

No.

1st May

Term.

Public Road.

Versus

Declarative Journal

Contents:



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 gearhartsville 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 1897 Session, 1897.

In Re.

Proceeding to Vacate and
Supply Public Road in Decatur
Township.

OPINION

Depositions of Witnesses produced, sworn
and examined by me, the 30th day of
March 1894, at the Office of W. D. Crosby,
at Philipsburg Pa between the hours of 11 O'clock
A.M. and 5 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, ~~wherein~~ ⁱⁿ review
of Road in Decatur Township

Geo Blaukey, 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
Butterworths gate as also from Geo.
Hughes line to the red dump. The
route from John Hughes line to Butterworths
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 Jno Hughes, line 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 each
about a mile in length. I estimate
the cost of the construction of the road
from Jno Hughes line to the red dump
to be about 1000. dollars, and the cost
of the construction of the road from Jno
Hughes line to Puttsworths gate to be
about 1200. dollars. After the con-
struction of the ~~two~~ roads, I would
consider the one by Puttsworths gate
to be the best and the least expensive
to keep in repair. The route by the
old bank would benefit no mines.
The route by Puttsworths gate would be
an outlet for Lancashire No 2 and
Victor No. 3 mines. The road by Puttsworth
gate would be the most direct route
to the mines in and around Gear-
hartville, Cuba and Hudson mines
as also to Philipsburg. There is 9
that live in Cherry Valley that work
at Gearhartville mine. There is also
a large number of men in and around
Gearhartville that work at Lancashire

No 2, and Victor No 3 mines, The route by Buttermilk 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 examined, by G. H. Ziegler, I live on what was a part of Reese's farm.

It is about one mile from Mr Hughes line to the red dumps and about the same distance from Hughes line to Buttermilk gate -

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

~~The~~ There is a ~~greater~~ a little heavier grade from Mr Hughes line to Buttermilk gate than from the same point to red dumps.

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

The route through Butternut's gate and
Keystone to Philipsburg in my opinion
is shorter than the route passing the red
dumps and Mrs Walks. to Philipsburg
the difference I cant estimate in the length
of the two routes -

It would take me a great while longer
to walk from Hughes Run to Mrs. Walks
than from Hughes Run to Butternut's gate -
John Blunkley

James King, being produced and
sworn deposeseth and says
I live in Hudsonville I am married
I am the owner of real estate in
Decatur, Township Clearfield Co Pa
We think the route by Butternut's
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
acres of the land between Bro Hughes
Run and the red dump is of a
soft nature and has poor drainage
There is about $\frac{3}{4}$ of a mile difference
in the distance between Bro Hughes Run
and Grantsville by the two routes
and in favor of the route by Butternut's
gate - There ~~are a large~~ is from 30 to

2

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

Cross Examined

The road from Joe Hughes line to the red dump is the most level of the two roads - I have traveled this Butterworth road hundreds of times, and I would estimate the descent of about One hundred yards as about four feet to the hundred feet, at the steepest part - A very small part of this road is swampy, where the run 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 Philipstun, would be by the Butterworth road. ~~The so~~ In my opinion the road from Hughes line to the red dump to be constructed more cheaply than from the same point to Butterworths 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.

Be Direct

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

Thomas Wood being produced and
 sworn deposes and says - I
live in Cherry Valley Deception Town-
ship Clearfield Co Pa. 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 Butternuth
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 the
Hughes line up to Section No 14 -
West

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

The road constructed by Buttenworths
gate, would give an outlet to
Lancashire No 2, Horrothead,
Burka No 25, Victor No 2, and Curka 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 Buttenworths

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

I think there are about 8 or 10 men
in Cherryvalley that work at Gear-
hartville - There are about 30 men
in and around Gearhartville that
work in our bank, Lancashire No 2,
By Buttenworths route would be the best
and shortest route for these men in
going to and from their work

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

Crossexamund

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

or more families living along the
Butterworth road - I think we need
the Butterworth road. Of these two
roads, ~~the 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 Hunter, being provided and
 sworn deponent and says
I live at Gearhartville Cleaveland
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-
tor Township. I am familiar
with both of these roads -

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

the distance from the red dump to where it connects with Buttermilk road. In passing from Gearhartville to these mines, as also to Cherry valley by Buttermilk gate road it 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 Mr 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 Buttermilk gate to the Mr Hughes line. That road would give an outlet to Victor No 2, Fairview No 2, Victor No 3, Home stead, Washington Eureka No 14, ^{and} Baldale No 4. To the best of my knowledge there would be ~~then~~ no difference in the cost of the construction of the two roads, but the road by Buttermilk 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 Buttermilk gate. By way of Buttermilk 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 stones. The route from Red Dump to Hughes line would be very expensive to construct, being soft and marshy and would require either to be cordoned off or a large quantity to be hauled to make a solid bed —

Cross Examination

If the red dump road should be constructed, and the people working at the several mines mentioned in the direct examination were to travel the same to reach ^{part} Georgetown they would have to go about $\frac{3}{4}$ 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 examination are not located on the Butterworth road but ~~on the~~ are in sight of the ~~White~~ 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's gate to when

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

~~Puttsworth road~~, The old dump
road of the two proposed roads
would be the most level.

There is only little swamp on the Putt-
sworth road ~~and if~~

The construction of the old dump
road would give a direct outlet
to the main road to Asseala from
Philipsting at or near Mrs. Walks.

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

Richard Rinn, being framed and
sewn deponeth and says, I
am married and a resident
of Gearhartsville Clearfull Co.
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 Butternuths gate the best location
and the most convenient for the traveling
public - The Road led by Butternuths
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 Butternuths gate direct
to Joe Hughes line is about $\frac{3}{4}$ of a
mile shorter than the route from Butte-
worths gate direct to Joe 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 Joe Hughes line to
the red dump - There are ten families
now living on ~~the~~ or near the roads
leading from Joe Hughes line to Butte-
worths gate that have no public means
of ingress or egress. and twentyone
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 Joe Hughes line
to Butternuths gate would give
a public outlet to Victor No 2, Sam-
ashin No 2. Homestead, Washington^{2nd}
Victor 3, ^{2nd} Victor No 4, that has no public
outlet

I 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 Buttrworths
 for from 5 to 8 hundred dollars
 less than by the red dump, because
 the material necessary for the construction
 of the Buttrworth road is already in
 the ground ~~because~~ which owing
 to the clay bed of the road by the
 red dump, all the material such
 as stone &c necessary for its con-
 struction would have to be hauled
 there — I live near Buttrworths gate
 and see the men passing to and
 from there work and I would
 estimate that there are from 15 to 25
 men in and around Jeakentsville
 who work in the mines, which the
 Buttrworth road would open up
 and that there are from 8 to 10 men
 in Cherryvalley, who work in Clark
 mines, all of whom would use the
 route by way of Buttrworths 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,

occupy ground and from ^{or from} the fact that it would not lead to the mines at all.

Cross examined

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

The road from Red dump to Buttrworth's gate is used every day.

All of the people living on or near the Buttrworth 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 Buttrworth road, but in order for these people to reach the proposed red dump road they would be obliged to walk from where the Buttrworth road crosses the Mapleton Road going about 200 yards through private property to the red dump road. The mines working at the mines mentioned would have to traverse private property in order to reach the Buttrworth road were it constructed. I believe there is material enough on the Buttrworth road to construct a good road or as good as any road in the Township.

I live on the top of Keyston Hill about
two hundred yards from Butternut
gate. I have had no experience
in the construction of roads
Richard Kinn

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. E. Swin,
Notary Public

RULE TO TAKE DEPOSITIONS.

Clearfield County, ss:

In Re Review

of Roadin
VERSUS

Decatur Sup.

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

No. 14 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 Remonstrator 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 Remonstrator on
10 days notice.

D J Givens
clerk Prothonotary.

To Ad Smith, Esq.:

ally for Review

You will please take notice that, in pursuance of the foregoing Rule, depo-
sitions will be taken before WE Ann G. Nixy, or some other
person authorized to administer an oath or affirmation in Pennsylvania, in
and for the county of Centre, at the office of Ad Smith &
in the Dist of Phippsburg, 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 8 o'clock P.M. when
and where you may attend and cross-examine.

Clearfield, Pa., Mar 19, 1894.

Ad Smith &
S. V. Wilson

Mar 19. 1894 Swice accepted

Murray & Smith
Att. in Phippsburg

1074 May 11 1893

Top of Remonstrator

Wm. G. Brown M. P. Oct 14. 50

1074 May 11 1893
Wm. G. Brown M. P. Oct 14. 50

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

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

That whereas you have been petitioned to vacate
a portion of the public road laid out from a point near Centre
School house on the public road leading from Philipsburg to
Osceola to a point near Butternorths Gate on road leading from
Gearkastville to Osceola in Decatur township, the portion to be
vacated being from the line of John Hengher property eastward
through the properties of Richard Hengher, Andrew Gearhart and
Edwin Butternorth to a point designated as Butternorths gate
on public road leading from Gearkastville to Osceola and sup-
ply the same by a road leading from the line of John Hengher
property on the said road to a point on the public road
leading from Gearkastville to Osceola at or near what
is known as the red dump belonging to Mussen Heale.

Now therefore we the undersigned citizens
residing in said township and affected by the change
petitioned for and being advised that said petitioners have
had the said changed road viewed and will make ap-
plication to your honorable Court to have the said view
confirmed absolutely do oppose and object to any change
whatever from the original view of said road from the
point near Centre School house to the point near Butternorths
gate or any part thereof and especially do we object to
and oppose the vacation of that portion of said road from
the line of John Hengher property eastward through the properties
of Richard Hengher Andrew Gearhart and Edwin Butternorth to
a point designated as Butternorths gate and the supplying of
the same by a road leading from the line of John Hengher 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 impassible hill and be practically useless

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

Fifth: Because Philipsburgboro 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 be constructed by way of the red dump rather than by way of Butternut the 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 compell them to pass on a road that is practically impassible because of swamp for the greater portion of each year.

1 Robert Smiley
2 Ed M. Nicholson
3 Robert Hunter
4 Jos A Ashcroft
5 George Wilson
6 William Hecaton
7 George S Miller
8 John B Lewis
9 James Brown
10 Anthony Hawcett
11 William Hawcett
12 William Edwards
13 John Wilson
14 George Hill
15 John Richards
16 Peter Lauer Sr.
17 William R Ross
18 Wm Hamilton
19 Dave M. Lee
20 John Chapman
21 Thomas D.
22 William Hurvey.
23 Mr Turner
24 William Woodward
25 Christ. Durr.
26 Harry Marsden
27 Thomas Smith
28 Joshua Hartshorn
29 Joe Wain
30 Charles Eggeon
31 Wm. Clearhart.
32 Thomas Ridgway

33 John Kim
34 Richard Kim
35 Jacob Brown
36 James Ashcroft
37 Enoch Hartshorn
38 James Nicholson
39 Alfred J Johnston
40 Benj. Musgrave
41 Joseph Fryer
42 J. F. Gates
43 Jamies Holt
44 George Johnston
45 Jos Ashcroft
46 John Wais Botton
47 John Wais Botton
48 William Cullen
49 Geo. Nicholson
50 J. B. Beachmont
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 Gathorne Pland
61 Jas H. Firrell
62 Edwin Butterworth
63 Thomas Rydatt
64 D. M. Price

65 John Blankley
 66 Eligah Blankley
 67 Richard Blankley
 68 Sidney Theatty
 69 Ed Perkins
 70 Edward Henderson
 71 William Sale
 72 Thomas Wood
 73 George Radford
 74 Henry Walker
 75 Joseph Perna
 76 Antenna Perna
 77 Joseph Swansboro Jr
 78 Joseph Swansboro Sr
 79 John Shimmel
 80 George Hindel
 81 Samuel L Raffenberger
 82 Frank Butler
 83 Samuel Henry
 84 Gofke Flucke
 85 Charles Gates
 86 Thomas Eddon
 87 Samuel Purchase
 88 John Manna
 89 Fancis Nicholson
 90 Thomas Kenny
 91 George Spence
 92 William McDonald
 93 Robert Todd
 94 Thomas Graham
 95 William Murray
 96 Herbert Slater

97 Matthew Sherwin
 98 Henry Kay
 99 Tom Bateman
 100 John Cook
 101 Charles Ellis
 102 John Jones
 103 Joseph Wade
 104 William Perutek
 105 Geo. E. G. G. G.
 106 John G. G. G.
 107 William G. G. G.
 108 Adam G. G. G.
 109 Jacob G. G. G.
 110 Richard G. G. G.

Nov 4 May 55 1893

Remuneration

Location of New
Road in Town

Atty Lee 1893

J. H. May

Croley & Co.

HENRY HALL, LAW STATIONER, INDIANA, PA.

Public Road

VERSUS

Decatur Twp.

In the Court of Quarter Sessions

of the County of Clearfield

Of May Term, 1894

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

Abdnego Craime

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

My name is Abdnego Craime; am 53 years of age;

I live in Decatur Township Clearfield, Co Pa. I am Supervisor of Decatur Township. I am familiar with the proposed Public Road, Comfrind at Feby Sessions 1893, and alsoe 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 Butterworths gate is 5992 ft, this measurement was made by myself, James Cotter and John Wright and others -

We traveled over the Red Swamp ^{and}
 Buttermilk routes. We started at the
 Red Swamp 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 400.⁰⁰ ~~00~~
 I have had two offers to have let
 it for 1.²⁵ per rod or \$362.²⁵ to build
 the road. There is no bill of any
 account on it. The Red Swamp
 route would make a good road
 except the swamp, which could be
 easily drained - We began at
 Hughes line and passed over the
 Buttermilk route. We found on
 this route that it would be necessary
 to have Culvert 8 ft long - we
 next found a swamp 750 feet
 long, we next came to Mapleton
 No 2 run where we found a
 bridge 80 ft long would be neces-
 sary - with a fill of six feet, with
 an extension of the same towards
 Hughes line of about 70 feet of
 same. We 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 $7\frac{1}{4}$ in fall, next measurement 100 ft 4 feet fall. next measurement was 200 ft 6-10 fall next measurement 100 ft 7'-3' fall next measurement 100 ft 7'-3' fall next measurement 100 ft 5'-9'. We found the distance from Buttrworths gate over Township road 2542 feet my opinion of the cost of constructing Buttrworth gate route is about 1800.⁰⁰ 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 Buttrworths gate and from Hughes line over Buttrworth gate route to Buttrworths gate is 1460 feet in favor of the Buttrworth route. 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
on the Puttsworth gate route would
come down through Keystone hill
and Garhartville - ~~I think~~
The distance from Red Dump to
Philipsburg think is less than
from Puttsworths Gate to Philipsburg
the road from Red Dump is the
easiest and the best. ~~The road~~
~~from~~ I believe the needs of that
community would served as well
by the red dump route as the
Puttsworth gate route. The dif-
ference of the expense in constructing
if the two roads would be about
or a little over 1500.⁰⁰ dollars in favor
of the Red Dump route. --

The ~~road~~ financial condition
of the road fund of Decatur
Township is 3400.⁰⁰ dollars behind -
It would be burdensome to the Town-
ship to construct the Puttsworth route

Cross examined by W. S. Crosby

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 it. 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 Swamp
was not in writing. Rich^d Hughes
and Levi Goss made to offer to
build or construct the roads. The
Measurement made by Putnam's
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 &

enough material to know what it takes to build a road. I arrive at the expense of the construction of the Puttsworth route 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 Philipshury by the red dump would be less. I never measured it, ~~the route~~
~~would~~

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 Puttsworth route but I would not make it for 1800.⁵⁰/₁₀₀ Dollars.

Richard Hughes is my uncle.

The route if constructed by Red Dump might strike a little more of Mr. Hughes, land than by Puttsworth route —

Abednego Lewis

Levi Goss, being sworn
examined depnith and says
I am 57 years old and re-
side in Secatur Township

I was present with Mr Brain
and others when we passed over
these two routes, we started at
the Red Dump. We found the
following facts distance from
Red Dump to Houghs land
4910 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 Putnamville gate route
we found a Culvert necessary 8 ft
in length we then came to a swamp
750 ft long, we then came to Maple
ton run where 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 I did not make the calculations myself but was present when same were made. From Hughes line to Butterworths gate the distance via Red Dump is 1460 feet greater. The cost of constructing the Red Dump route from Hughes line to Red Dump in my opinion would be \$400.⁰⁰ dollars. I offered to take the contract for constructing the same at 1.25 per rod this amounts to three hundred and fifty some dollars, I am willing to construct the road for that

money. The cost of constructing the
Butterworth route in my opinion
would be from 18 hundred to two
thousand dollars. Were I com-
pelled to sign specification like
those usually signed I would
not accept the contract at the
above figure. I think the Red
Dump route would serve the com-
munity at Hughes line and
beyond and thereabouts 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 Philips-
burg with less grade. Second, this
route would be much warmer, road
and less liable to drift in winter.
third, in my judgment it is a nearer
route - I think the Red Dump route
will serve the ^{of the people} needs of Keystone Hill
and Gearhart with equally as well
less the difference in distance, while
while the difference of the construction of
the two routes would be in my judge-
ment 1635.⁰⁰ dollars in favor of the

Red Dump south.

Cross Examined by Mr. Crosby,
I was one of the petitioners to vacate
the Buttermilk road and substitute
the Red Dump road. There were
thru 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 bidding. I made the calcu-
lation 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 hauled the number
of cubic feet of ditching to be
done the number of thousand
feet of lumber to be used or any
other calculation in my head ^{and}
every time I go over it I can see

more money in & at that price. I made the calculation of the Butternuth route in the same manner and every time I go over that it looks bigger. To Philipsburg, by the red dump there are three hills by the Butternuth route there 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 Dump road. I have traveled over both routes to Philipsburg ^{and} the hills are steeper and larger on the Butternuth 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 Dump to Osceola Road —

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

Levi Goss

James Cotter being produced
sworn & examined deposes and says
I live in Secatur Township. my
age 44 years.

I was over the route of these
two roads. I have heard the tes-
timony, and figures given therein
~~given~~ by Mr. Oraine 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 this 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
Route would be about \$400,000 dollars.

The Butternuth route would cost
about 2700,000 dollars, I think the
Red Dump line would serve the needs,

of the people ~~at~~ in the community
in the neighborhood of Hughes line
better than the Buttrworth route.

The miners and others working
and living at the ~~series~~ in Hughes
line could reach Keystone hill and
Gearhartville as easy via Red Dump
~~or~~ by the way of Buttrworths gate

The people coming to Philipsburg
from that community can reach
there more easily by Red Dump
route than by Buttrworth route
The General community will be better
served by the Red Dump route
While the difference in cost would
be approximately from 21 to 2400.⁰⁰
dollars. I am a tax payer in the
Township

Boas examined
I was one of the petitioners to vacate
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

many measurements were made -
I do not know the distance from
Hughes line to the Red Swamp -
I do not know the distance of the
swamp by the the red swamp I do
not know the distance from Buttern-
worths gate to Hughes line nor the
length of the swamp to Hughes line
Nor the number feet of fill. 15 1/2 feet
in the first grade, I don't 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 Butternworths 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 C. Cates

Redirect

I saw the book containing the figures

which I testified to, was present with Mr Craine 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 Buttrworth route

Re Cross Examined
I did not see all the figures that were put down -
Yours truly
James C. C. C.

Joe Wright, being produced sworn and examined deposes 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 Rick Hays, A Craine Jesse Owens Jr, Cotten, Levi Goss & Jos. Goss. - I carried the lead end of the tape. So far as I know the measurement given in testimony given by A Craine

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

The cost of Red Swamp route in my judgement would be about \$400.⁰⁰ dollars, The Butterworth route about 2500.⁰⁰ dollars, either route would accomodate the Community, either route would accomodate the people who desire to come to Philipsburg. I dont 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 tally's from them and made Calculations of my own which corresponded with their Calculations. I did not count the Cubic yard of earth or Stone to be moved to make the road. The estimate of the cost of both roads is only a matter of opinion and not of Calculation. I dont whether the Butterworth road would give the

family in the hollow or not.
J W Wright -

I Henry Craine, being produced
sworn and examined deposes
and says I live in Decatur
Township. I am 36 years old.
I was with the party who passed
over these two roads routes - We passed
over the route April 16/94, I done some
of the work. On the red dump route
I staked the piers for NewBright
on the Putnam route I leveled
the grade. I did not make any
of the entries in the book but saw
them entered by A Craine 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 Craine and Levi Goss. It is
correct, to the best of my knowledge
either route would accomodate
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
route - I would not enter into a

Contract to build the Buttrworth route
~~for~~ ^{for} \$6,000 a rod. The community
 would be fully served in the way
 of accommodations to Philipstun
 by the Red Dump route, they would
 also be served equally as well
 to Keystone Hill and Parkhurstville
 excepting to those two points the
 road would be 1460 feet longer
 I would say the red dump route
 could be constructed for one sixth
 the expense of constructing the
 Buttrworth route

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

Richard Hughes, being produced sworn
 and examined depneth and says
 I live in Decatur Township I
 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 cant say
 that I desire the construction
 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 Philips
burg There is eight or nine families
living about Hughes line outside
of these no person can be accommodated
by either road without trespassing
on private property I would
go into an agreement with the Super-
visor to build the Redump road
for \$400.00 dollars I would not under-
take to build the Butterworth road
I told the men when they were
surveying it that I would not
build the Butterworth road for
twenty five hundred dollars
I suppose either route would
accommodate the people at Key-
ston hill and Gearhartville going
to and from Hughes line an ^{an} vicinity

Cross Examined
I do not desire either of these roads
made. I think I was one of the pete-

tunes to supply the road by way
of red dump. From Joe Hughes
line to the red dump the road
runs through Joe 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
Joe Hughes' land.

R. Hughes

Jesse Owen being produced sworn
and examined deponent and says
I live in Decatur Township I am
fifty five years old. I was with
the party who passed this two routes
I do not know anything about the
figures. I would think four
thousand dollars would make
a good road on the Red Dump route I
know but little about making roads.
The other route is so rough and rocky
I would not run they could make a
road up there. I would think
the community which either of these
roads accommodate would be as
well served with one road as the other
I would think the same as to people

going to Philipsburg Keyston hill
or Garhartville excepting the
difference in distance to the two
later points

Jesse Owens.

RULE TO TAKE DEPOSITIONS.

Clearfield County, ss:

In re Petition
of Proctor Supple
VERSUS:
Public Road in
Seatonsburg

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

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 Petitioner enter a Rule to take the
Depositions of ancient, infirm and going witnesses, to
be read in evidence on the Exonerary of
this case. Ex parte Rule of Petitioner on
6 days notice.

D. J. Gingery
Prothonotary.

To Mrs Crosby, Esq.:

Atty for Remonstrants

You will please take notice that, in pursuance of the foregoing Rule, depo-
sitions will be taken before Mr E. Irvine, or some other
person authorized to administer an oath or affirmation in Pennsylvania, in
and for the county of Centre, at the office of Geo W Ziegler Esq
in the town of Philippen, 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

Geo W Ziegler
Atty for Petitioner

Now Apr 26-1894 Service accepted
William D Crosby

Wood
No. 4 May Term, 1883

versus

Deposition

of Witness on part of
DeLionero

Fees for taking Deposition, \$ 7.50

Filed 18

Frederic Mitchell
Prothonotary.
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~~s~~ thereto in my presence —

Witness my hand and Notarial seal, *Jm B. Irwin*
Notary Public

1

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

We, the undersigned Viewers, Ap-
pointed by the within Order of Court:
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 that do return the following
Road to wit:

Beginning at a marked white Pine
stump by the Township Road leading from
Bearheartville to Oscola, near the "red dump" in
Decatur Township, in land belonging to James
Higgins. And running through his land,
South forty five degrees west, Crossing the line
of said Higgins, 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 sixty 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 Part 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;

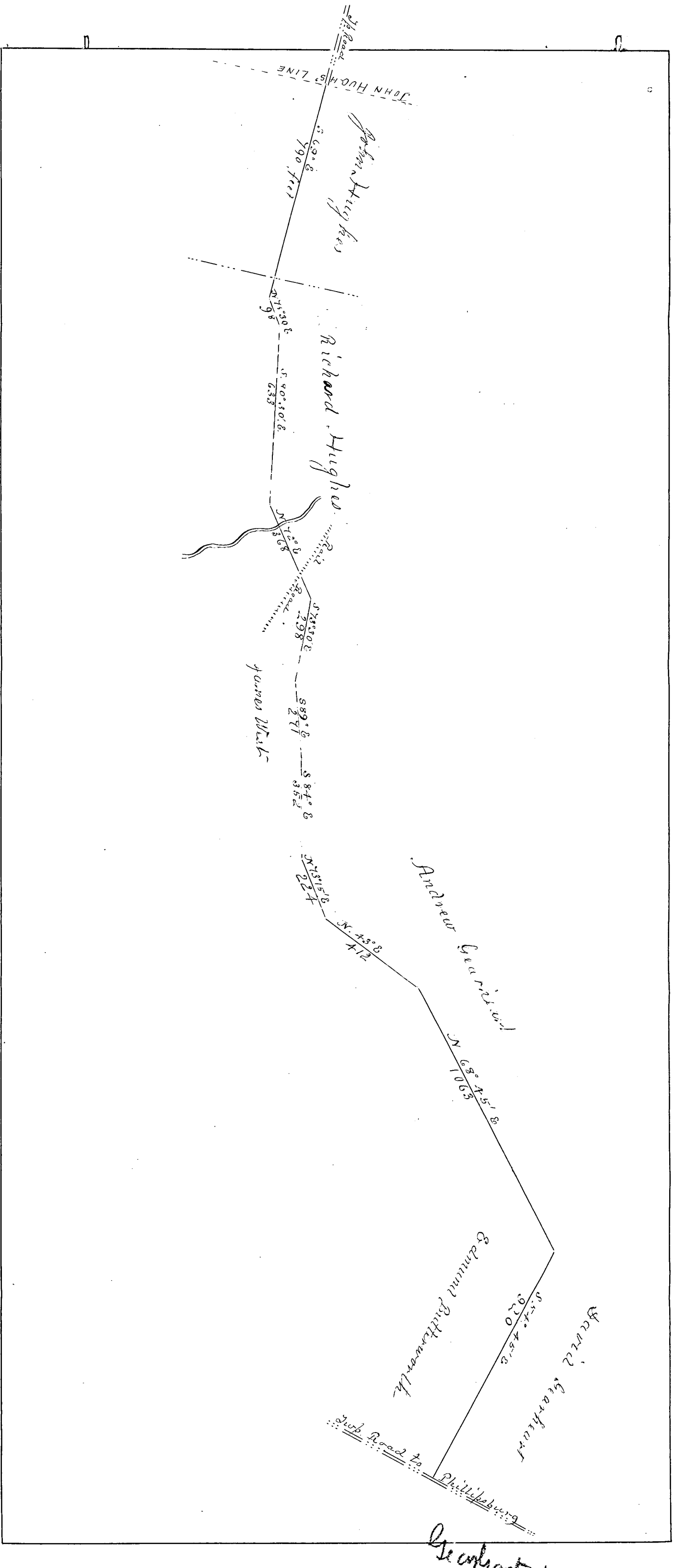
Beginning at the end of the road as now opened. at the Terminus of our new

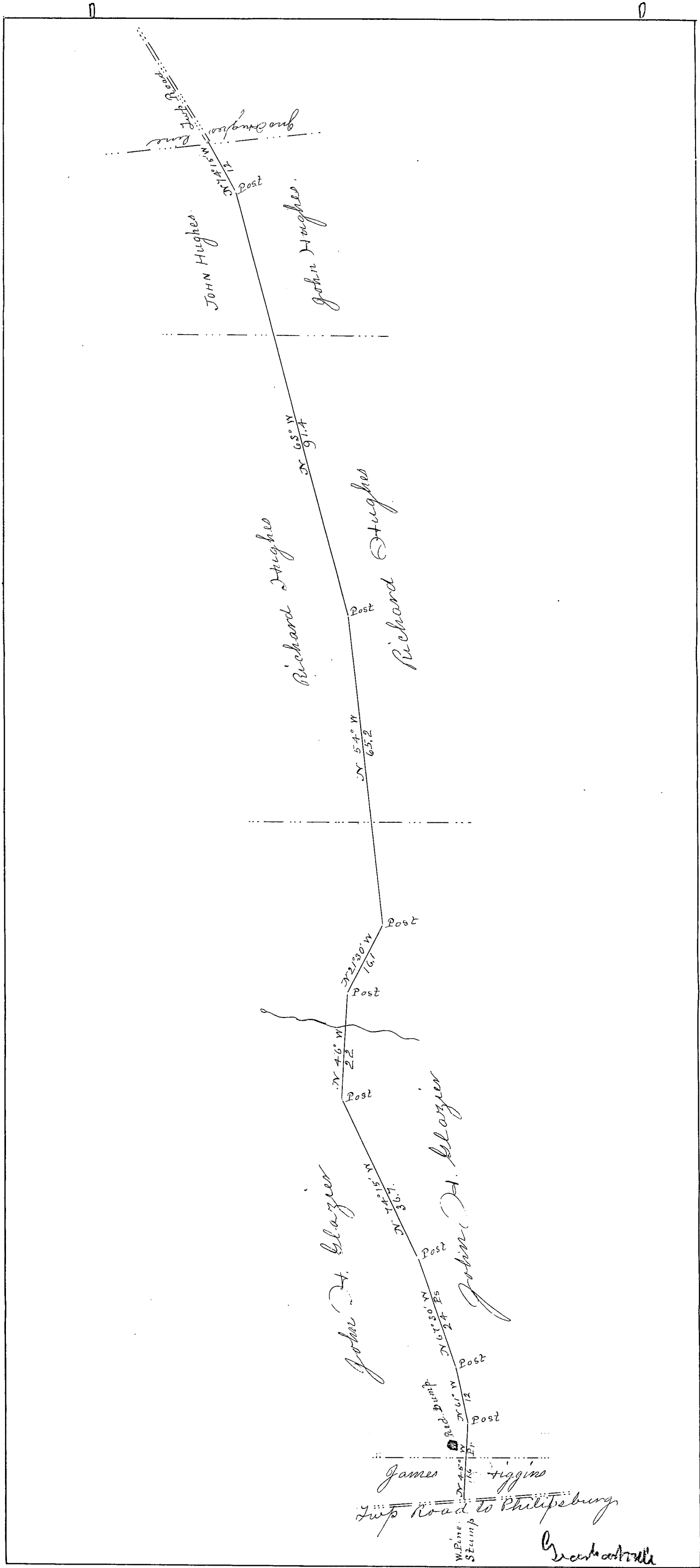
road by John Hughes' line, and running
through his land, and land of Richard
Hughes, South fifty nine degrees east.
Seven Hundred and ninety feet more or
less. North seventy five and a half degrees
East ninety eight feet. South eighty
and a half degrees East, six hundred
and thirty three feet. North seventy two
degrees East. Three Hundred and sixty
eight feet. Thence 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. Thence 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. Thence along the
line between the said Gearheart and
Butterworth, South fifty four and
three quarter degrees East. Nine hun-

and twenty feet to the Township
road leading from Gearheartville to
Osceola. At Butterworth's Gate. This
road is represented by the accompanying
draft in red ink 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

B. J. McClosky
James Savage
Mitchell Shope } 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 Decatur

, in said county, setting forth ~~that~~ first that by proceedings in your said Court to wit 12 Sept 88 1892 a public road was laid out from a point near School house on public road leading from Philipsburg to Osceola via Fichtown in Decatur Twp and to end in the public road leading from Fichtown to Osceola at a point near Butterworths Gate in Decatur Twp which said road was confirmed absolutely at the Feb'y 88 1893, and an opening order is now in the hands of the Supervisor of said Twp 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 Twp 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 Edwin Butterworth by a new location running from said John Hughes line to a point on public road leading from Fichtown to Osceola or on 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 locate that portion of the said road leading from the line of John Hughes property eastward through the properties of Richard Hughes, Andrew Gearhart and Edwin Butterworth to a point designated as Butterworths Gate on a public road leading from Gearhartville to Osceola and supplant 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 Osceola at or near what is known as the Red Dump belonging to Messrs 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 D. 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

^{and vacating & supplanting the same} for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such ^{vacating & supplanting} 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.

D. J. McCloskey
Clerk.

RELEASE OF DAMAGES.

Know all Men by these Presents, That we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes, for and in consideration of the sum of ONE DOLLAR to us respectively paid by the at and before the ensembling 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. Glavin the sum of Twenty five Dollars 25.00
To Richard Hughes the sum of One hundred dollars 100.00
To John Hughes the sum of Twenty five Dollars 25.00
Witness our hands this 7th day of June, A. D. 1893.

L. F. McCloskey
James Savage
Mitchell Shope

Record,

NO. 14 MAY SESSIONS, 1893

ORDER

To view and lay out a road for Public use in the township of Decatur, Clearfield Co.

Sept Sessions 1893, read and confirmed N. S. 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. Court directed to be placed on the original Remonstrance By the Court

Filed 9 June, 1893

Fees \$1, paid by a08msh

PUBLIC SPIRIT PRINT.

a o Sunk

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.	
E. J. W. G. Loster	Days 2	Miles 26810.60	
	Miles 26810.60		
Acum	Days 1	Miles 204.00	
	Miles 204.00		
Michael G. Loster	Days 1	Miles 204.00	
	Miles 204.00		
Levi G. Loster	Days 1	Miles 150	
	Miles 150		
John H. Loster	Days 1	Miles 150	
	Miles 150		

In the Court of Quarter Sessions of the
County of Clearfield.
Duke Petition } to 14 May 1893.
of {
for public Road }

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

John R. Hughes

C. D. Beveridge

Thos. Bateman

Thos. Wood

Joseph Berna

Anthony Berna

Nicholas Perkins

Robert Smilie

George Sharp

James Beveridge

George Radford

Henry Walker

Harry Wood

John Richardson

A. W. Hughes

R. Hughes

B. F. Hughes

John J. Ashcroft

R. H. Ashcroft

R. J. Hughes

Hugh Philips

Ed. G. Hughes

Peter G. G. J.

Peter Latz

J. J. Thomas

Charles N. Jones

Dave McLean

Wm. J. Jones

Wm. J. Jones

Wm. J. Jones

Wm. J. Jones

Wm. J. Jones

Thomas Gemmell

John D. Smith

Wm. J. Jones

John Brown

John L. Brown

John L. Brown

John L. Brown

John L. Brown

John L. Brown

John L. Brown

John L. Brown

John L. Brown

Walter Dwyer

James West

Alfred J. Johnston

Thos. Ashcroft

Frank Walk

Recd
No 14 May 11 1893

FILED. OCT 5 1893

Bee

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 Bishtown 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.

- 1 B. F. Smith
- 2 B. Hughes
- 3 James Cotte
- 4 Catter Reed
- 5 Hugh Philips
- 6 J. H. Burns
- 7 Edward Hutton
- 8 James Haskins
- 9 Henry Loring
- 10 H. H. Speddy
- 11 John Hutton
- 12 John S. Camp
- 13 J. M. Hughes
- 14 R. Hughes
- 15 W. H. Hutton
- 16 J. A. H. Hutton

Names.

- 18 Abner H. Hutton
- 19 John H. Hutton
- 20 J. H. Hutton
- 21 J. E. Hutton
- 22 E. Hutton
- 23 J. H. Hutton
- 24 J. H. Hutton
- 25 J. H. Hutton
- 26 J. H. Hutton
- 27 J. H. Hutton
- 28 J. H. Hutton
- 29 J. H. Hutton
- 30 J. H. Hutton
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- 37 J. H. Hutton

NO 14 May 7 1892

Petition to build and

locate ~~road~~ ^{road} a road
leading from the Hughes
property in Decatur back to
public road from Cambridge
to create near Williams gate
and supply same by road
from the Hughes property
to public road between
Cambridge & Decatur at
or near the Red Bank
in Decatur Co. —

Answer May 12, 1903. d. 7.

Milkeny, James, Decatur,

Mitchell, Shapra, Decatur,

Decatur to Republic State Decatur

1903.

By M. Court.

to be. The Superior courts to
decide the opening of the public
road laid out under laws in force
on these petitions By M. Court
Decatur May 1903

Attorney at Law,
ALEXANDER O. SMITH, 1894
CLEARFIELD, PA.

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