the floods?

A. It would not take any more of a bridge than it takes down at the turnpike.

Q. He would have to make a bridge suitable for a public road?

A. Oh no, he could make a bridge easier than a public road bridge. Where a man only travels occasionally it would not take such an awful bridge. The travel would only be twice or three times a week.

Q. Which would be the most expensive road for Peters to make.

A. I believe he would make the old road across the dam and go on to the road with less expense than the other.

Q. You don't agree with the viewers then as to the best location?

A. No sir. The viewers told me themselves, that is Mr. Hubley told me that that was the route they ought to go out, but they could not do it on account of the petition calling for a point at Hummel's

mill and at John Turner's, or else they would have went out on that other route. The termini would not allow them to make it in any other way.

Q. Where this road runs through your ground how does it damage you, what kind of ground is it?

A. It is as good ground as I have on the place although it is not fenced up and farmed. I cleared a clearing where Peters wants his road through but I left it drop when he forbade me putting the gate in. I have it cut off ready to plow and farm. I hav'nt it fenced and have never farmed that clearing.

My objection to this proposed road is because of the damage it does to me. I have but a small place, only 41 acres, and the roads running through it cuts it in a bad shape.

I built my cave to put my potatoes in this fall. I did not dig it out of the solid rock. I dug it out of the ground.

It dont run over anybody's land only my own. I own the land clear to the pike. [Speaking of the road going down the dam.]

Re-direct.

Q. Hubler one of the viewers told me the reason they could not lay out the road as you proposed is that the terminus, that is the end of it called to be at Hummel's mill?

A. Yes sir. That is what he told me and they could not end it over at the Wallaceton road. I took them over and showed them.

Q. Hummel's store is on the opposite side of the stream down at the dam, below the dam route, east of the stream and between it and the

junction of the two roads with the pike, with the Wallaceton road?

A. Yes sir.

Reuben Holt being produced, sworn and examined before me deposes as follows:

I am 37 years of age past and live in Graham township. I live east of Moyer's. I join Mr. Hummel. Hummel lives between me and Moyer's. I live on the farm adjoining Hummel's place on the east. I live on the pike at the cross roads where the Grahamton road crosses the pike. I am well acquainted with the location of Moyer's and Peters' farms & the roads in that locality. I am acquainted with the location of the road as reported by the viewers in this case. I have been over the route since the viewers were there. I have measurements ascertaining the difference in the distance between Hummel's store and Peter's line, the line of Peters' farm, by the route as located by the viewers and the route that Mr. Moyer wants them to take. The difference is one rod 10½ feet. The viewers route is that much shorter than the other and that is to the point where the Wallaceton road intersects the pike. Moyer's line where it strikes Peters's line is about 15 or 20 rods south of where the view strikes it. I would think that the Moyer route is on a good location untill you come to the run with the exception of a little pitch; there is a small hill there, but I think not any bigger than on Peters's road. I suppose it would be practicable to cross the run at that point. I would not think it would take over

a twenty foot bridge and have good banking. By that route you would strike the Wallaceton public road just across the creek. The distance from Peters's line to the Wallaceton road by that route is 51 rods.

I would think the other road runs through his place in a way that I kind of think it would damage him. It is not necessary for the Peters's road to run through Moyer's land in the way in which it is run. Of the two routes for this private road, considering the rights of all the parties concerned, I believe I would go down across the dam if I could get down there, for all the difference there is in the distance.

I walked down over it once I believe. That was the only time I was down. Centre Hill is the only point in that direction to be reached except the school and the churches and points beyond. When you reach them you can go any place you please. The viewers road and the Wallaceton road are almost parallel for a considerable distance. I suppose there would be probably ten rods between the two roads or not quite so much. The distance from the point on the Wallaceton road where the Moyer location strikes it to Hummel's stake is 86 rods and 8½ feet.

Cross-examination.

I signed the petition for this road and afterwards signed the remonstrance. I understood the road was to go down towards the dam and come right out along the dam like. I read the petition but did not read it as carefully as I should. As to how I got that impression, there had been some talk about coming down Mr. ... land or line until we come down fornenst the road and then come straight out, that was the impression

I was under. I didn't sign the remonstrance with the intention of not getting the road out. I did not after signing the remonstrance in the interest of Mr. Moyer employ counsel for him. I did not see his counsel for him further than he sent the measurement of the road with me as I was coming to Clearfield, he said it would save him a trip if I would hand it to his attorney. I asked him who his attorney was and he told me, and I come and handed it in to Mr. Gordon as requested. A man will do a thing like that for any neighbor.

Moyer gets out to Hummel's store along the dam, nearly on the same road as the new route is located. I cannot tell how long that road has been there. I was raised in that community. There was no road there when the mill was built. After the mill was built Mr. Moyer had to or did make a road in order to get out himself. He had no road to get out. To my knowledge I could not tell whether that road has been there 10 or 20 years. It has been more than 10 years I suppose. I don't remember when the mill was built. It was made sometime after the mill was built. The mill has never been idle. It is a saw-mill. Whenever there is water the mill runs. I never examined the route from Mr. Peters's down across the run with the view of finding out what it would cost. I merely helped to measure the road. Moyer appointed three of us to measure the road or route and we measured it with a tape line. I don't know what it would cost to make this road that Mr. Moyer wants made. The mill dam is between these parallel roads referred to by Mr. Gordon. The two roads are not over ten rods apart. They are about 55 yards apart

Peters in going to church, the schoolhouse and the mill heretofore came down by James Moyer's land, where he comes down now. I suppose he has been using that route ever since he has been living there. I cannot answer whether the road was in existence before he moved there. I suppose Peters has used that road ever since he has been there and I don't think he has been there over 12 or 14 years, and to my knowledge it has been used somewhere thereabouts. About all I had to do with this road was simply to measure some lines under the direction of Mr. Moyer.

Re-direct.

I don't know whether Peters used this road by permission of Mr. Moyer. I don't know whether he got permission or not. It was never a public road that I know of. I never heard that it was. What I understand by a public road is a township or private road. The new road crosses the old road and then comes back to it again, just as near as I can tell from the looks of it, just as it is on the map. I could not see that any improvement could be made on the map.

.....

W.R. Williams being produced, affirmed and examined before me deposes as follows:

I am 49 years past. Am a farmer. I live in Graham township. I live on a farm to the east of the Wallacetown road about a half a mile. My house is about $\frac{1}{2}$ of a mile from Moyer's. Am well acquainted with the Peters proposed route and the Moyer road and the roads in the neighborhood. I have been over the route lately that these viewers reported.

I have also been over the route where Moyer wants Peters to have his private road. I have made measurements of the roads there. The distances testified to by Mr. Holt the preceding witness are correct. I assisted him in making the measurements. The Moyer route would make just as good a road as the road reported by the viewers. I don't think there would be any difficulty in the grade or in the crossing of the stream. I don't think it would be right and just considering the difference in the distance of the two routes to go over the Moyer property in any way with the Peters proposed route. The road as located by these viewers cuts up Moyer's place some.

Cross-examination.

I didn't examine both routes with the view as to which would be the cheaper or easier made. I made no examination as to cost. I made measurements at the request of Moyer. Could not say what I consider the damage to Moyer's farm by the proposed route. If I did not desire to have the road to travel on and lived there I would not have the road for one hundred dollars, no for two hundred.

Q. If the road was put there and you had the right to travel over it, and Peters would bear all the expense, what would you consider the damage to that place?

A. You have kind of stuck me.

Part of the land is cleared through which the road runs. It is pretty near all cleared. It is not fenced. It has never been cropped where the road runs. The ground would be worth about ten dollars an

acre. Maybe more than after being cleared. I paid eight dollars for mine and had to clear it. It would be worth more than that when cleared. I think the other route would be just as good as the road laid out. I have ~~now~~ made no examination as to expense of making it. When I say it is just as good a route I take into consideration the making and keeping up of a bridge across the run. I don't know what it would cost to make a good 20 foot bridge as I never built any bridges at all.

.....

C.E. Hall being produced, affirmed and examined before me deposes as follows:

I live at Centre Hill. I am a carpenter. I am well acquainted with the farms and the roads in the neighborhood. I have been over the route reported by the viewers and that desired to be taken by Mr. Moyer. I was called on by Mr. Moyer to measure the distances. I helped to make the measurements. The measurements as testified to by Mr. Holt are correct. I think it is practicable to build a road on the location desired by Mr. Moyer. I think the route of Moyer would be better than that reported by the viewers. The cost of the road in the first place would be more but the road has better ground to build on with the exception of a few rods across the run. After the road is made it will be better than the other one could possibly be made. The road as reported by the viewers is longer and it is spouty ground with the exceptions of the bank by Moyer's buildings. The rest of it is what we would call spouty ground. It is not possible to build a good road there with-

out a good deal of expense, and I think it would be more expensive to keep it up. On the Moyer route I think there is 8 or 10 rods of rather mucky ground. The balance of it up to the line as far as we went is high dry ground. A span of 30 feet would be required for the bridge from one bank to the other. I have had no experience building bridges. I think \$25 or \$30 would put a bridge there. Mr. Turner is the only man that would use the Peter's road if put there in addition to those spoken of. Turner however lives on a public road now. The Moyer route would be an accomodation to Emigh as well as to Mr. Peters.

Cross-examination.

John Emigh is a son-in-law of Mr. Moyer. The Moyer route would be more expensive than the viewers route. ~~xxxxxxx~~ ^{The} route would be more expensive ~~xxxxxxxxxxxxxxxxxxxx~~ that Mr. Peters proposes. We followed the route right up to Peters's line. We did not go on up to where Peters would have to have a road. I know about the road only from Peters's line. I went over the route at the request of Mr. Moyer. In the bridge I speak of there would be no abutments at all. There is none on the pike. Stringers would run from one bank to the other. I suppose the banks were 5 or 6 feet above the water as it was. As to the damage to Moyer, taking into consideration the fact that he would have the privilege of using the road, if I were living where Moyer is living, considering the way the road cuts the farm, I think the damage would be worth a hundred dollars an acre. I don't know what that land is worth per acre. It is pretty hard to buy land in that Moyer neighborhood. If I were a viewer and sworn to assess damages I would fix the damage

at a hundred dollars. How do I estimate it, because there is a point of land cut off there, that I would not consider of any good at all. The proposed road does not follow an old road. It crosses and recrosses it. It follows the general direction of the old road. I could not tell how long that old road has been there. It was there when I came to Centre Hill in 1873. I don't know where the line is between Hummel and Myers and don't know whether the lower end of the road is on ground bought by Hummel from Moyer. If Hummel claims the land up to that fence along there, then it is on Hummel's land.

Q. Mr. Hummel claims to have bought a road there 20 feet from high water mark. Did the viewers put it on that right of way?

A. No sir, they run on the upper side of Mr. Moyer's house.

This road does not affect me in any way as a tax payer. I just measured the road at the request of Moyer. I never bought any land in Graham township and don't know what land is worth.

The bridge if built would not be more liable to go away in high water than the pike bridge. It went once, but it was caused by a water spout.

I suppose the bridge is 5 or 6 feet above low water mark. Mr. Peters has no other road than the one he has been using to go to church, school and mill without going out the other township road. The road he has been using is the only direct route.

He-direct.

Peters ought to have a right of way there to go out to Centre Hill.

When the bridge across the pike was carried away it was by an extraor-

dinary flood and the mill dam broke.

On the route that Moyer proposes there is a sort of road now, it is brushed out there, and they have been driving a wagon a part of the way. There is no road across the run.

Handwritten musical notation on a single page, featuring various symbols, numbers, and letters arranged in several staves.

The notation includes:

- Stylized notes and rests represented by horizontal lines with flags or dots above them.
- Numbers such as 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- Letters including A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.
- Punctuation marks like commas, semicolons, colons, and parentheses.

The handwriting is cursive and appears to be a personal shorthand or a specific musical notation system.

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Handwritten notes in the right column, including the heading "Route 101" and various symbols and numbers such as 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

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Of Hall

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| <p>Handwritten notes and symbols in the bottom-left section, including various numbers and symbols like 6, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.</p> | <p>Handwritten notes and symbols in the bottom-right section, including various numbers and symbols like 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.</p> |