

NO. 147 May Term, 1870

Public Road.

Versus

Decatur Township

Contents:

X

In Re.) In the Court of Quarter Sessions
: Proceeding to Vacate and) of Clearfield County.
: Supply Public Road in Decatur) No. 14 May Sessions, 1893.
: Township.) Remonstrance.

By the Court,

17th December 1903.

This case was lost sight of for years. Its disposition at conclusion of argument was temporarily postponed with approval of counsel for the purpose of enabling counsel and Court to personally view the roads in question, and was thereafter neglected. This delay makes the present disposition of the case embarrassing, because of the fact that I am convinced the situation of affairs in the neighborhood has materially changed since the proceeding was commenced. My regret is that under the law applicable to the case, as I view it, it is impossible for me to dispose of it upon its merits, but instead, must do so on a legal question which is fatal to the proceeding to vacate and supply. The purpose of such a proceeding is to vacate one road, in whole or in part, and supply the same, or the portions vacated, by another road between the same termini. By it one road cannot be vacated and another - not between the same points - established. To accomplish such a result two proceedings are required, one to vacate an existing road and the other to establish another one. By the pending proceeding to vacate and supply this was attempted. The original road was established under proceedings to No. 12 September Sessions, 1892, the petition in which was for "a public road to begin at a point near Centre School House on public road leading from Philipsburg to Osceola via Fishtown, in Decatur Township, and

to end in a public road leading from Gearhartsville to Osceola at a point near Butterworths gate, in Decatur Township". The viewers appointed reported in favor of the road, which report was confirmed absolutely at February Sessions 1893. An opening order was taken out in pursuance of which the road was opened and constructed from the terminus near Centre School House as far as the line of land of John Hughes. Upon a petition reciting the original road, its confirmation and the fact that an order was then in the hands of the supervisors for the opening of the road, which petition contains, inter alia, the following: "That in the opinion of the petitioners a better location could be secured for that portion of the road leading from the line of John Hughes property eastward to its terminus at Edwin Butterworths by a new location running from said John Hughes line to a point on the public road leading from gearhartville to osceola, at or near the red dump", viewers were appointed to vacate and supply accordingly. It will thus be seen that one terminus, to wit: John Hughes line, is common to both the road to be vacated and the road to be supplied, while the other termini are as follows, to wit: the road vacated, Butterworths gate, and the road supplied the red dump. Just how far apart the latter two termini are does not appear by the testimony. My information is both are upon the same public highway. The proceeding should have been to vacate and supply between John Hughes line and Butterworths gate under which the viewers, had they seen proper, could have supplied a road by the one reported by them, commencing at John Hughes line and thence by the red dump by the route reported and thence by the established road to Butterworths gate. Whether they would have done this or not cannot be ascertained, but under the petition and order to view they were confined, if they acted favorably to the petitioners, to two things, namely, the vacation of the road to

Butterworths gate and the establishment of a new one to the red dump, which course they pursued as will appear by their report filed. As before indicated, such a proceeding to vacate one road and supply another is not merely irregular but fatally defective, and will have to be set aside regardless of its merits. Decree will be made in accordance with these views.

Cyrus Gordon

P. J.

DECREE.

Now, 12th December 1903, the remonstrance is sustained and the confirmation of the Viewers Report refused, for the reasons setout in opinion herewith filed.

By the Court

Cyrus Gordon

P. J.

No. 14 May Session, 1893

I. Re.

Proceeding to Vacate and
Supply Public Road in Deca-
tria Township.

OPINION

Depositions of witnesses produced, sworn,
and examined by me, the 30th day of
March 1894, at the office of W. S. Crosby,
at Philipsburg, between the hours of 11 O'clock
A.M. and 3 O'clock P.M. by virtue of
the annexed rule of Court of Common Pleas
for the examination of witnesses in a certain
cause then depending, ~~whichever in~~ ^{Review}
of Road in Decatur Township

Geo Blansky, being produced and sworn
deposeth, and says I live in Cherry
Valley Decatur Township Clearfield Co. Pa.
I am 32 years old and a married
man. I am the owner of real estate,
a house, and lot in Cherry Valley.
I am familiar with the two routes for
roads. one from Geo Hughes line to
Buttermilk, gate as also from Geo.
Hughes, line to the red dump. The
route from John Hughes, line to Buttermilk
gate has a gradual rise and a firm
solid foundation except where it crosses
a small ravine between the Rail Road,
and John Hughes, line

The road from Dow Hughes, Min to the
red dump has not so good a grade
and a larger ravine to cross and
probably 100 yards of it would be
swampy. There is little if any differ-
ence in the two roads and they lack
about a mile in length. I estimate
the cost of the construction of the road
from Dow Hughes mine to the red dump
to be about 1000. dollars and the cost
of the construction of the road from Dow
Hughes min to P. Buttrworths gate to be
about 1200. dollars. After the con-
struction of the two roads, I would
consider the one by Buttrworths gate
to be the best and the least expensive
to keep in repair. The route by the
red bank would benefit no miners.
The route by Buttrworths gate would be
an outlet for Lancashire No 2 and
Motor No. 2 mines. The road by Buttrworths
gate would be the most direct route
to the mines in and around Gear-
hardtville, Cuba and Hudson mines
as also to Philipsburg. There is 9
that live in Cherry Valley that work
at Gearhardtville mine. There is also
a large number of men in and around
Gearhardtville that work at Lancashire

No 2, and Victim No Minus, the route by Butterworths gate is the best and most convenient because it has a better road bed, it is $\frac{3}{4}$ of a mile shorter and avoids a very steep hill -

Cross Gamid, by G. H. Taylor,
I live on what was a part of Reese's farm.

It is about one mile from Mr. Hughes' line to the red dump and about the same distance from Hughes line to Butterworths gate -

The road leading from Hughes line to the red dump is the leveldest route of the two and the least expensive upon which to construct a road.

~~The~~ ~~on~~ There is a ~~greater~~ a little heavier grade from Mr. Hughes' line to Butterworths gate than from the same point to red dump.

I would judge there would be about two hundred dollars difference in the cost of construction of the two routes in favor of the red dump route -

The road terminating at Butterworths gate would be the nearest and best route to Philipsburg Pa. The route terminating at Butterworths gate would accommodate the most people

The route through Butterworths gate and
Keystone to Philipsburg in my opinin'
is shorter than the route passing the red
dumps, and Mrs Walks, to Philipsburg
the difference I can't estimate in the length
of the two routes -

It would take me a great while longer
to walk from Hughes' line to Mrs. Walks
than from Hughes' line to Butterworths gate -

John Blawley

James King, being produced and
sworn deposeth and sayd
I live in Hudson ville I am married
I am the owner of real estate in
Decatur, Township ~~Clearfield~~ Costa
I think the route by Butterworths
gate is the best because of the lay
of the land, it being a natural
grade and more convenient for
the public. About four hundred
yards of the land between Geo Hughes
line and the red dump is of a
soft nature and has poor drainage
There is about $3\frac{1}{4}$ of a mile difference
in the distance between Geo Hughes line
and Gearhardtville by the two routes
and in favor of the route by Butterworths
gate - There ~~roadage~~ is from 30th

2

8

to forty men who would use this road ~~from~~ in going to and from their work. The road by Battsworth's gate would be the easiest to keep in repair

Cost examined

The road from Sawmills, line to the red dump is the most level of the two roads - I have traveled this Battsworth road hundreds of times, and I would estimate the descent of about One hundred yards as about from feet to the hundred feet, at the steepest part. A very small part of this road is swampy, where the saw is located - If the road was constructed by the red dump no one would use it, as it is five hundred yards out of the way.

The most direct line to Philipsburg, would be by the Battsworth road

~~The~~ In my opinion the road from Sawmills line to the red dump to be constructed more cheaply than from the same point to Battsworth gate but the red dump road would be the most expensive to keep up, I am not able to estimate the difference in the cost of the two roads

Red direct

I think there is a half a miles ^{distance} distance
between Cherry Valley and Philipsburg
in favor of the south by Pitts worths gate
The south by Pitts worths gate is the
best because it has a solid road
bed while the south by the red dump
is low and wet and impassable
a good portion of the time, ^{about} having
been destroyed about five years
ago and needs it again
James King

Thomas Wood being produced and
sworn deposite and says - I
live in Cherry Valley Section Town-
ship Clearfield Co: I am the
owner of Real Estate in said Township
I am familiar with the lay of the
land for these two roads and
consider the road by Pitts worths
gate the best, I don't know any-
thing about the cost of the two roads
The most of the people in Cherry Valley
do their trading in Philipsburg
There are 34 families living in and
around Cherry Valley. Cherry Valley
reaches from Section No 2, near Mr
Hughes line up to Section No 14 -
Mine

The road constructed by way of red dump would give an outlet to no mines and from Mr. Hughes' line to the red dump there is no body living.

The road constructed by Butterworths' gate, would give an outlet to Lanesashin No. 2, Homestead, Punka No. 25, Victor No. 2, and Punka No. 4 mines.

I think the difference between Cherryvalley and Philipsburg by the two routes would be upwards of half a mile in favor the road by Butterworths.

I think the route by Butterworths would be the best because it has good bottom.

I think there are about 80 or 100 men in Cherryvalley that works at Gearhardtville. Then are about 30 men in and around Gearhardtville that work in our bank, Lanesashin No. 2. By Butterworths route would be the best and shortest route for these men in going to and from their work.

By Butterworths gate these men would escape a very steep hill, a hill up which they cannot haul a load.

Cross-examined

I have resided at Cherryvalley three years. I should think there were twenty

to more families living along the Butterworth road - I think we need the Butterworth road. Of these two roads, ^{on Butterworth road} is the hilliest. I would consider the red dump road the least expense to construct but the most expensive to keep in repair.

Thos Wood.

Robert Hauth, being produced and sworn deposed and says
I live at Gearhardtville Clearfield Co Pa. I will be 51 years of age on the 29th day of April 1894. I am the owner of Real Estate in Deer-
tier Township. I am familiar with both of these roads -

I think there is a difference of about $3\frac{1}{4}$ of a mile in the distance by these two routes from Butterworths gate to Mr Hughes line, in favor of the Butterworth route. If I were a supervisor I would prefer to make the road from Butterworths gate to Mr Hughes line rather than from the red dump to Mr Hughes line, Because the first has a solid bottom, the other a marshy swampy bottom all

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the distance from the red dump to when
it connects with Butterworth's road
by passing from Gearhartsville to
these mines, as also to Cherryvalley
by Butterworth's gate road would
be an even gradual rise, while
by the red dump it would be over
an almost impassable hill.

I know of only one family living
on the road between Dr. Hughes
line and the red dump and there
are no mines on it whatever -

I think there are from 20 to 27
families living on or near the
road from Butterworth's gate to the
Dr. Hughes line. That road would
give an outlet to Mtn No 2 -
Fairview No 2, Victor No 3, Home
stead, Washington Eureka No 14, and
Ogdale No 4. To the best of my
knowledge there would be ~~then~~ less
difference in the cost of the construction
of the two roads, but the road
by Butterworth's gate would be far
the least expensive to keep in
repair. In my opinion from
one thousand to twelve hundred dollars
would make a good road by Butter-
worth's gate - by way of Butterworth's
gate at least one half of the road

could be constructed at little or no expense, there being already a private road there and the balance of the road would require the breaking of a few stone, The route from Red dump to Hughes line would be very expensive to construct, being soft and marshy and would require either to be corduroyed or a large quantity to be hauled to make a solid bed —

Cross Hammin'

If the red dump road should be constructed, and the people working at the several mines mentioned in the direct Hammin' were to travel the same to reach Clarksville they would have to go about $3\frac{1}{4}$ of a mile by the red dump route than by the Butterworth route, but the miners working at the mines would not use the road at all —

The mines mentioned in my direct Hammin' are not located on the Butterworth road but ~~on the~~ are in sight of the ~~Wester~~ Rail Road, except Victor No 2. The miners working at the mines, would use only the part of the Butterworth road that would run from Butterworth gate to when

the roads crosses Mapleton ~~No. 2~~ ^{No. 2} riding
I don't know the distance, how far
this would be. It would be about
two hundred yards from where
the Butterworth road crosses Mapleton
No. 2, to the red dump road —
I can't give an opinion as to the
cost of the red dump road.

~~Butterworth's road~~, The red dump
road of the two proposed roads
would be the most level.

There is very little swamp on the Butter-
worth road ~~and if~~

The construction of the red dump
road would give a direct outlet
to the main road to Oseola from
Philipsburg at or near Mr. Walks.

I have never made any roads by
contract, ~~and~~ have worked on
the public roads Robert Husband

Richard Rinn, being pronounced and
sworn deponent and says, I
am married and a resident
of Gearhartsville Clearfield Coa
30 years of age and the owner
of Real Estate in Decatur Township
I am familiar with the two roads
in question. I consider the road

by Butterworths gate the best location and the most convenient for the traveling public - The Road bed by Butterworths gate has a gradual rise and solid bed, while the road by the red dump is low and flat and swampy, expensive to construct and hard to keep in repair. The route from Butterworths gate direct to Mr. Hughes line is about $\frac{3}{4}$ of a mile shorter than the route from Butterworths gate direct to Mr. Hughes line by way of the red dump and avoids a very steep and impassable hill. There is one family living on or near the road on the Mr. Hughes line to the red dump. There are ten families now living on ~~the~~ or near the roads leading from Mr. Hughes line to Butterworths gate that have no public means of ingress or egress, and twenty-one other houses that have no public means of ingress or egress that would be adjacent to this road and would use the same. The construction of the road from Mr. Hughes line to Butterworths gate would give a public outlet to Victor No 2, Lanes-
burgh No 2, Homestead, Washington
Victor 3, and Victor No 4, that has no public outlet.

Examine the condition of the ground
 and the expense of the construction of the
 two roads and I would be willing
 to undertake the construction and
 keeping in repair for a period of
 two years the road by Butterworths
 for from 5 to 8 hundred dollars
 less than by the red dump, because
 the material necessary for the construction
 of the Butterworth road is already on
 the ground ~~because~~ which owing
 to the clay bed of the road by the
 red dump, all the material such
 as stone, the necessary for its con-
 struction would have to be hauled
 there — I live near Butterworths gate
 and see the men passing to and
 from their work and I would
 estimate that there are from 15 to 25
 men in and around Peakantsville
 who work in the mines, which the
 Butterworth road would open up
 and that there are from 8 to 10 men
 in Cherrypalley, who work in ^{the} Quirk
 mines, all of whom would use the
 route by way of Butterworths if it
 were made a public road, but
 none of whom would use the route
 by way of the red dump, because
 of the steep hill, greater distance,

dry up of ground and from
the fact that it would not lead ^{to} ~~to~~
the mines at all.

Cross examined

I can't estimate the cost of the Butterworth
road or the red dump road -

The road from Red dump to Butterworth
gate is used every day.

All of the people living on or near the
Butterworth road and at the mines
mentioned in examination direct
would receive and out let by the
red dump road, by walking at
from $\frac{3}{4}$ to one mile farther than by the
Butterworth road, but in order for
these people to reach the proposed
red dump road they would
be obliged to walk from where
the Butterworth road crosses the
Mapleton River about 200
yards through private property
to the red dump road. The miners
working at the mines mentioned would
have to traverse private property in
order to reach the Butterworth road
when it is constructed. I believe there
is material enough on the Butter-
worth road to construct a good road
or as good as any road in the township.

I live on the top of Kingston Hill about
two hundred yards from Dartmouth
gate. I have had no experience
in the construction of roads

Richard Irvin

I certify that the annexed testimony
was taken before me at the time and
place designated in the foregoing notice
and that upon examination of the
witnesses and reducing their testimony
to writing they were severally sworn
or affirmed in due form of law
to tell the truth, the whole truth and
nothing but the truth -

Witness my hand and notary
Seal the 30th day of March
A.D. 1894. -

Wm. B. Irvin,
Notary Public

RULE TO TAKE DEPOSITIONS.

Clearfield County, ss:

In Re Recovery
of Roads
VERSUS
Decatur Corp.

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

No. 147 May Term, 1893.

AND NOW, to wit, the 17 day of May, in the year of our
Lord one thousand eight hundred and ninety-Four
the Remonstrants 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 Remonstrants on
10th days notice.

D. J. Murray
Clerk Prothonotary.

To Adams Esq.:

Copy for Review

You will please take notice that, in pursuance of the foregoing Rule, depositions will be taken before W. D. Murray, or some other person authorized to administer an oath or affirmation in Pennsylvania, in and for the county of Centre, at the office of Adams in the Post of Clearfield, in the county of Centre and State of Pennsylvania, on the 30 day of March A.D. 1894, between the hours of 11 o'clock A.M. and 5 o'clock P.M. when and where you may attend and cross-examine.

Clearfield, Pa., March 19th, 1894.

S. D. Murray, Clerk

March 19, 1894 service accepted

Murray & Swift

Remonstrants

Nov 4 May 1883

Stop of demonstration

Mr. G. Smith M.P. costs \$14.00

2 To the Honorable David L. Herbs President Judge
3 of the Court of Quarter Sessions of Clearfield Co. Pa.,

4 This Remonstrance of the undersigned citizens
5 of Decatur township in said County respectfully represents

6 That whereas you have been petitioned to vacate
7 a portion of the public road laid out from a point near Centre
8 School house on the public road leading from Philipsburg to
9 Osceola to a point near Bulternorth's Gate on road leading from
10 Gearhartville to Osceola in Decatur township, the portion to be
11 vacated being from the line of John Leugers property eastward
12 through the properties of Richard Leugers, Andrew Gearhart and
13 Edwin Bulternorth to a point designated as Bulternorth's gate
14 on public road leading from Gearhartville to Osceola and sup-
15 ply the same by a road leading from the line of John Leugers
16 property on the said road to a point on the public road
17 leading from Gearhartville to Osceola at or near what
18 is known as the red dump belonging to Musser Heals.

19 Now therefore we the undersigned citizens
20 residing in said township and effected by the change
21 petitioned for and being advised that said petitioners have
22 had the said changed road viewed and will make ap-
23 plication to your honorable court to have the said view
24 confirmed absolutely do oppose and object to any change
25 whatever from the original view of said road from the
26 point near Centre School house to the point near Bulternorth's
27 gate or any part thereof and especially do we object to
28 and oppose the vacation of that portion of said road from
29 the line of John Leugers property eastward through the properties
30 of Richard Leugers Andrew Gearhart and Edwin Bulternorth to
31 a point designated as Bulternorth's gate and the supplying of
32 the same by a road leading from the line of John Leugers property,

bring a distance of about one and a half mile while if the road is located from John Hughes line to the red dump it will increase the distance for these people to travel of over one mile extra, will pass up a very steep and impassable hill and be practically useless

Fourth:- Because the road if made from John Hughes line to the red dump will be over an almost impassable swamp and to my opinion to keep in order as well as to construct while if made from John Hughes line to Butterworks gate it will have a solid bed to easy kept in repair good drainage and can be constructed at little if any more cost and expense

Fifth: Because Philipspburg Boro is the nearest town to and best town for the people residing in Cherry valley and in and around the above mentioned mines to deal and where most of them do deal and if the road to be constructed by way of the red dump rather than by way of Butterworks gate it will greatly inconvenience all these people numbering over thirty families will increase the distance they will have to travel upwards of two miles and compel them to pass on a road that is practically impassable because of swamps for the greater portion of each year

1 Robert Smiley
2 Ed M. Richardson
3 Robert Hunter
4 Jos A. Ashcroft
5 George Wilson
6 William Keator
7 George S. Miller
8 John D. Lewis
9 James Brown
10 Athuray Fawcett
11 William Fawcett
12 William Edwards
13 John Wilson
14 George Hill
15 John Richards
16 Peter Lauer Sr.
17 William D. Ross
18 Mr. Hamilton
19 Dave M. Lee
20 John Chapman
21 Thomas Dales
22 William Harvey
23 Mr. Garrison
24 William Bradwood
25 Christ. Dore
26 Harry Garrison
27 Thomas Smith
28 Joshua Hawthorne
29 Joe Main
30 Charles E. Green
31 Mr. Gearhart
32 Thomas Ridgway

33 John Rinn
34 Richard Rinn
35 Jacob Brown
36 James Ashcroft
37 Enoch Hartshorn
38 James Nicholson
39 Alfred J. Johnston
40 Benj. Musgrave
41 Joseph Fifer
42 J. F. Gates
43 James Holt
44 George Johnston
45 Thos Ashcroft
46 John Dick Button
47 John Dick Botton
48 William Cullen
49 Gen. Richardson
50 J. F. Gearhart
51 Wm. Nicholson
52 John Nicholson
53 Chris North
54 John North
55 Wm. Clarke
56 John Heron
57 James Pearson
58 William Pearson
59 Harold Pearson
60 Hathorne Bland
61 Jas. S. Hirsel
62 Edwin Butterworth
63 Thomas Rydall
64 D. M. Price

65 John Blankley 97 Matthew Gearin
66 Elijah Blankley 98 Henry Ray
67 Richard Blankley 99 Tom Bateman ✓
68 Sidney Wheally 100 John Cook
69 Ed Peckes 101 Charles Ellis
70 Edward Henderson 102 John Jones
71 William Sale. 103 Joseph Wade
72 Thomas Wood 104 William Peckes
73 George Radford 105 Geo. T. Goosby
74 Henry Walker 106 John G. Geoghegan
75 Joseph Perna 107 William Wallace
76 Antonio Perna 108 William Wallace
77 Joseph Swansboro Jr. 109 John Shatto
78 Joseph Swansboro Sr. 110 Richard O'Donnell
79 John Shimel 111
80 George Hindel 112
81 Samuel Raffensberger 113
82 Frank Butler 114
83 Samuel Hearsey 115
84 George Blakes 116
85 Charles Gates 117
86 Thomas Edon 118
87 Samuel Purchase 119
88 John Manna 120
89 James Nicholson 121
90 Thomas Kenny. 122
91 George Spence. 123
92 William McDonald. 124
93 Robert Todd 125
94 Thomas Graham 126
95 William Murray 127
96 Herbert Slates 128

18
No 4 May 5 1893

Memorandum

Vacation of River
President General

July 1st 1893

J. H. Gray
A. C.

Crosley & Nelson

HENRY HALL, LAW STATIONER, INDIANAPOLIS, IND.

Quarles Road
VERSUS
Decatur Twp.

In the Court of Quarter Sessions
of the County of Clearfield
of May Term, 1893
No. 14

DEPOSITION of witness taken before me this 26th day of April, A. D. 1894, at Philipsburg

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 Abednego Craine

being produced, sworn and examined on the part of the Decatur Township, doth depose and say:

My name is Abednego Craine; am 53 years of age; I live in Decatur Township Clearfield Coa. I am Supervisor of Decatur Township. I am familiar with the proposed public Road, Comprised at Febby Sessions 1893, and also in the proposed change from Hughes line to the Red Dump. I mean the road running from Hughes line to Butterworth gate. By exact measurement from Hughes line to the Red Dump is 4910 ft and from the same point to Butterworth's gate is 5992 ft. This measurement was made by myself, James Colter and John Wright and others.

2

He traveled over the Red Drump ^{2nd} and Butterworth routes. He started at the Red Drump we found 353 feet of swamp actual measurement and we found that route would require a bridge 35 ft long with 3 feet of a fill. I do not think the cost of building the road over this route would exceed over 400. Only I have had two offers to have let it for $1\frac{25}{4}$ per rod or \$362. $\frac{25}{4}$ to build the road. There is no hill of any account on it. The Red Drump route would make a good road except the swamp, which could be easily drained. He began at Hughes line and passed over the Butterworth route. He found on this route that it would be necessary to have about 8 ft long we next found a swamp 350 feet long, we next came to Maple line No 2 ran where we found a bridge 80 ft long would be necessary with a fill of six feet, with an elevation of the same towards Hughes line of about 70 feet of same. He next came to a hill

the grade measurements of which are as follows. the first measurement of 300 ft had a fall of 15 $\frac{1}{2}$ feet, next measurement was 100 feet $\frac{7}{16}$ in fall, next measurement 100 ft 4 feet fall. next measurement was 200 ft 6-10. fall next measurement 100 ft 9-3' fall next measurement 100 ft 7-3' fall next measurement 100 ft 5-9. We found the distance from Butterworths gate over Township road 2542 feet my opinion of the cost of constructing Butterworth gate south is about 1800. dollars. I have had no bids for it. The difference in distance in the two routes, one route from Hughes line via red dump and Township road to Butterworth gate and from Hughes line over Butterworth gate south to Butterworth gate is 1460 feet in favor of the Butterworth south. Both of these routes would provide convenient access to Keystone hill and Gearhartville from Hughes line and points beyond. Persons

coming to Philipsburg over the Red
Dump route would come on the Philips-
burg and Osceola Road or go across
to Keystone Hill and come from there
down. People coming to Philipsburg
over the Butterworth gate route would
come down through Keystone Hill
and Gearhartville - ~~I think~~
The distance from Red Dump to
Philipsburg think is less than
from Butterworths Gate to Philipsburg
the road from Red Dump is the
easiest and the best. ~~The road~~
~~area~~ I believe the needs of that
community would be served as well
by the red dump route as the
Butterworth gate route. The dif-
ference of the expense in constructing
of the two roads would be about
or a little over 1000⁰⁰ dollars in favor
of the Red Dump route. -

The ~~and~~ financial condition
of the road fund of Decatur
Township is 3400⁰⁰ dollars behind.
It would be burdensome to the Town-
ship to construct the Butterworth route.

Examined by W. D. Casy

In the measurements of these two routes
my knowledge of the distance was
obtained from others. I was there and
saw it. I did not carry the chain
I counted the paces every time, I
did not make the calculation. I
took the calculation of others. I
helped to measure the swamp and
was very particular about I made
the calculation of it in my book
I measured the length of the bridge
with a tape. These measurements
were made by a tape. Offers to
construct the road by red dump
was not in writing. Rich & High
and Liver Goss made to offer to
build or construct the roads. The
measurement made by Butterworth
gate was made by a tape. I did
not carry tape. I did not make
the calculation. I helped to measure
the different falls on this route I
took the notes as they were given to
me by others. I took all the
measurements about as I have
told you excepting the bridge
I have handled pretty nearly to

enough material to know what it takes to build a road. I arrive at the expense of the construction of the Pitts worth road by a guess.

The two routes would not be equally convenient, the difference would be 1460 feet in distance, I do not know that the difference to Philippsburg by the red dump would be less. I never measured it, ~~the route~~
~~the~~

Re direct

I was present when all measurements given were made I helped to make the calculations only on the bridge. I never put any estimate on the cost of Pitts worth road but I would not make it for 1800.00 Dollars.

Richard Hughes is my Uncle.

The route of constructed by Red Dump might strike a little more of Mr. Hughes' land than by Pitts worth route route.

Abednego Laramie

Levi Gross, being produced from
Examined deponent and says
I am 57 years old and re-
side in Decatur Township

I was present with Mr. Crain
and others when we passed over
these two routes, we started at
the Red Drump. We found the
following facts distance from
Red Drump to Hough, land
49 10 feet, we found the necessity of
a bridge 35 feet long and requiring
3 feet of a fill, we found a swamp
353 ft long as the road would go
over it. On the Pittsforth gate road
we found a culvert necessary 8 ft
in length we then came to a swamp
750 ft long, we then came to Math-
ton run when a bridge would be ne-
cessary 80 feet in length with 6
feet of a fill and would be be-
tween 75 to 100 feet of a fill necessary
on the west end necessary to get
level with the road before we came
to the hill we found a culvert
23 feet long with 3 feet of a fill
We then came to the hill and found

the measurement and grade as follows
 300 feet 15 $\frac{1}{2}$ feet fall
 100 " 9 $\frac{1}{2}$ " "
 100 " 7-9 " "
 100 " 4- " "
 200 " 6-10 " "
 100 " 7-3 " "
 100 " 7 3 " "
 100 " 5-9- " "

Over the hill towards Butterworths we
 found a culvert necessary 25 feet
 in length with 4 feet fill. In the
 measurements herein given I was
 present with those who took same
 and kept tally of the figures &
 did not make the calculations
 myself but was present when same
 were made. From Hughes line to
 Butterworths gate the distance and
 Red Drump is 14.60 feet greater. The
 cost of constructing the Red Drump road
 from Hughes line to red drump in my
 opinion would be 400⁰⁰ dollars. I
 offered to take the contract for con-
 structing the same at 1.25 per rod
 this amounts to three hundred
 and fifty seven dollars, I am
 willing to construct the road for that

money. The cost of constructing the Butterworth route in my opinion could be from 18. hundred to two thousand dollars. Were I compelled to sign specification like those usually signed I would not accept the contract at the above figure. I think the old Dump route would serve the community at Hough's Inn and beyond and therabouts better than the Butterworth Gate route. I think the same route would be best way to reach Philipsburg. The reasons why are as follows, first the people can come to Philipsburg with less grade, second, this route would be much warmer road and less liable to drift in winter, third, in my judgment it's a nearer route - I think the Red Dump route will serve ^{the people} of Keystone Hill and Gearhart with equally as well less the difference in distance, which while the difference of the construction of the two routes would be in my judgment 1635. dollars in favor of the

Red Drump south.

Cross Examined by Mr. Crosby,
 I was one of the petitioners to vacate
 the Brattleboro road and substitute
 the Red Drump road. There were
 three other Gosses signers to the
 petition this is not the $\frac{1}{4}$ of the
 Gosses. All measurement to which
 I have testified were made with a
 tape. The measurement I have testified
 to were taken from a book I had in
 my pocket. Measurement were written
 down by me as called out by some-
 body else. My offer to build the
 road was not in writing, there
 was no writing. I made the calculation
 latent in my mind for the price
 of constructing the road. I did
 not make any calculation of the
 number of Cubic yards of earth to
 be moved the number Cubic yards
 of stone to be haulled the number
 of Cubic feet of detaching to be
 done the number of thousand
 feet of lumber to be used or any
 other calculation in my head
 every time I go over it I can see

more money in & off that road. I
made the calculation of the Buttermilk
route in the same manner and
every time I go over that it looks
bigger. To Philipsburg by the red
drum there are three hills by the
Buttermilk route those 4 hills
I never made measurement of grade
it is a mere matter of opinion I have
driven over both routes

Re direct

I would be willing to give bond
for the performance of the terms of
the contract were I to receive a
contract for the construction of
the Red Drum road. I have traveled
over both routes to Philipsburg ^{own}
the hills are steeper and longer
on the Buttermilk route

Re Cross Examination

I do not know the difference of the
number of the people that live on the
two routes. I do not know the length
of the swamp on the public road from
Red Drum to Ossola Road.

I do not know the number of men
in and around Gearhartville that
work in these mines.

Levi Goss

James Cottler being produced
sworn examined deposition and says
I live in Section Township. My
age 44 years.

Was over the route of these
two roads. I have heard the tes-
timony, and figures given them
~~given~~ by Mr Braine and Levi Goss
they were correct all but one bridge
I think we measured a Culvert 53.
or 56 feet on the Red Dump route
with the exception every thing else
is correct. I helped to make the
measurements stated, they were made
by tape measure and I held one
end of the tape. I did not help
to make the calculation deduced
from the calculations I would think
the cost of the construction of Red Dump
Road would be about 400⁰⁰ dollars
The Butterworth route would cost
about 2700⁰⁰ dollars. I think the
Red Dump line would serve the need.

of the people ~~in~~ in the community
in the neighborhood of High Line
better than the Butterworth route.

The miners and others working
and living at the mines on High
Line could reach Keystone Hill and
Gearhardtville as easily via Red Dump
~~as~~ by the way of Butterworths gate.
The people coming to Philipsburg
from that community can reach
them more easily by Red Dump
route than by Butterworth route.
The general community will be better
served by the Red Dump route
while the difference in cost would
be approximately from 21 to 24⁰⁰—
dollars. I am a tax ~~payer~~ in the
Township

ROSS EXAMINED
I was one of the petitioners to locate
and supply the Red Dump route.
I did not write the figures of meas-
urements. I am able to carry them
all in my mind. I am sure that
the figures written in my hearing are
absolutely correct. I do not know how

v

many measurements were made -
I do not know the distance from
Hughes line to the Red dump -
I do not know the distance of the
dump by the Red dump I do
not know the distance from Britton-
worths gate to Hughes line nor the
length of the dump to Hughes line
Nor the number feet of fill 10' per foot
in the first grade. ~~I do not remember~~
I don't remember any of these
more than the first one. I estimate
the cost of the construction of the road
to be 400⁰⁰ dollars but do not
know the number of Cubic yards
of earth to be removed number of
Cubic yards of stone to be hauled
number of feet of ditching to be done
or the number of feet of lumber to
be required. I estimated the cost of
the road by Brittonworths gate to be
2700⁰⁰ dollars but don't know number
yards of earth to be removed, stone to
be hauled, ditching to be done or
lumber to be furnished -

James Cather

Redacted

I saw the book containing the figures

which I testified to, was present with Mr. Braine when the same were marked in the book from which he testified and I therefore know that they are correct. I have used a great deal of Dynamite in my time but would not like to say how many tons it would take to blow the stones of the Butterworth south

re cross examined
I did not see all the figures that were put down -
James Cottle

Joe W. Wright, being produced sworn and examined deponent and says
I live in Decatur Township. I am 48 years of age
I was with the party who passed over these two routes I carried one end of the tape - Mr. Rich. H. May Jr., A. Braine, Jesse Owens, Jas. Cottle, Levi Goss & Jas. Goss. - I carried the lead end of the tape. So far as I know the measurement given in testimony given by A. Braine

and Levi Goss are correct, I
was ahead with the tape and
did not see the tatties entered
in the book but saw the entries
after they were made —

The cost of Red Swamp route in
my judgment would be about
\$400.00 dollars, The Butterworth
route about \$500.00 dollars, either
route would accomodate the com-
munity, either route would accom-
odate the people who desire to come
to Philipsburg. I don't occupy
any office in Decatur Township

Cross Examined

I heard the measurement called off
as they were taken, I could not
tell the figures put down. I got the
tatties from them and made Cal-
culations of my own which cor-
responded with their Calculations
I did not count the Cubic yard of earth
on stone to be moved to make the road
The estimation of the cost of both roads
is only a matter of opinion and
not of Calculation. I don't whether
the Butterworth road would give the

familiar in the hollow or not
J. W. Wright -

J. Henry Crane, being produced
poorly and Harrison departs
and says. I live in Decatur
Township I am 36 year old
I was with the party who passed
over these two roads south - We passed
over the south April 16/94, I don't know
of the work. On the red dump south
I struck the pines for Newbright
on the Butterworth south I leveled
the grade I did not make any
of the entries in the book but saw
them entered by A. Crane and Levi
Goss. that is not all of them. I
saw them after they were entered in the
book I have heard the testimony
of A. Crane and Levi Goss. It is
correct, to the best of my knowledge
either south would accommodate
the community they are supposed
to be built for, I think it would be
well paid for at a 125 per rod
for constructing the red dump
south - I would not enter into a

Contract to build the Butterworth route
~~for \$16.00~~ a rod. The community
 would be fully served in the way
 of accommodations to Philipsburg
 by the Red Dimp route, they would
 also be served equally as well
 to Keystone Hill and Frankfortville
 excepting to those two points the
 road would be 1460 feet longer
 I would say the red dimp route
 could be constructed for one sixth
 the expense of constructing the
 Butterworth route

Cross Examined
 I am not one of the petitioners to
 vacate and supply

J Henry Grain

Richard Hughes, being produced sworn
 and examined deponth and says
 I live in Decatur Township
 am 74 years old. I was with
 the parties who passed over these
 two routes. I live off to the east
 of the Hughes line. I can't say
 that I desire the construction of
 either of these routes, we have two

Rail Roads and two township roads through our place
The community either of these two roads is intended to accommodate
can be as well served by one as the other also those who go to Phillipsburg There is eight or nine families living about Hughes line outside
of these 200 person can be accommodated by either road without trespassing on private property I would
go into an agreement with the Supervisor to build the Redump road for 400⁰⁰ dollars I would not undertake to build the Butterworth road
I told the men when they were surveying it that I wouldn't build the Butterworth road for twenty five hundred dollars
I suppose either road would accommodate the people at Key stone hill and Gearhartville going to and from Hughes line an vicinity

Cross Examined

I do not desire either of these roads made. I think I was one of the peti-

tunes to supply the road by way
of red dump. From Bro Hughes
line to the red dump the road
runs through Bro Hughes' mines
and Musser Hall's land. John
Hughes is my son. $\frac{1}{3}$ of this
red dump road would be through
my land, $\frac{1}{4}$ of the distance through
Bro Hughes' land.

R. Hughes

Jesse Own being produced sworn
and examined deponth and says
I live in Decatur Township I am
fifty two years old. I was with
the party who passed this law south
I do not know anything about the
figures. I would think four
hundred dollars would make
a good road on the Red dump south I
know but little about making roads.
The other south is so rough and rocky
I would not know they could make a
road up there. I would think
the community which either of these
roads accomodate would be as
well served with one road as the other.
I would think the same as 5 people

going to Philipsburg Kepstein hill
or Gearhardtville excepting the
difference in distance to the two
latter points

Jesse Owens.

RULE TO TAKE DEPOSITIONS.

Clearfield County, ss:

In re Petition
Advocate Supply
VERSUS:
Public Roads in
Deaver's Twp. -

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

Diaster Sess.
No. 3 Dec Sess Term, 1893

AND NOW, to wit, the 17th day of Apr., in the year of our
Lord one thousand eight hundred and ninety-four
the Petitioners enter a Rule to take the
Depositions of ancient, infirm and going witnesses, to
be read in evidence on the Trial of this case. Ex parte Rule of Petitioners on
6 days notice.

D. J. Gingery
Prothonotary.

To Mr. Crosby, Esq.:

Atty for Petitioners

You will please take notice that, in pursuance of the foregoing Rule, depositions will be taken before Mr. E. Drury, or some other person authorized to administer an oath or affirmation in Pennsylvania, in and for the county of Centre, at the office of Gratzigley in the City of Philadelphia, in the county of Centre and State of Pennsylvania, on the 24th day of Apr. A. D. 1894, 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., Apr 17th

Gratzigley
Atty for Petitioners

Now Apr 26-1894 Service accepted
Wilson D. Crosby

Record
Nov⁴ May Term, 1893

versus

Deposition

of Witness on part of

Defendants

Fees for taking Deposition, \$ 7.50

Filed..... 18

Prothonotary.

James M. Mitchell, Attorney.

STATE OF PENNSYLVANIA, }
Centre 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 Notarial seal John Q. Swin
Notary Public

(1) (2)

To the Otton, The Judge of the
Court of Quarter Sessions, of Clearfield
County Pa.

We, the undersigned Viewers, Ap-
pointed by the within Order of County
to view, vacate, and Supply the road
therein mentioned. Respectfully report,
that having given notice of the time, and
place of meeting, according to the act of
Assembly, and also to the Commissioners of
Clearfield County, and being all present at
the view of the ground proposed for the said
road, and being all sworn, or affirmed in pur-
suance of the said Order. We have viewed,
and laid out said do return the following
Road to wit.

Beginning at a marked white Pine
Stump by the Township Road leading from
Gearheartville to Oseola, near the "red dump" in
Decatur Township, in land belonging to James
Diggins. And running through his land,
South forty five degrees west, crossing the line
of said Diggins, into land of John H. Glazier
sixteen perches to a Post. Thence through land
of the said Glazier. North Sixty one degrees
west, twelve perches to a Post. North Sixty Seven
and a half degrees west, Twenty four perches
to a Post. North Seventy four and a quarter,

degrees west; thirty six and seven tenths perches to a Post. North forty six degrees west twenty two perches to a Post. North twenty one and a half degrees west. sixteen and one tenth perches to a Post. Thence through land of Glazier and land of Richard Hughes. North fifty four degrees west. sixty five and two tenths perches to a Post. Thence through land belonging to Richard, and John Hughes. North forty three degrees west. Ninety one and four tenths perches to a Post. North Seventy four and a quarter degrees west twelve perches to John Hughes' line and intersect a road formerly laid out; and now open near John Hughes' house. Which said road, as above described. We are of opinion is necessary for public use. A Plot whereof is hereto annexed. And we are also of opinion that the persons through whose land the said road passes, are entitled to damages, as set forth in the within Order.

The annexed draft; in Black Ink shows the above described road.

And we also show by the within map or draft in red Ink. the part of the said road which we vacate. Viz.

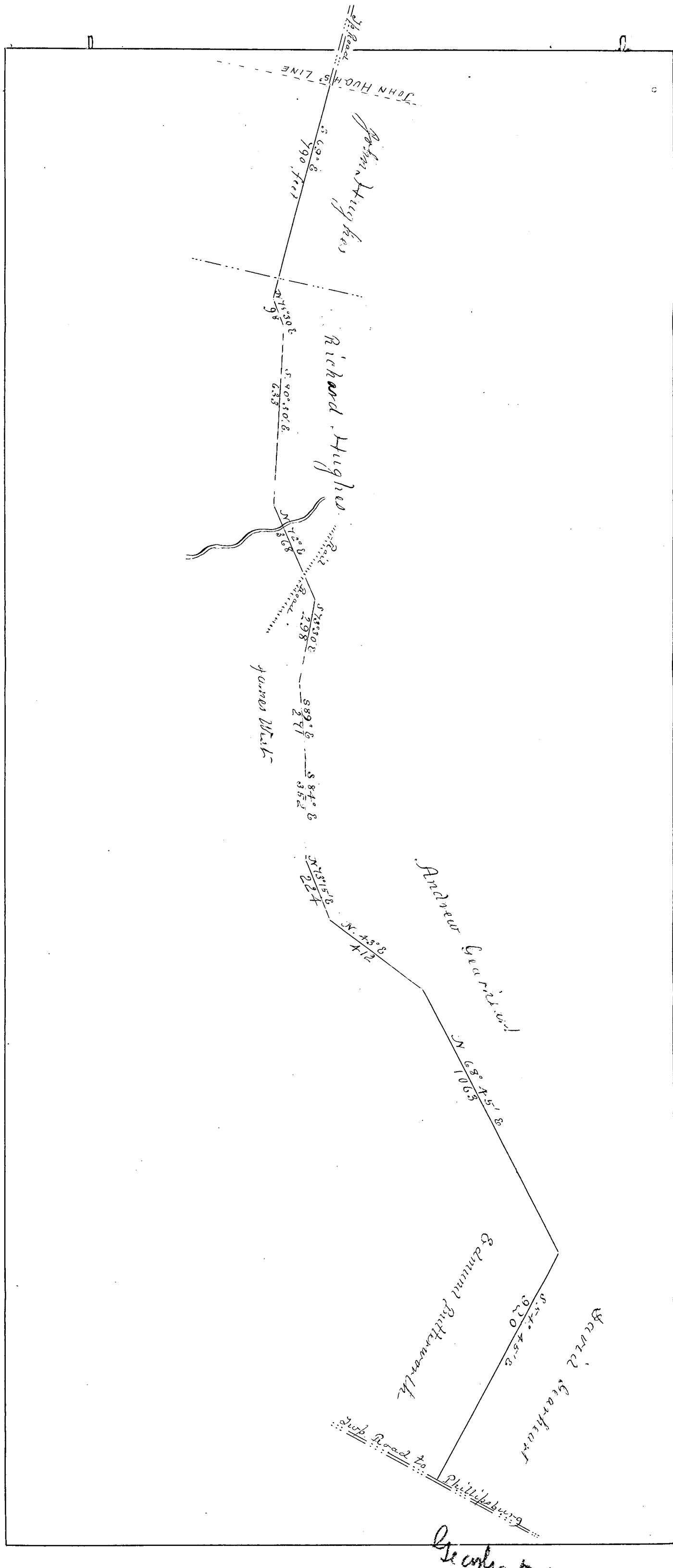
Beginning at the end of the road as now opened. at the terminus of our new

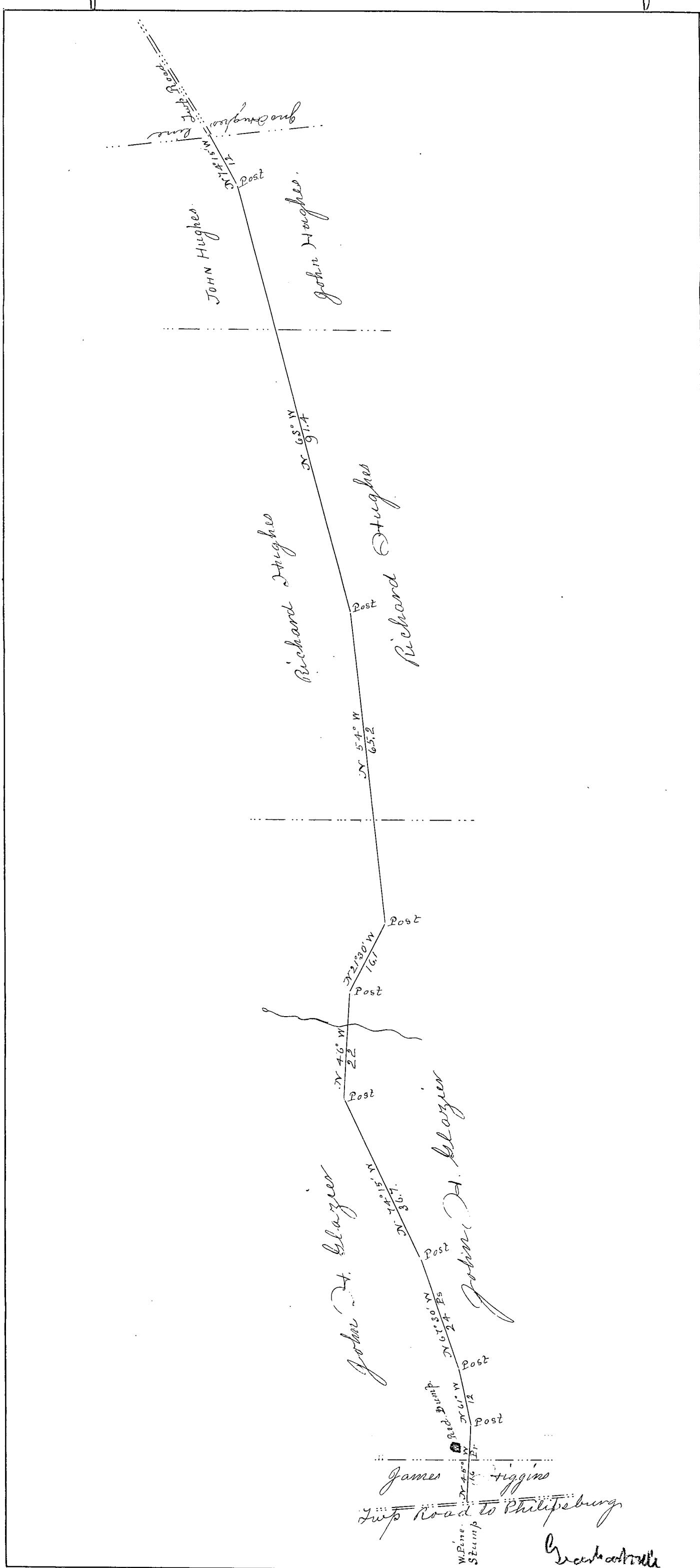
road by John Hughes' line, and running through his land, and land of Richard Hughes, South fifty nine degrees east seven hundred and ninety feet more or less. North seventy five and a half degrees East ninety eight feet. South eighty and a half degrees East, six hundred and thirty three feet. North seventy two degrees East: three hundred and fifty eight feet. Hence through land of James West; and Andrew Gearheart - South seventy three and a half degrees East two hundred and ninety eight feet. South eighty nine East; two hundred and seventy one feet. South eighty four degrees East: three hundred and fifty two feet. North seventy three and a quarter degrees East two hundred and twenty four feet. North forty three degrees East: four hundred and twelve feet. Hence through land of Edmund Butterworth, North sixty eight and three quarter degrees East: ten hundred and sixty three feet, to line between the said Butterworth and David Gearheart. Hence along the line between the said Gearheart and Butterworth, South fifty four and three quarter degrees East: nine hun-

One and twenty feet to the Township's
road leading from Gearheartville to
Ossola. At Butterworth's Gate. This
road is represented by the accompanying
drawn into and we are of opinion
is not necessary for a public, or private
road and we declare it vacated.

Witness our hands this 7th
day of June A.D. 1893

S.J. McClosky
James Savage
Mitchell Shape } Viewers





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 26th day of May, A. D. 1893, before Judge of said Court, upon a petition of sundry inhabitants of the township of Decalies

, in said county, setting forth ~~that~~
First that by proceedings in your said Court to 220 in Sept. 38 1892 a public road was laid out from a point near Schowes house on public road leading from Philipsburg to Oceola via Fishtown in Decalies Sup and to end in the timber road leading from Gearhartville to Oceola at a point near Butterworths Gate in Decalies Sup where said road was confirmed absolutely as the Feb 28 1893, and an opening order is now in the hands of the Supervisor of said Sup for the opening of said road. Second that in the opinion of your petitioners a large portion of said road would be expensive to build and keep in repair owing to its being located on a high Hill and over very stony ground that while the said road is but one mile and 3064 feet it is estimated that it will cost the Sup over \$2000 - to make the said road passable. Third that in the opinion of your petitioners a much better location could be secured for that portion of the road leading from the line of John Hughes property eastward to its terminus at Cedar Butterworth by a new location running from said John Hughes line to a point on public road leading from Gearhartville to Oceola or near the red dump and a much better grade secured and that the road would be much less expensive to build and keep in repair

They therefore pray Your Honor to appoint Viewers to view and create that portion of the said road leading from the line of John Hughes property eastward through the properties of Richard Hughes, Andrew Gearhart and Cedar Butterworth to a point designated as Butterworths Gate on a public road leading from Gearhartville to Oceola and supply the same by a road leading from the line of John Hughes property on the said road to a point on the public road leading from Gearhartville to Oceola or near what is known as the Red dump belonging to Muser Hall

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and make Report to the Court whereupon the Court, upon due consideration had of the premises, do order and appoint S. J. McCloskey, James Savage, and Mitchell Shope 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 the 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.

J. J. Fisinger
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, do 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. 189 .

Seal.

Seal.

Seal.

Seal.

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 James Higgins the sum of One Dollar \$1.00
To John H. Glazier the sum of Twenty five Dollars 25.00
To Richard D. Hughes the sum of One hundred dollars 100.00
In John Hughes the sum of Twenty five Dollars 25.00
Witness our hands this 7th day of June, A. D. 1893.

S. F. McClosky

James Savage

Mitchell Shope

Record,

NOV 19 May SESSIONS, 1893

OR D F R

Sacalé Supply

To view and lay out a road for

Public use in the township of

Decatur, Clearfield Co.

Sept Sessions 1893,

read and confirmed Ni. Si.

Road to be opened 33 feet wide,

except where there is side hill,
cutting or embankment and
bridging, there to be 16 feet
wide.

By the Court
Dec 1893. Order directed
to be placed on the county high
Commissioner by the County

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.
Also—Viewers will carefully note the number of days employed and set the amount out at the foot of their return. Reviewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the reviewers.
N. B.—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.

AMOUNT.
Days 2
Miles 2 6 810.60
Days 1
Miles 20 4.00
Days 1
Miles 20 4.00
Days 1
Miles 20 4.00
Days 1
Miles 1.50
Days 1
Miles 1.50
Days 1
Miles 1.50

\$ 1.32 47

\$ 1.32 47

\$ 1.32 47

\$ 1.32 47

\$ 1.32 47

\$ 1.32 47

PUBLIC SPIRIT PRINT.

Filed J. F. F. 1893
Fees \$ 1.25 paid by A. S. and

A. O. Smith

In the Court of Quarter Sessions of the
County of Clearfield.

In Re Petition 2 No 14 May 1893.

of
for public Roads.

The undersigned persons who pre-
viously opposed the confirmation of the
road as laid out in the above care, run-
ning past the Red Dumps, do hereby
withdraw our opposition and ask
that said road be confirmed as laid
out in the report of S. F. McCleary
James Savage and Mitchell Shope.

Franklin M. Jones
Dante M. Jones

John J. Jones

G. D. Bensinger ^{typical} ~~John~~ ^{John}

Thos. Bexton

Thos. Wood

Joseph Berra

Anthony Berra

Nicholas Perkins

Robert Smillie

George Sharp

James Beveridge

George Radford

Henry Walker

Harry Wood

John Richardson

F. W. Hughes

R. Hughes

B. J. Hughes

John J. Fishcroft

R. L. Kephart

R. J. Hughes

Hugh Phillips

Ed. J. Hughes

Peter Lantz Jr.

Peter Lantz

J. J. Brown

Frank Walk

Frank Walk

road
No 14 May 1898

FILED 5 1898

Beec

To the Honorable David L. Krebs, President Judge of the Court of Quarter Sessions of Clearfield County, Pa.

The petition of the undersigned inhabitants of Decatur Township, respectively represents:

FIRST; That by proceedings in your said Court to number 12 September Sessions 1892, a public road was laid out from a point near Centre School House on public road leading from Philipsburg to Osceola via Fishtown in Decatur Township, and to end in the public road leading from Gerheartville to Osceola, at a point near Butterworths Gate in Decatur Township, which said road was confirmed absolutely at the February Sessions 1893, and an opening order is now in the hands of the Supervisors of said Township for the opening of said road.

SECOND; That in the opinion of your petitioners a large portion of said road would be expensive to build and keep in repair, owing to its being located on a high hill, and over very stony ground. That while the said road is but one mile and 3064 feet, it is estimated that it will cost the Township over \$2,000. to make the said road passable.

THIRD; That in the opinion of your petitioners a much better location could be secured for that portion of the road leading from the line of John Hughes property eastward to its terminus at Edwin Butterworth's by a new location running from said John Hughes line to a point on the public road leading from Gerheartville to Osceola, at or near the Red Dump, and a much better grade secured and that the road would be much less expensive to build and keep in repair.

They, therefore, pray your Honor to appoint viewers to view and vacate that portion of the said road leading from the line of John Hughes property eastward through the properties of Richard Hughes, Andrew Gerheart and Edwin Butterworth, to a point

designated as Butterworths Gate on public road leading from Gerheartville to Osceola, and supply the same by a road leading from the line of John Hughes property on the said road to a point on the public road leading from Gerheartville to Osceola at or near what is known as the Red Dump belonging to Musser Hall.

And they will ever pray etc.,

Names.	Names.
1 B. F. Smith	18 Abendroth
2 B. Seeghees	John B. C. Gann
3 James Cotte	J. H. Bunkley
4 Cotte Fred	5 J. A. Foster
5 Hugh Phillips	6 E. Keese
6 H. Burns	7 J. G. H. Goss
7 Edward Hatton	8 William Mills
8 James M. Kincaid	9 James Ross
9 Henry Livingstone	10 C. H. Jones
10 W. H. Speddy	11 J. G. Jones
11 J. M. Foster	12 J. B. Deamer
12 Fred J. Cott	13 Robert Jones
13 H. M. Phillips	14 Jacob Test
14 R. Phillips	15 D. L. Goss
15 W. H. Speddy	16 H. Pinkerton
16 J. M. Foster	17 Dore Richardson
17 J. A. H. Phillips	18 E. B. Bawden
	19 S. W. Richardson
	20 Levi Goss

AD 14 May 1 1893

Petition to divide and
vacate state highway a road
leading from Blue Key to
Sapulpa on Decatur and to
link road from Woodward to
Oklahoma near Williams gate
and couple same in road
from Middle Kingfisher highway
to Sapulpa road between
Elk Knob Hill & Sycamore and
or near the Red Draw
in Custer Co.

Andrew Mayhew, S. C. F.

McLarty, Lamer, Savage.

Mitchell Shope, an associate
deacon & reporter at Muskogee

Ms. B. Reg. No. Court.

To the Superior court to
divest the highway of the public right
and laid out and run in line
as other petition by Mr. Compt.

There are more copy
of paper

ALFRED O. SMITH, C.P.

Attorney at Law,
CLEARFIELD, PA.

100
+ 6422
+ 2642
+ 6420

1000