

No. 13 Sept Term, 1887.

Public Road

versus

Binglow, Grand
and Gresham Lake.

Deposition

of witness on part of Petitioner.
etc.

Fees for taking Deposition, \$ 2.50

Paid by Isaac Smith

Filed 18

Prothonotary.

Isaac Smith
Attorney.

Public road from
Frank Legey's in old
Korthaus road near Frank
Legey's ~~sheds~~ in Corning-
ton Township to a point
in public road in
Shawville in Es-
sen Township.

In the Court of Quarter Sessions
of the County of Cherokee.
Of September Term, 1889
No. 13

DEPOSITION of witness taken before me this Twenty Eighth day of
September, A. D. 1889, at the office of
W. C. Miller, at Cherokee, 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 there pending, wherein

Defendant .

George Shiner being produced, sworn and examined
on the part of the petitioners, doth depose and say:
My name is George Shiner; am years of age;
I live in Grand Township, Cherokee
County, Pa. I am acquainted
with the proposed road to begin at
a point at or near Frank Legey's
store on the old Korthaus road in
Cornington Township and extending
thence to a point on public road
at Shawville in Essen Township
at or near A. B. Shaw's gristmill.
being No. 13 September Term 1887
I think if any road in the town-
ship is of any use, this would be
about the best road we could have.
I consider this the best route and

the shortest route to Kortham by about
four miles. The only reason the
people ~~who~~ have for kicking against
this road is because the mail might
go the new road, and be taken away
from their or four families.

This road as laid out is of a
much better grade than the old
Kortham road, or the one now traveled
by the public. The settlers in the
back part of the township through
which this proposed road runs
have no good way of getting out.
The road is just up hill and
down hill, and in fact you cannot
haul a load ~~up~~ on the road.

There is no township road
in our end of Girard township
I suppose that they or nearly
they the people of Girard township
would use this road. As far
as I know about the location of
this road the ground is good.
I don't believe the whole road
from our point to the other would
cost a dollar a rod. I think
the travel to Chasfield would be
on this road because it would
be a nice road and in the win-
ter time there would be no
drift.

Cross Examined by W. A. Hapley, Esq.

I am one of the petitioners for this road. I run over a good deal of the road. I have gone over nearly the whole thing. This is not since it was laid out. I have not been over the part that runs through the woods. I do not know how many farms it runs through. It must be quite a few. I never took this into consideration. I never made any examination as to the cost of making this road. I suppose six miles of this road runs through woods or wilderness. By going away around by "Robin Hood's bow" they can get to town. They have other roads to get out either public or private. Some of these roads run close to the proposed route of the road now in dispute and some of them farther away. There would be very little bridging. There would be one or two bridges to make. There would be some side hill cutting in Goshen Township. I cannot tell you how much of this road runs through swamp. Not any of it so far as I know.

Question. Did not the townships of Coalington, Goshen and Grand suffer severely

by the late flood to the road.

Object to as incompetent and irresponsible.

Answer. Not very much considering damage to places. I don't think the damage would amount to fifty dollars in Girard Township. I would like to willing to make the road for a dollar a rod for the cash right away.

Re Direct. About two-thirds of this road is already made and in public use. Part of this is private roads. There is no road in Girard Township running parallel to this proposed road except the river road unless it is about four miles back. There are private or public roads running across the country intersecting with this road.

Gearge Shinn

Da J. Kramer, Sworn.

I reside in
Goshen Township, Clarfied Co. Pa.
I am well acquainted with the
greater part of the route of the proposed

road and particularly with ^{the} Goshen town-
ship part. The greater portion of this
road in Goshen township has been
laid out and now in use. It is
necessary that this road be laid
out for public use. The citizens in
the back part of these townships
have no good public road for
their use. There are quite a
number of citizens living along
this road, so far as I am acquainted
with it. I own land in Goshen
township.

Cross Examined:

Part of this road is laid out
over private roads in Goshen township.
They are in use at the present time.
I cannot tell how long they have
been in public use. They were
used before I went into the town-
ship. The private roads are which
the new ones are not as wide
as a public road. We have a
good many private roads in Go-
shen leading out in the same
direction this road runs. These
private roads have been kept
up by the township. This new
road in Goshen township, as
laid out over private roads, will
give us no more facility, but

it will give us a better grade. I
am one of the petitioners for this
road.

Ira J. Kramer

O. D. Knise, Sworn:

I live in Grand Twp.
I am acquainted with the proposed
route or road to a certain extent.
I am acquainted with it through
Grand Township. I would think
this road was necessary for pub-
lic use. It is necessary for
a great many citizens in the
back part of these townships. They
have no good road to Chosfield.
There are a good many farmers
who live along the route of this
proposed road. This road would
be a great benefit to them. A good
part of this road is now land
occupied and used by the public.
The portion of this road to make
with which I am acquainted
is not any more costly than new
roads generally are.

Cross Examined:

I do not know what
the length of this road is. There are

several miles of this road already
laid out and used. The township
keeps these roads up. There are
private roads leading from the
various farm houses to the pub-
lic road leading from Clarfield
to Kortham. These roads are all
kept up by the public.

Re-Direct. A great many of
these private roads would be
abandoned if this new road were
laid out. To get out onto the
Kortham road it is six or seven
miles. The making of this pub-
lic road would not increase the
number of miles of road in
township for the reason that these
private roads would necessarily
be abandoned.

Sit in seven miles from
into Kortham road, & for
would be abandoned.

Re X & Y. Some of these private roads
would be abandoned, and some of them
would have to be kept up leading
to other points.

O. D. Kriss

Orley Kriss, Sworn.

I reside in Grand
township. I have been all over the
proposed road. Over chain corner

when it was laid out. About two thirds
of this proposed road is now laid
out and used by the public. This
road is necessary to the public.
The citizens in the back part of
these townships have no good road
to Korthams and they have a very
poor one to Chasfield. There are
a good many farmers living along
the proposed road. The grade of
this road is very good. I do not
think there are over five degrees
on the whole road. The ground over
which the road runs is very good.
There is a swampy place here and
there, but nothing to amount to
anything. This road is about
two miles shorter than the road
now used from Chasfield to
Korthams, and it is a better road.

Cross Examined:

I cannot tell the ex-
act length of this road. Both ends
of this road are laid out and used.
About a mile and three fourths of this
end is laid out and used. It con-
nects at Shawville with the Chas-
field and Korthams road. This pro-
posed road is laid out over private

roads. It is kept up by the township.
Not over four miles of this road runs
through the woods. This road runs
through several farms, but I cannot
tell exactly how many. The farmers
in the back part of Cigar township
have private roads, kept up by
the township, leading out to the
public roads as they are now.
I have traveled over part of this proposed
road quite often. I have gone over
the part through the woods only once.
Frequently over the part laid out.
This road, I think, was laid out
in January. There was no snow
on the ground at this time. Part
of it was frozen up. I could at
that time of the year, from the con-
dition of the ground, tell what about
what it would cost to build the
road.

Re-direct Ex.

These private roads are
very steep and located in the wrong
place.

Wesley Krise

Nicholas Morter, Sworn.

I reside in Coving-
ton township, pretty close to the river.

line, that is next to Girard Township.
I am acquainted with the proposed
new road. I live right on the road &
bought some land this summer right
near the road. I believe this road
to be necessary to public use. The
citizens in the back part of these
townships have no road except the one
that runs through Funchess. I have
to drive east a mile away from Char-
field to get out to this road. There is
a mile and twenty perches of this road
already made in Covington Township.
Eusef Mignot made a mile and a half
of this road in Girard Township. I do
not know anything about the road
in Goshen Township. This new
road would be two or three miles war-
er from Charfield to Karlhaus than
the old one. Through Covington Township
every part of this road is already made.
From the township line to John Seizey's
it would cost about two dollars a rod.
This is just to make a passable road
not to make a pipe.

Cors. Examiner.

From the township line to
John Seizey's it is about 300 rods. I
was along with the view. To make
a road according to the order of the Court.

that is thirty three feet wide, would cost
several right dollars a rod, to clear every
stump out and make a good road.
There is no swamp when I am
talking about. I do not know the
length of this road from point to point.
There are not quite four miles of this
road from our place to Isaac Smith's
through the woods. From our place to
Frank Seigey's is all through farms.
In Girard township at the time of this
road live John Seigey, Amos Reardon,
Emmet Mignot, Henry Bush, George
Isaac Smith, Henry Martell. As to
the rest of the township I don't know
much about it. All these people
whom I have named have a private
or public road leading from their
places to the public road now in
use. These private roads
I do not know much about these
roads except at our place. I am
one of the petitioners for this road.

Nicholas ^{his} Martell
mark

George Shury recalled on Cross Examination
live.
It would cost about one dollar and
a half per rod to make this road
thirty three feet wide from our end to

the other.

Re. Direct

This would make it as good
a road as any we have in our township
and make it wider.

Lease Shier

Isa D. Jorg. Sworn:

I live in Grand
township and own land along this
river. I believe this road to be nec-
essary for public use. It is about
three miles from my place to the
Karthaus road. The road I use to
Clearfield is now four miles to
for us get onto the Karthaus road.
This road I own is part private and
part public. This proposed road is
about three miles shorter than the
Karthaus road now used. I think
this new road is on as good ground
as can be gotten for a road. It is
on good ground and is a better grade
than any road we have in Grand township.
Three or two-thirds of this road now
opened and traveled by the public.
There is no township road running
through this local settlement in
Grand township. There is a good

many farms along this proposed road.
I can make the unmade portion
of this road for two dollars a rod. This
would make a better road than any
we have in Grant Township.

Cross Examined.

I am not a petitioner
for this road. I have been misapprehended
and have been over the road pretty often
both before and since it was laid out.
I do not know the length of this road
from ~~the~~ point to point. It is called
fourteen miles from myself to Char-
field the way I travel. It would
not be any shorter by the new road from
my place to Charfield, but it would
be a good deal better. The road I
now use is hardly fit to travel
on. I suppose that about four
miles of this road runs through
the woods. All these people have
roads running from their homes to
the public road now running from
Charfield to Koshans. Part of them
keep up their own roads, and part
of the roads are kept up by the town-
ships. There would not have to be
much stoning and bridging on
this new road. From Cha Jungs
to John Liger's the ground is as
good as you could put a road on.

There are very few swampy places and
these are not nearly so bad as they
tend to make it appear. These private
roads over which this road runs
would have to be widened out. It
would pay to put the expense on these
townships of building this road to ac-
commodate the people who travel between
Chorfield and Koshkone. There is a
pretty good trail between these points.
There would be no drift on this
road in the winter time. The road
would avoid the drifts. There are
township roads in that part of the
township where they kept up by
the public but there are no regular
township roads.

Ira D. Perry

Henry Buck, Sworn:

I live in Girard town-
ship. I am acquainted with the
route of the proposed road. In my
opinion this road is necessary for
public use. I am a land owner
in Girard township. This road
is on good land and good grade. This
proposed road is from three to four miles
shorter than the road now used from
Chorfield to Koshkone. About a mile

and a half of this road has been opened
by Ernest Mignot in Girard township
as a private road. There is quite
a large settlement along this pro-
posed road through these townships.
The proposed road is about four miles
back into the township from the pres-
ent township road. This road as
laid out now is an actual nec-
essity for the people living
along that road.

Mrs. Gammon.

I am one of the pe-
titioners for this road. I have been
over the proposed road several times.
I have been over all of it except
the lower end since it was sur-
veyed. I cannot tell the length
of the road. There are not many
private roads, kept up by the pub-
lic, running from the homes of the
people in the back part of these town-
ships to the township road now in
use from Crossfield to Kortham.
There are some, but most of the
people have to keep up their own.
This proposed road, with the exception
of our place, runs over this private
road laid out by Ernest Mignot.
From Crossfield to Kortham by the
present road is called twenty five

miles.

Henry Buck

A. G. Shoff. Sworn:

I live in Girard township along this proposed road. I own land along this road. I am acquainted with part of the proposed road. I know that part through Girard and Goshen townships. The greater portion of this road is now opened and used by the public. This proposed road runs through the back part of Goshen and Girard townships, and there are quite large settlements along the road. I think the road is on about as good ground as could be got in these townships and the grade is pretty good. This road is necessary for the people living in the back part of Coalington, Girard and Goshen townships.

Over Examined:

I do not know the length of this proposed road. I am over part of this route every day. I have been over nearly all this road several times both before and since it was laid out. This map ~~route~~ to Chausville I don't think

I was over over that part of the road
next to Crington. I have been through
that part of the country. I made
a portion of this route myself. The
people down there made the road.
There has been a road there ever since
there were any inhabitants there.
I cannot say when it was made.
The public keeps up part of it and
private parties keep up part of it.
There is a road running through
that part of the township connecting
with the Kershaw road part of which
is kept up by the township. I
am one of the petitioners for this
road.

A. G. Shupe

Clayton Smith, Sworn:

I live in Grand
Township and am acquainted with the
proposed route or road. I consider that
this road is necessary for public use.
It extends through the back part
of Crington, Grand and Goshen townships,
at the distance of about four miles
from the other Kershaw road. It
runs through a thickly settled part
of these townships. It is an actual
necessity for the people living in the
back part of these townships. This road

is on as good ground as can be got.
The grade is good.

Cross Examined:

Last fall I was with the
viewers. I don't know just when it
was viewed. I am one of the petitioners
for this road.

A. C. Smith

W. M. Graham Sworn

I reside in Lawrence
township. I am acquainted
with the proposed road with the excep-
tion of three quarters of a mile. The
road is on very good high dry ground
and the grade is good. The road
is necessary for public use. There
is a large community living in
that portion of the township through
which this road passes. There is
no good public road running through
the back part of these townships by
which these people can get to Cham-
field. I believe this road to be a
very necessary road for these people
living in the back part of Livingston,
Grand and Graham townships.
About two-thirds of the road I am

acquainted with is now opened up
and in public use. From our end
to the other to make a good possible
road as township roads are generally
made, would cost about one dollar
per rod. I have been supervisor
for about three terms and have
made a good deal of road under
contract. I believe this road as
laid out is an actual necessity.
They have no road. They are simply
traveling through other people's
land.

Cross Examined:

I was over this proposed
road a year ago last fall, with the
exception of a small portion of it. I
cannot tell the length of this road.
I do not know that there are any
private roads, kept up by the townships
running through these settlements
to the Kortum road now in use.
Men have come from their homes down
to this Kortum road that runs through
the settlement. This part of the road
from my place to Shawville is a
public road. The private roads are
which this proposed road runs has
been opened a good while. I don't
know anything about Ernest Mig-
not's private road. The proposed

route of this road is laid out as a part
of a public road from my place to
Shawsville. I am one of the pro-
prietors for this road. Wm. Graham

Henry Martell, Sworn.

I reside in Girard
township. I am acquainted with the
proposed route of this road. It runs
through large settlements in the
back portions of Burlington, Girard and
Goshen townships. This road is
a public necessity. The ground over
which this road runs is as good as
any could be gotten in the townships.
The grade of this road is good.
My calculation is then would not
be over four miles to open on this
road. Through Girard township I could
make a road as good as other township
roads for a dollar per rod. I was on
the view these days in Girard town-
ship and know the land. There is
about three miles difference between
this proposed road and the old one. The
grade would be better and it would
be a better road than the one now
in use between Crossfield and
Kanthams. The back portions of these
townships is all settled and this

1 road is an actual necessity to the
2 people living in the back part
3 of these townships.
4

5
6 Gross Examined.

7 I am one of the petitioners
8 for this road. There are portions of this
9 proposed road running over private
10 roads. When it comes to Andy Shopp's
11 it comes onto a township road. It runs
12 on this road about a mile and a half.
13 The length of this proposed road
14 is about thirteen miles long from
15 point to point. Only about four
16 miles of this road runs through
17 woods.
18

19 Duration. What is the distance from
20 Shawsville over this proposed road to
21 the line of Girard township?
22

23 Objected to for it as incompetent and
24 involuntary and for the further reason
25 that the Attorney for the nonprotestors
26 seems to want to catch the witnesses
27 up on these distances.
28

29 Answer. About four miles. It extends
30 into Covington township about a mile.
31 There are four miles of woods in Co-
32 shen and Girard townships. To make

1
2 The road in Girard township it will
3 cost about a dollar and a half per
4 rod for that which is not made.
5 There are about two miles and a
6 half of this road to be made through
7 the woods in Girard township.
8 These private roads over which this
9 proposed road runs would have to be
10 widened in some places and in
11 some ^{places} they are wide enough.

12
13 Henry ^{his} Martee
14 mark

15 Isaac Smith, Sworn.

16 I reside in Girard
17 township. I am well acquainted
18 with the proposed route in the lower
19 end of Girard township and the up-
20 per end all but about over hundred
21 yards. This road as laid out is
22 necessary for the public use. It
23 passes through large settlements
24 in the back parts of Covington, Girard
25 and Goshen townships. The people
26 in the back part of these townships
27 suffer much inconvenience from
28 not having a road. It is impos-
29 sible to haul a full load from
30 Charfield to our settlement on
31 the road as it now is unless we
32

is around seven or eight miles. This is true of a majority of these settlers. In Girard the ground is generally good. In Goshen the new road is on a side hill. The grade is the best grade I know of between Charfield and Korthams. The proposed road would be about two miles shorter than the one now used between Charfield and Korthams. The settlers in the back portion of these townships do not have the road accommodations they have in the other portions of the townships. I don't know anything about building the road through the lower portion of Goshen for about one mile. The portion of the road with which I am acquainted with, I think I could make for about one dollar a rod. I am acquainted with the persons who testified for the remonstrants in this case and I know precisely where they reside. The majority of them live along the road from Charfield to Korthams as now in use. This road passes through a pretty large settlement in the back part of these townships and to illustrate we have a public school in which there have been fifty or sixty students on the roll. This

1 school house stands on this proposed
2 road.
3

4
5 Question What did you ask Harry
6 Byers the surveyor who ran this pro-
7 posed road in regard to the num-
8 ber of degrees some of the hills are
9 on the road you now have to use.

10
11 Objected to for the reason that the ques-
12 tion is irregular and incompetent
13 and irrelevant as Harry Byers would
14 be the proper person to testify as
15 to what the compass showed.

16
17 Answer At the widow Fague hill
18 in Goshen township it is nine
19 and a half degrees elevation. The
20 surveyor Run Hill in Girard township
21 near George Lingler's is an elevation
22 of eleven and a half degrees. This
23 "Barney" Grant hill in Girard township
24 is an elevation of over seven degrees.
25 This is what Byers told me, and
26 I was present at the time he took
27 the elevation.

28
29 Cross Examined:

30 I am one of the pr-
31 titutors for this road. I would be in-
32 dividually benefited if this road

is made.

Rr. Direct

My first examination of the land was a little different than from when it is now located. It is satisfactory to me. We have no good public road. I have a road by going about seven or eight miles around.

Rr. X Ex.

There is our private road and two public roads leading to this school house and this proposed road runs over about two miles and a half of our of these public roads running to the school house. I think the length of the road is a Isaac Smith little or eleven miles.

Rule to Take Depositions.

Clearfield County, ss.

*Public road from
Hartsville to a
road near
Hartsville
in Harrisburg
Road in Harrisburg
in Harrisburg
in Harrisburg*

Quarter Ses.
In the Court of ~~Common Pleas~~ of
Clearfield County, Pennsylvania.

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

AND NOW, to wit, the *16* day of *Sept*, in the year of our
Lord one thousand eight hundred and eighty-~~nine~~
the *petitioner* enter a Rule to take the
Depositions of ancient, infirm and going witnesses, to
be read in evidence on the *petitioner* of
this case. Ex parte Rule of *petitioner* on
5 days' notice.

Ambleman
Prothonotary

To *Mr. Hagerty*, Esq.:

You will please take notice that, in pursuance of the foregoing Rule, depositions
will be taken before *Mr. C. Miller* *UP*, or some other person
authorized to administer an oath or affirmation in Pennsylvania, in and
for the county of *Clearfield*, at the office of *Mr. C. Miller*
in the *town* of *Clearfield*, in the county of *Clearfield*
and State of Pennsylvania, on the *16* day of *Sept*, A. D.
18*89*, between the hours of *9* o'clock *P.*M. and *7* o'clock *P.*M.,
when and where you may attend and cross-examine.

As - Mitchell
Clearfield, Pa., *Sept 16*, 18*89*; *Hagerty*

New Sept 16-1889

Am - 7 o'clock

ac - 10

Hagerty

STATE OF PENNSYLVANIA, }

Chesford County. } ss.

I DO HEREBY CERTIFY, That the above witnesses are 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, they subscribed their
names thereto in my presence.

Witness my hand and Official seal.

W. C. Miller
Notary Public.

No. 13 Sep Term, 1887

Public Road

versus

Amos L. Loring
and William L. Loring

Deposition

of witness on part of Plaintiff
vs.

Fees for taking Deposition, \$ 2.25
Paid by Amos Loring

Filed 18

Dea. Mitchell
Prothonotary,
Attorney.