

In the Court of Quarter
Sessions -
No 7. Feb'y SS. 1844

Petition to View
and Vacate Public Road
- ⁱⁿ
Lawrence Township.

W. 342 - Page 52

Depositions of Petitioner

Fees for taking dep. \$10.00

RELEASE OF DAMAGES.

Know All Men by these Presents, That we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of ONE DOLLAR to us respectively paid by the at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed; and do hereby remise, release and forever quit-claim to the said all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or recieve 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.

ASSESTMENT 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	G. L. Read	the sum of	20 ⁰⁰ / ₁₀₀
To	F. M. Cardon	the sum of	12 ⁰⁰ / ₁₀₀
To	A. L. Snyder	the sum of	15 ⁰⁰ / ₁₀₀
Witness our hands this		Day of	65 ⁰⁰ / ₁₀₀
Dan R. Muller		#12186	
Francis Snyder		#11991	250. =
Dan Welch		#11992	100. =
			462

, A D. 189 .

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 27th day of February, A. D. 1894, before Judge of said Court, upon a petition of sundry inhabitants of the township of Lawrence, in said County, setting forth that

They ~~set forth~~ ^{request} ~~incommodious~~ ^{inconvenient} for want of a public road to begin at a point in public road near the End of the Iron Bridge across the Susquehanna River at the upper end of the Clearfield in Lawrence Township, Clearfield County, Pa. to End where the other road intersects said public road at or near the farm of M. B. Whites in Lawrence Township and to inquire of and Vacate that portion of road leading from Clearfield to Blooms Bridge now in use lying between the two points where the proposed new road road mentioned intersects the same

and therefore praying the Court to appoint proper persons to view ^{Vacate} and lay out the same according to law, Make Report at May 1894

whereupon the Court upon due consideration had of the premises, do order and appoint Geo C. Cook Robert Stewart Louis Goss

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 ^{Vacate} 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 land said road may pass, or failing to procure such re-

leases, 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 land 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. G. Singery

CLERK.

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

In the matter of the road recently laid out from the Iron Bridge above Clearfield to where the Antez road intersects the road leading from Clearfield to Bloom's Bridge. No. 7 Feb. Sess. 1894.

To the Honorable Cyrus Gordon, Judge of the said court.

The undersigned citizens and tax payers of Lawrence Township, Clearfield Borough, and West Clearfield Borough, respectfully ask the Court to confirm the above stated road absolutely for the following reasons:

1. Because we believe that the said road as laid out is the proper location for the same.
2. That if constructed as located will serve the public better than any other route, and that the same can be made for less money than other proposed locations.
3. That since the construction of the public road on the west side of the river to Curwensville, the traveling public will not use the road on the east side of the river in going to Curwensville.

We, therefore request the court to confirm absolutely the said road.

James Mitchell

G. S. Reed

Robert Boyd.

M. S. Ames

W. L. T. T.

Alfred Graham

D. R. Fullerton

W. L. T. T.

W. L. T. T.

John A. Reed

J. S. Reed

J. L. McPherson

W. P. Waspitz

R. S. Shackman

W. L. T. T.

W. L. T. T.

W. L. T. T.

James Mahaffey

John Vaughan

Harvey Wilson

W. L. T. T.

W. D. Garrison
Peter Gearhart
Wm. Law Lead
W. D. Gates
J. M. Ferguson
A. C. Read
H. A. Read
Alex Read
Miles Read
Amison, A. King
L. B. Kelly
Joseph B. Read
Mm. J. Milligan
Wm. R. Milligan
Charles M. Bost
James Dougherty
Harry Dougherty
C. Schip (son)
M. C. Schip
Thomas M. Devitt
Hugh Dougherty
Taylor Brown
Samuel Brown

John Lytle
G. W. Bowles
J. S. Maury
M. S. Read
Fred. D. Dorn
A. B. Read
G. C. Little
Lewis A. Dorn

In Court of Sessions
No. 7 Feb. 5, 1894

Read from the
indictment against
the defendants

Read for the
prosecution.

Filed 10 Dec 1894

D. J. Gering

OSCAR MITCHELL,
Attorney at Law,
CLEARFIELD, PA.

In the Court of Quarter Sessions of Clearfield County.

In the matter of the Public Road leading from the Iron Bridge above Clearfield to M.G. Antes' barn in Lawrence Township. No. 7, February Sessions 1894.

TO THE HON. CYRUS GORDON, JUDGE OF THE SAID COURT.

The petition of the citizens of Lawrence Township, Pike Township, Clearfield Borough, Corwensville Borough, and West Clearfield borough, respectfully represent:-

That several weeks ago a remonstrance was presented to us ~~remonstration~~ against the confirmation absolute of the said public road from the Iron Bridge above Clearfield and ending at the Barn of M.G. Antes, being road No. 7. Feb. Sessions 1894. That when your petitioners signed the said remonstrance the facts said to be contained in the said remonstrance ~~were~~ misrepresented to them, and that they would not have signed said remonstrance had they known what it contained, nor would they have signed it had not the facts been misrepresented to them, nor do ~~they~~ believe the facts set forth in the said remonstrance to be true.

Your petitioners ask that your Honorable Court confirm said road absolutely as they are of the opinion that the same as viewed is the proper road to be confirmed by the said court.



L.C. Lanich
G. Chap. Hall
G. W. Gearhart
Simon Hinchberger

Wm. B. Chaney
J. D. Wright
W. H. Radabaugh
J. L. Galt
A. H. Lott

Marshall & Shiry
H. B. Brown

Matt Savage
Lewis B. Brown
John J. Brown
J. H. Brown
H. B. Brown
H. B. Brown
W. P. Smith

James Carns, supervisor
L. B. Hall

Joseph Barst
Wm. S. Milligan ^{in other petition}
Mealey R. Milligan
Charles M. Barst

James J. B. B. B.
J. D. B. B. B.
C. J. B. B. B.
M. L. B. B. B.
Austin B. B. B.
James B. B. B.
John L. B. B.
Mr. B. B. B.
Edgar B. B. B.
Leander B. B. B.

In the Court of Quarter Sessions of Clearfield County.
No. 7 Feby. Term 1894.

In re public road in Lawrence Township.

To the Honorable Cyrus Gordon, President Judge of said Court.

The undersigned residents of Clearfield County would respectfully remonstrate against the confirmation absolute of the report of viewers in said road proceeding No. 7 February Sessions 1894, and ask your Honor to refuse said confirmation absolute for the following reasons:-

First:- That there is no demand by the traveling public for a road where the viewers in said proceedings have located said road.

Second:- That the opening of the said road would put upon the taxpayers of Lawrence township an unnecessary burden and expense ~~which~~ which would be entirely out of proportion to any benefit secured to the public.

Third:- That said road as laid out runs in close proximity to the Tyrone & Clearfield R.R. for nearly or all the distance of said road, and does not avoid any of the alleged danger in driving the road vacated by the viewers in said proceedings. The remonstrators hereto would prefer to drive the old road to the one laid out by said viewers, and we consider the old one no more dangerous than the new one ~~is~~ laid out.

Fourth:- That if a new road be necessary in that part of Lawrence township, it is not necessary where this road is laid out, but ~~that~~ that it should back and away from the aforesaid railroad altogether.

Fifth:- That viewers were appointed at May Sessions 1894 by ~~your~~ your Honor to view and lay out a road for public use from a point in Reedsville to a point at Alexander Spackmans' farm in Lawrence township; and in the opinion of your remonstrators this is the road that should be opened, if any, and not the one laid out by the proceedings had to No. 7 February Sessions 1894.

Your petitioners respectfully pray your Honor to refuse the confirmation absolute of the report of viewers in No. 7 February S.S. 1894.

And we will ever pray, &c.

List of some of the names.

W.W. Betts,	J.F. Weaver.	G.S. Etla	Jos. P. Chase
C.E. Hoover	F.T. Owens	Isaac Stage	Henry Gulich
A. Draucker	H. Kerns	Daniel Faust	I.B. Norris
Jeff Bloom	J.D. Wright	I.W. Hancock	M.E. Layhead
W.R. Condo	C.B. Norris	Apgar Bloom	J.M. Ardry
Joseph Borst	Z.L. Hartshorn	Samuel Brown	John Lytle
William H. Thompson		Jos. H. Bowles	Job Bowles
Rube Thompson		M.E. Owens	John I. Bloom
C.M. Bloom	E.L. McCloskey		J.M. Chase Jr.
W.H. Padebaugh		W.M. Wright	W.R. Mullen
Charles McLaughlin		M.E. Mullen	F.I. Thompson
T.W. Moore	Samuel Ardry	F.I. Thompson	Fletser Bailey
L. Shirley	J.B. Riley	T.E. Riley	L.C. Lanich
S.C. Stewart	M.H. Buchanan	L.C. Brown	J.L. Vohn
H.O. Bender	H. Souders	Tim Hennesy	A.P. Leavy
Geo. S. Gearhart		James Darns	A.A. Kelley
James Dougherty			
		A.B. Washburn	Harry Dougherty
Lavert Kelley		A.M. Aughenbaugh	
W.H. Read	Wm. P. Wead	C. Spackman	Ans. McDivitt
John McLaughlin		Lewis Dem	G.W. Ardry
Taylor Bloom	J.W. Thompson	Levi Powles	John Thomas
Allen Brown	William R. Morgan		D.F. Bloom
G.M. Bloom	Sumner Hoyt	A.W. Thompson	Allen Bowles
J.P. Read	J.M. Marshall	H.L. Orr.	G.W. Marshall

2.

C.W. Marshall
J.L. Cragle
L.L. Owens
J.F. Hess
J.F. Kramer
W.T. Spackman
Fred Sacketts

S.M. Fullerton
Dan'l Leipoldt
H.J. Brown
T.D. Ogden
Chas. Fullington
J.M. Rowles
G.W. Gearhart.

Thomas Mc.Pherson
C.H. Moore
Allen Orr
Geo. M. Dimeling
H.F. Thompson
Livingston & Co.

For Quater Sec.

Nov 7 5.00 8088 1894

~~Newport~~ ~~Proctor~~
Public Record in
Savannah Ga

Filed 10 Dec 1894

J. S. Sturges

OSCAR MITCHELL,
Attorney at Law,
CLEARFIELD, PA.

Clearfield County, ss.

The Commonwealth of Pennsylvania to *Wm. Tellinghuys, D.D. Esq., Clerk, M.D.*
Henry A. Shabazz, Esq., Attorney General, Harrisburg, Pa.

GREETING: You and each of you are hereby commanded, that setting aside
all manner of business and excuses whatsoever, you be and appear before the
undersigned NOTARY PUBLIC at the office of *H. B. Hardwick Esq.* in the
borough of Clearfield, Pa., on *Tuesday, the 28th day of November*
next, at *10* o'clock *A. M.*, there to testify the truth according to your knowledge in
a certain cause now pending in the Court of *Quarter Sessions*
Clearfield county, aforesaid, wherein *Certain Plaintiffs* ~~vs.~~ *vs. Defendants*
Plaintiffs and *Certain Defendants* are Defendants at which time
and place depositions will be taken by virtue of a rule issued out of said Court, to

be read in evidence on the *Argument* of
said cause on the part of the *Plaintiffs* Hereof
fail not under the penalty which may ensue.

WITNESS my hand and official seal, the *19th*
day of *November* A. D. 1894.

Thomas D. McManis
Notary Public.

RULE TO TAKE DEPOSITIONS.

Clearfield County, ss:

Five & Vacant
Public Road
various in
Lawrence Township

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

No. *7 February Session Term, 1894*

AND NOW, to wit, the *23rd* day of *Nov.*, in the year of our
Lord one thousand, eight hundred and ninety-four
the *Remonstrators* 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 *Remonstrators* on
for days notice.

D. J. Gurey
PROTHONOTARY.

To *Oscar Mitchell*, Esq.:

Atty for Petitioners

You will please take notice that, in pursuance of the foregoing Rule, depo-
sitions will be taken before *Howard B. Harbuck, M.P.*, or some other
person authorized to administer an oath or affirmation in Pennsylvania, in
and for the county of *Clearfield*, at the office of *Howard B. Harbuck*
in the *Township* of *Clearfield*, in the county of *Clearfield*
and State of Pennsylvania, on the *28th* day of *Nov.* A. D.
1894, between the hours of *10* o'clock A. M. and *6* o'clock P. M. when
and where you may attend and cross-examine.

U. C. Miller

Clearfield, Pa. *November 23rd*, 1894. *Atty for Remonstrators.*

Nov. 27, 1894 Service accepted
on this rule for petitioners.

Oscar Mitchell
Atty for Petitioners

In the matter of the Petition : in the Court of Quarter Sessions
: to VIEW, VACATE and SUPPLY : of Clearfield County
: Public road in Lawrence township No 7 February Sessions 1894.

Depositions on part of Remonstrators.

Depositions of witnessess called, sworn or affirmed and examined before me a Notary Public in and for said County, this 28th day of November A. D. 1894 by virtue of the attached rule issued out of the above entitled Court.

Appearances. For Petitioners, Oscar Mitchell, Esq.,

For Remonstrators. W. C. Miller, Esq.,

CHARLES FULLINGTON- produced and affirmed says:

I live in Clearfield Borough. My business is teaming. I am well acquainted with the present road that leads from the upper end bridge in Lawrence Twp up towards M. G. Antes's. It is a good road. It is a reasonable good road and not very hilly for this country. It is as solid and good a piece of road as I know of around here. I have not been on the ground to see exactly where the location of the new road is but I know about where it lays. (Witness examines draft as returned by the viewers) From an examination of the draft I am familiar with the location of the new road as laid out by the viewers. I do not think they could get a road through there without being more hilly than the present one and more difficult to haul a load on. I would think there would be one pretty good fill that would be at the Fullertons place. The grade would not be very bad at the Clearfield end of the road until you get to Fullertons. From Fullertons & I

think it would be a pretty heavy grade. Coming up from the other end at the Daniel Welsh property I think it would be a pretty heavy grade until you got to the top of the hill. I drive this present road considerable. I should not think there would be any necessity for changing this road. For my part I would rather have it the way it is for the amount I haul up it. I have been driving this road for 20 years I have hauled more or less over it. At present I have two teams. I do not consider this old road a very dangerous road. During the 20 years I have been driving this road I have never had any trouble on it. I suppose that the new road as laid out, part of the way would be the safest road and part of the way it would not be the safest. A part of the new road would be as dangerous as the old. The only place where any degree of danger would be avoided in building this new road would be where it runs through Mrs Snyder's land. That would result from it being back farther from the rail road. I have never seen any danger myself in traveling the old road through Mrs Snyder's land. I do not think the new road could be made as good a road as the old one. The new road through some places would be swampy or run through some swampy places. There would be two pretty large hills. I don't think I could haul as large a load over the new road as over the old unless they would cut right down and grade it. I can hardly tell what it would cost to cut this road down and grade it as the old road is but it would cost a good deal. They would have to cut it down pretty near as much as a rail road to get the same grade the old road is. If they have not got the same grade as the old road then it is not as good a road I should think that there would have to be culvert or fill of 20 feet at the Fullerton property to make the grade as good as the old road. I have never built any roads. There is a good deal of this new road that is up above the grade of the rail road. In

driving the new road & laid out the road above a passing train. There are places on the new road where it is close and above the rail road that are no safer one than the old road because of smoke will frighten horses in that position more than it will when they are on the level. From my experiences with horses I would rather meet a train on the level than to meet it and have my horses above the train. I have had horses and have them now that will scare quicker when above the train than when they are on the level. The pair of horses that I have now that does not scare at the train when meeting it on the level but does scare when it is on a hill above the train for the reason that the smoke comes up over and scares them. When you are meeting a train in that position and the smoke rolls up and strikes them there is certainly danger of their backing off of the road, right down on the rail-road. I would prefer to use the old road where it is in the future. The road is most always the best piece of road that we can drive out of town on. I have not seen very much work done on it and it is an easy piece of road to keep up. Can't say how long this road has been there. It was there when I came here 23 years ago.

CROSS- EXAMINATION:

My business is to handle and has been for 15 years. I have been driving team around town here for 27 years, my own team for about 11 years. I have had horses from the country that I have had to break to the cars. After I had them some of them generally became acquainted with the cars. I never had any accident with my horses on any rail-road. A man who is using horses all the time like I might be a little bit more practical handling horses than a man who takes a buggy ride once and a while. I suppose I would be more capable of handling horses around a rail road than those who are not so well acquainted with them. I am frequently over this road handling but can't say how

There is a small stream of water running down the road
on the left side of the road. It is a small stream
and it is not very deep. It is a small stream
and it is not very deep. It is a small stream
and it is not very deep.

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often in any one year. It must be a month since I was over the road
last with a team. I was over it pretty often before that hauling Mr.
Welsh's wood to the Toy Factory. I have not had much hauling over the
road at the ~~present~~ present time.
of descent there is from where the new road crosses the railroad at the
Hog's road down to where the public road turns into the iron bridge.
I should suppose that the level of the iron bridge is about the same
as that of the railroad. The present public road leading onto the
iron bridge is nearer the iron bridge, some nearer, than it is to
where the new road crosses the rail road. There are five railroad
crossings on the old road from the iron bridge to M. C. Bates's.

often in any one year. It must be a month since I was over the road last with a team. I was over it pretty often before that hauling Mr. Welsh's wood to the Toy Factory. I have not had much hauling over the road this summer before Mr Welsh's job, not near as much as sometimes before. I came on this road from Mr Welsh's job at M. C. Antes. The only recollection I have of hauling over this road this summer outside of Mr Welsh's job is that of one load to O'Shanter. I have hauled lots of can. can coal from O'Shanter over this road in preference to any other road. I dealt in the coal, bought it and sold it here in town. I have carried lots of lumber from town up onto the farm on the hills and have always used this road. There are two or three short steep hills on the road from Clearfield to O'Shanter by the way of M. C. Antes's. The grade of the new road from the iron bridge to the Fullerton run is not the same as the old road. You can scarcely haul a load ~~over~~ the railroad where the new road crosses it on the Boggs road. The reason is because it is too steep. You can't get up over it. This steepness could be prevented by a little filling. If you get any filling there you would find it would take a big deal of filling and a long way down before you would get any kind of a grade. I should judge it was something over 100 feet from the railroad to the road at the end of the iron bridge. I could not say how many feet of descent there is from where the new road crosses the railroad at the Boggs road down to where the public road turns into the iron bridge. I should suppose that the level of the iron bridge is about the same as that of the railroad. The present public road leading onto the iron bridge is nearer the iron bridge, some nearer, than it is to where the new road crosses the rail road. There are five railroad crossings on the old road from the iron bridge to M. C. Antes's.

I don't think there is much difference in the danger of the crossing on
of the old road as they now are. I consider the smoke from a train
more dangerous than the crossing of a railroad, if you are hanging along
a railroad. I consider that there is as much danger being along a
railroad as there is in going across the crossings. If you are on
the railroad when the train passes there is danger. If you are on one
side the railroad when the train passes there is danger. There is no
danger being run over by the cars if you are not on the railroad, but
if you are above the railroad and climb to it a team can back you off
onto the railroad over the bank and kill a man and team even after a
train passes. I can haul just as much coal from Clearfield by the
way of M. C. Ables to O'Shanter as I can in going from Clearfield to
Charlottesville in passing over the iron bridge. I can haul a bigger
load in going from Clearfield over the iron bridge up to Williams cor-
ner than I can from Clearfield by way of M. C. Ables to O'Shanter.
There is a square bluff now to get onto the railroad and it is steeper
than the ascent to get onto the bridge. In the shape it is now where
you cross the railroad on the Boy's road it is as steep as the Snows
Feed Hill on the O'Shanter road. The new road at the Fullerton run
can be made enough and cut enough to make it fully as good a grade
as the other hills and the road for O'Shanter. The new road after you
get up to the top of the hill from the Fullerton run is practically
level over the Snyder property. I think it would be a pretty heavy
grade from the Snyder property down to M. C. Ables. The reason that
I prefer the old road is that it is a level road and a solid road and
another reason is that it don't cost the company anything to keep it
up. This old road is on railroad ground pretty nearly all the way.
I have heard of one accident happening on this old road

CROSS EXAMINATION

Where the railroad runs through the cut above the iron bridge there is quite a lot of dirt left between the railroad and the river. You can see clear through the cut from just above the iron bridge up to the cut. On the other side of the railroad where the new road is to be laid out you can't see this. Neither can you from the new view see any where above the cut whether the train is coming. The new road does not cross the railroad after crossing at the Boggs road. Coming down I would not consider the new road any more dangerous than the old one but there is no use of making a new road to travel only one way. Going up I consider the new road a good deal more dangerous than the old one. I think it is a little safer where the township road runs alongside the railroad and don't cross than where it crosses the railroad and continues alongside the railroad. The old road as now located I consider a very dangerous road. I don't think it advisable to keep up the old road for all the expense it would be to make a new road away from the railroad. I signed the petition for the last view and I think I signed the new street and not this one.

RE-DIRECT

I think it would be very foolish for a township to spend their money to build a road where this one is and a little expense would make a good road away from the railroad.

J. R. Porter

*1 day
4 PM*

LEWIS QM:

I live in Lawrence township. I am Supervisor. The indebtedness of Lawrence township was for I should say would be about \$1100. or \$1200. I don't think they are financially in shape to build a road at present.

CROSS EXAMINE:

This is only the indebtedness as near as I can estimate without our wages. Last Spring they were in debt about \$600 without this new road across the river. The new road cost I think \$580.

~~Examination~~

Q. What was the distance the new road that you speak of building last summer.

Objection to as irrelevant and incompetent.

Ans. About 321 rods

RE-DIRECT.

I suppose there has been about \$50 worth of work on this road this year.

Lewis A. Jones

D. M. WELSH:

I live in Lawrence township. I own a farm in the township. This old road in dispute runs through my farm. I have lived there 30 years. Have always driven this road to and from Clearfield. It has always been a very good road. There is a heavy travel over it and a good many come that way. I do not think the new proposed road would be an improvement on the old one. The part of the ~~new~~ ^{old} road from M. C. Antes's up past Robert Boyd's is as dangerous as the part of the road attempted to be vacated. The three years I have lived up there during one year there was no work done on this piece of road, one or the other years it was very trifling, and the most of the work was done one last year. It has not been an expensive road for the township to maintain. If this old road was vacated I do not see that we would have any means of getting to and from my farm. There was a road there before the railroad was built and was changed when the railroad was built and has been there ever since.

CROSS EXAMINATION: I would think that the part from M. C. Antes to Boyd's is as dangerous as the other part. There are no crossings between the two points. From Ant's farm to the new bridge there are 5 crossings. I consider it as dangerous to drive along side of a railroad nearby as to cross and re-cross a railroad on a road that runs nearby the railroad. I was on a visit for the road from Ant's farm to the old Goodfellow bridge. I think part of it was on the same ground this new road is now. I think it was further back. I did not tell the reviewers that that road was laid out farther down towards the brow of the hill.

Question. Are you not one of the active men in the ~~road~~ view of the road from Bill Litz in Clearfield Borough to Alex Spackman farm?

Answer. I don't feel like answering this yes or no, but I am going to
 it out to the petition.

The man who named it never presented it to me to sign. Mr. Miller
 gave the petition for Mr. S. Bell who was Matt Henry's attorney and
 gave it to me and gave it to Mr. Snyder. I don't know who gave it for
 the offer to view I did not. I did not sign the petition when I had
 it because I am not personally concerned about the road
 now; Why were you active in getting out this petition and in giving
 it to M. L. Snyder if you were not personally interested in the road?
 Answer; It was beneficial to me in defending myself against this road now
 in question. Mr. Snyder and myself do not handle this new petition
 with the remonstrance against this road nor handle the new petition at
 all. This Litz-Spachman road would not be any particular difference
 to me it runs through my land and if it accommodates the public I would
 not oppose it. It is a fact that I have no interest in the new road
 further than opposing the road now in question. There would be no way
 for me to get out of my farm if this road was located except by a pri-
 vate road. I can not come out by the upper crossing and get on this
 new road.

FE-DIRECT:

I am acquainted with Mrs. Snyder's property. If this road is located
 she would not have any way of getting except right up a steep bank
 I suppose it is 40 feet almost straight up. It is a very steep bank.
 I don't know how she could make a road there that she could haul any-
 thing up.

RE-CROSS EXAM

They haul coal at present down this road of Mrs Snyder and haul empty wagons up. This is the about only way Mrs Snyder has of getting to the upper part of her farm. She could not have a private road up through my farm because if she got off of the rail road right of way she would get into the swamp. She could come down then on her own land to the Fullerton run and go on the new road there, that is if the new road is not raised there or filled. There would have to be a railroad crossing. This would be her only way of getting out.

L. M. Hines

Cleared Co. &c.

J. Howard B. Whitcomb. Notary Public

I, J. Howard B. Whitcomb, hereby certify that the witnesses whose testimony was taken by virtue of attached rule, were present, & sworn & their testimony reduced to writing at time.

Witness my hand & official seal this 28th November A.D. 1894

J. Howard B. Whitcomb
Notary Public

FE-DIRECT.

I am acquainted with the piece of road that runs from M. C. Whites and Bob Boyds. I think the piece along Bob Boyds is just as dangerous as these crossings below because the road is close to the railroad and a little bit above it. FE-CHO

FE-CROSS-

There are no crossings on the railroad from M. C. Whites barn up to Robert Boyds. I think it is more dangerous where there is a high bank and the railroad runs along below the township road, than where it crosses the railroad because the horses may back off and kill you even after the train is past. Just after where the old road crosses over the rail road at the Fullerton run there is an embankment 40 or 50 feet long over which a horse could back a run off into the river. I never heard of a team backing over there.

1 day

B. D. GULLICH.

I live in Leesville, near Clarksfield. My business is teaming. I have been teaming 26 or 27 years. I have called over the old road from the rail bridge to M. G. Antes. I find that to be a right good road. It is as good as any public road in the county that I know of. I am familiar with the location of the proposed new road. I don't think it would be as good as the old road. It would be a good deal steeper grade to haul over. I don't think they would have as good a road as the old road. The ground on the new road coming up from M. G. Antes across the Daniel Welsh property appears to be sandy. There would be three divides or hills on this new road. I would consider them pretty expensive to build. There is one hill below Cardons property, another on Fullertons and another on Mrs. Snyders. Near the Cardons property there would have to be about 18 feet from the base of the run, at the Fullerton there ought to be from 22 to 24 feet, at the Snyder property that would be a small one. I have driven this old road a good many times and never had any trouble with it. So far as the danger is concerned I would sooner drive the old road than to drive where the new road is laid out. In driving the old road I have been at Cardons mill when the train would meet me and my horses have scared more than that I would meet the train on the level. This is the only ^{hill} ~~place~~ on the old road. Part of the proposed new road is above the rail road.

CROSS EXAMINATION.

I never measured the depth of the bottom of the run to the top of the ground. Mr. Fords field near the Cardons property. It would take either a good deal of filling there or a pretty long

bridge. I would think the fill would have to 18 feet in order to make a good road. I suppose the ceiling of this room (W. C. Millers office) is 10 or 11 feet. It would take more fill there to cross the run than the height of this room. I suppose the railroad is in the neighborhood of 10 or 12 feet above this run. It is about 70 or 80 feet from the Cardons house front to the centre of the railroad. The new road comes in between the Cardon house and the railroad. I meant the 18 feet fill so as to get a grade to strike the hill on the other side of Cardons so as to get any kind of a road.

From the run up to Cardons yard on the North side of the Cardon property is where the fill ought to be. The new road according to the draft comes onto the old road. A short distance beyond the Cardon house that is the bed of the new road extends into the bed of the old road. Then the new road where it comes onto the old road beyond the Cardon house would have to be graded on to the new road. I think it would still require a 18 foot fill at the run. At the Fullerton run there ought to be a culvert and fill for 22 feet in depth to grade the road to and the road should still be graded down in the Fullerton fields. I dont think this would make the road quite a level, unless they graded it enough to make it level. I mean by the 22 feet of a fill not to make the new road quite as level as the old road. These depths I have given are for pretty near a level road providing sufficient grading is done on the hills. I did not make any of these measurements and the heights I have given are as near as I can tell. They are a mere guess that is I was there twice and looked at them and the figures I have given are an estimate. I mean by an estimate that I looked at the bed of the run and thought it would take as much of a fill as I have given.

The new road after it crosses the railroad at the Bogs fording

does not cross the railroad again at all. The crossing on the new road at the Bogg's road is less dangerous than where the old road crosses near the cut at the iron bridge. The new road then is less dangerous than the old road that is from the iron bridge to the Fullerton run. I don't see any difference between these two roads except that you can see the cars a little farther from where you cross the railroad on the new road than where you cross it on the old road. Frightening the horses by smoke along this part is just about the same. In my mind the new road from Fullerton run up to Antes barn is more dangerous by reason of cars than the old one. After you cross over the Fullerton run and get up on the top of the hill you can not see the cars on that is at least in places, I can not say as to all along. The reason I consider the new road more dangerous than the old road is that my team scares more from the smoke coming up above the railroad than from being alongside of the railroad. I consider the smoke from a railroad engine more dangerous than from crossing over the railroad. I discovered this fact from driving over the hill at Cardons and also from the road along our house on the C. & M. R. R. I mean the smoke as taken in connection with the noise of the train. Take a team on a hill with a train passing right under it they are more likely to scare on account of the noise and not being able to see the train. I swear that it is more dangerous to have a township road up above a railroad running alongside of it like this one does, than it is to have a road along side of a railroad track like the old road is crossing it 5 times ~~in about 3-4 of a mile~~ as the old road does in this case. I believe that the new road is more dangerous by reason of the cars to the traveling public than the old one is. I swear there is more danger when you are up above the railroad from having your horses frightened from smoke and noise of train than there is in crossing the railroad and

driving along side of it. ~~I dont know of any instances where there
has been any accidents from horses being frightened by smoke and
noise of passing trains where the township road runs along above the
railroad.~~

I know of no instances where horses have been frightened by smoke and
noise of the passing railroad train where the township road was above the
the railroad except when Taylor Bloom was on top of the hill and I
dont know whether the horses scared from the train or whether he was
running his horses in order to get away, ^{that is to get across ahead of the train} from the train. He was hurt
at the crossing, at the end of the cut

1 day

B D Gulick

W. A. SPACKMAN.

I live about 4 miles up the river in Lawrence township. I am familiar with the piece of road in dispute here, and drive it in coming to Clearfield. I am not familiar with the proposed location of the new road to take the place of the old one. From the examination which I have made of the draft I can tell about where the road is located if a road is to be made to take the place of this old one I do not believe this new road is laid quite in the proper place.

I think it should be a little further back away from the railroad.

If I understand it rightly this new road runs right over the hill from the Fullerton place close above the railroad and right along there up to Mr Anets's. I think in going up the hill from Mr Anets ^{through} ~~Mr~~ Mr Welsh's land would be quite dangerous to the top of the hill and then down this side to the Fullerton run. At the top of the hill I don't think it would be dangerous. These parts would be dangerous because these parts are too near the railroad and the rumbling noises and smoke would frighten the horses, being on the side hill. There would be danger of the horses becoming frightened and backing off there onto the railroad unless there were guards there.

CROSS EXAMINATION.

I would not say the new road would be less dangerous than the old road except for the crossings. I don't know how many feet it is from the railroad to the township road on the Welsh land. If the new road along through the Welsh property were made a good broad road there would be less danger of backing off and if proper guards were put up along there there would be no danger of backing off. I have one horse at home who is more afraid of the smoke and rumbling noise of the engine when above it than when alongside of it. When that

particular horse was frightened he tried to run away but I held him. That was on the cut hill above Cardons house. I have driven that horse down over that road for about once a month for over two years. During that time she frightened at the cars on that hill twice. That was the only times I ever met the train at that place with that horse alone. When meeting the train on the level the horse pays no more attention to it than she does to the wagon. I had an accident on the level part with the horse. Several years ago I met the train on the level at Mrs Snyders and she ran out in the field with me but did not do any serious damage. I dont think that a horse will frighten as much on the level with the railroad as they will above it. I am one of the petitioners for the road back from the railroad farther. I am on the remonstrance against this road.

W. A. Spalding

MILES. K. PORTER:

I live in Pike township. I am quite familiar with the old road along the railroad which is in dispute. I drive it a good deal in coming and going home from Clearfield. I think it is a dangerous piece of road from Antes down to the bridge. I have not been over the view of the new road but have seen the stakes as driving along. From examination of the draft I know about where the road is over the hill but have never been over the hill to examine it.

As far as the part over the hill is concerned the new road may be perfectly safe but from the Boggs road up to the end of the cut I think it is more dangerous than the old line in going up from Clearfield. In going up from Clearfield on the old road you can see the railroad for a long way and can see through the cut, but on the new road from the Boggs road to the cut the railroad makes such a circle that you cant see through the cut. In going up that way you cant see a train until it is right on you out of the cut and I think would be most dangerous especially at night.

If the road over the hill runs near the brow of the hill so the horse can see the train I do not think it would be as safe as farther back. If a new road be necessary I do not think that this proposed new road is located where it should be. I think the viewers made a great mistake by locating the lower end of the road from Fullertons down right along the railroad. If the township is going to the expense of building a new road I think it should be located away from the railroad when the main object of building the new road is to avoid the danger of the railroad.

CROSS EXAMINATION.

In Quaker Sessions

No 7 held Dec 1 1876

Westgate Public
Road in Lawrence Twp.

Reimbursement

Dec 5-

Atty. A. M. M. & Snyder

W. Miller
HOLMES & HARTWICK
ATTORNEY AT LAW,
CLEARFIELD, PA.

RULE TO TAKE DEPOSITIONS.

Clearfield County, ss:

*Detention by writ
vacate Public
Road in
VERSUS
Lancaster Town
Ship.*

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

No. *7* *Sub Sess* *Term* 189*4*,

AND NOW, to wit, the *15* day of *Dec*, 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 *argument* of
this case. Ex parte Rule of *Petitioner* on
five days notice.

J. J. Gering
PROTHONOTARY.

To *W. C. Miller*, Esq.:

Atty for Remunistrators

You will please take notice that, in pursuance of the foregoing Rule, depo-
sitions will be taken before *B. J. Chase Esq. M. P.*, or some other
person authorized to administer an oath or affirmation in Pennsylvania, in
and for the county of *Clearfield*, at the office of *Oscar Mitchell*
in the borough of *Clearfield*, in the county of *Clearfield*
and State of Pennsylvania, on the *22d* day of *Dec*, A. D.
18*94*, between the hours of *9* o'clock *A.*M. and *9* o'clock *P.*M. when
and where you may attend and cross-examine.

Oscar Mitchell
Clearfield, Pa. *Dec 15*, 18*94* *Atty for Petitioner*

Dec. 15/1894 I hereby accept service of this rule.

W. C. Miller
Atty for Remunistrators.

In the Court of Quarter Sessions of Clear-
field County.

No. 7 February Sessions, 1894.

In Re Public Road in Lawrence Township.

To the Honorable Cyrus Gordon, President Judge
of said Court.

The undersigned residents of the
County of Clearfield would respectfully remonstrate
against the confirmation absolute of the report
of viewers in said road proceedings had to No. 7
February Sessions, 1894 and ask your Honor to
refuse said confirmation absolute for the following
reasons: -

First: - That there is no demand by
the traveling public for a road when the viewers
in said proceeding have located said road.

Second: - That the opening of said
road would put upon the taxpayers of the
township an unnecessary burden and expense
which would be entirely out of proportion to
any benefits secured to the public.

Third: - That the said road as laid out
runs in close proximity to the Tyrone & Clear-
field R.R. for nearly or all the distance of said
road, and does not avoid any of the alleged
danger in driving the road vacated by the

views in said proceedings. The representatives
woud prefer to drive the old road to the one
laid out by said views, and we consider the
old one no more dangerous than the new
one laid out.

Fourth:- That if a new road be necessary
in that part of Lawrence Township, it is not
necessary when this road has been laid
out, but that it should be back and away
from the aforesaid rail road altogether.

Fifth:- That views were afforded at
May Session, 1894 by your Honor to view
and lay out a road for public use from
a point in Reedsville to a point at Alex. Shack-
maw's farm in Lawrence Township, and in the
opinion of your representatives this is the road
that should be opened, if any, and not the
one laid out by the proceedings had to No. 7
February Session, 1894.

We therefore respectfully pray your Honor
to give the confirmation absolute of the report
of the views in No. 1. Feb. SS, 1894.
And we will ever pray, &c.

Samuel Brown
James M. Smith
John M. Smith
William M. Smith
John M. Smith
William M. Smith
John M. Smith
William M. Smith

John M. Smith
William M. Smith
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William M. Smith
John M. Smith
William M. Smith
John M. Smith
William M. Smith

J. R. Miller
 Chas. H. Langdon
 E. B. King
 Amos Brown
 H. M. Cooley
 S. L. King
 May 10 + 2010
 B. Southwick
 J. B. Clark
 J. P. Eastman
 W. W. Spencer
 L. Spruce
 Samuel Warren
 J. S. Thompson
 S. M. Moore
 Grant H. Atwood
 R. L. Stevens
 W. L. King
 A. N. McKee
 J. M. Reiser
 A. M. King
 R. L. Stevens

T. Scott
 J. H. Smith
 L. Shivers
 J. B. Keitt
 F. C. Smith
 L. C. Larch
 W. H. Buckman
 Ed. Bicknell
 William Enches
 W. M. Mearns
 L. S. Briggs
 S. C. Brown
 A. L. Snyder
 C. C. Welch
 S. W. Anderson
 H. O. Bender
 H. Sanders
 Timothy H. Mearns
 John H. Mearns
 J. L. Leary
 Robert Porter
 M. R. Porter
 Geo. B. Hays
 S. L. King

J. F. Kingle
Homer Brown
Daniel W. Smith
L. E. Guelich
Gust. Barnett
Bill Johnson
Geo. D. Lipson
A. J. Yegor
B. J. Clark
J. H. McGrey
Holl. B. Lee
W. S. Davis
H. J. Burton
Alvin Dyer
L. E. Hess
L. J. Ogden
Geoff. Krimling
J. F. Kramer
Chas. Fullington
H. G. Thompson
W. M. McCool
W. S. Spackman

James Mahaffey
J. M. Brown
A. J. Mason
C. J. Morris
L. D. Owens
J. M. Brown
J. M. Rowle Jr.
J. H. Baumgardner
A. T. Livingston
Fried. Sacker
G. W. Harhart (354)

To the Honorable, the Judge within named: We, the undersigned, appointed by the annexed order do report; That in pursuance thereof, after having been severally duly sworn according to law, all the viewers appointed by said order, viewed the ground proposed for the within mentioned road, and we do agree that there is occasion for a road as desired by the petitioners, and that the same is necessary for a public road. And having had respect to the shortest distance and the best ground for such road, we have laid out in such manner as shall, in our opinion, do the least injury to private property, and as far as practicable agreeably to the desire of the petitioners, and do return for public use the following described road, to wit:— Beginning at a point in the public road leading from Clearfield to ~~Clearfield~~ ^{Blounts Bridge}, near the east end of the Iron Bridge, across the Susquehanna River, at the upper end of G. L. Reed's farm, in Lawrence Township, Clearfield County, Pa. Thence S. 48° 15' E. on the old "Bogge" road, and crossing the Tyrone and Clearfield R. R., 191 ft to a post, Thence S. 43° W., through improved lands of G. L. Reed, F. M. Cardon, A. L. Snyder, and right of way of said Tyrone & Clearfield R. R., 420 ft., to G. L. Reed and A. L. Snyder line, 495 ft to a post in the public road now in use, on lands of said A. L. Snyder, Thence S. 30° 45' W., through improved lands of said A. L. Snyder, and partly on the right of way of said Tyrone and Clearfield R. R., and on the public road now in use, 680 ft. to a post in the line between lands of A. L. Snyder and D. R. and Mary Fullerton. Thence S. 33° 45' W., through improved land of said D. R. and Mary Fullerton, 650 ft. to a post in line between lands of said D. R. and Mary Fullerton, and Frances A. Snyder, Thence S. 25° W., through improved lands of said Mrs. Frances A. Snyder, 963 ft to a post at fence. Thence S. 27° 15' W., still partly through improved lands of said Mrs. F. A. Snyder, and partly through wood land of Danl. M. Welch, 378 ft. to line between lands of said Mrs. F. A. Snyder, and Danl. M. Welch, 491.5 ft. to a Locust tree. Thence S. 28° 30' W., still

~~Start~~ through wood land belonging to said Danl. M. Welch, 785 ft. to a post in the Antes road, at its intersection with the public road leading to Blooms Bridge, near the barn of M. G. Antes, in said Township of Lawrence. Said road being at an elevation not exceeding five degrees, except at the Fullerton ravine, where it was not practicable to preserve it within that limit, but which, by grading and filling can be brought within the limit. And we further report that we have enquired and do vacate the following described public road, to wit: - Beginning at a point and place of beginning of the afore mentioned road laid out, in the public road leading from Clearfield to ~~Lawrence~~ Blooms Bridge, near the east end of the Iron Bridge, across the Susquehanna River, at the upper end of the G. E. Reed farm in said Township of Lawrence, Thence 32° W. on the ^{Public} road leading to the Bloom Bridge, via M. G. Antes, ~~578.8~~ ^{578.8} ft. to a point thence $S. 10^{\circ} 30' E.$, crossing the Tyrone and Clearfield R. R., 71 ft to a point in the road laid out, and being that part of the road vacated and marked on the annexed draft as "vacate No. 1." Then beginning at a point where the road laid out intersects the road now in use, on the line between lands of A. S. Snyder and R. R. and Mary Fullerton, thence $S. 52^{\circ} 30' W.$ crossing said Tyrone and Clearfield R. R., $290\frac{1}{2}$ ft. to a point Thence $S. 40^{\circ} 30' W.$, 495 ft. to a point, Thence $S. 30^{\circ} W.$, 280.5 ft. to a point, thence $S. 36^{\circ} 30' W.$, 198 ft. to a point, Thence $S. 10^{\circ} 30' W.$, crossing said rail road, 200 ft to a point, thence $S. 22^{\circ} 15' W.$, 274 ft. to a point. Thence $S. 25^{\circ} W.$, 290 ft. to a point, thence $S. 51^{\circ} W.$, crossing said rail-road, 132 ft. to a point, Thence $S. 25^{\circ} W.$, 452 ft. to a point, thence $S. 6^{\circ} E.$, crossing said rail-road, 119 ft. to a point, thence $S. 23^{\circ} W.$, 250 ft to a point at the intersection of the of the Antes road with the road leading to Bloom Bridge, which by reason of the laying out of the first mentioned road has become useless, and which is marked on the draft hereto annexed as "Vacate No. 2."

We further report that before the said view, public notice of the time and place of the meeting of the viewers was given by advertisement =

ments put up at the most public places in the vicinity, ten days before said meeting, - that personal notice was given to G. L. Reed, F. M. Cardow, A. L. Snyder, D. R. Fullerton and Mary Fullerton, tenants in common, Mrs. Frances A. Snyder, and Danl. M. Welch, and by written notice on Mess. Murray and Smith, solicitors, for the Penna. R. R. Co., and service accepted by them in writing, for the said Penna. R. R. Co., on Mch. 23^d 1894, owners of the land through which the the new road as well as the road vacated passes over, and also to the commissioners of Clearfield County, ten days before the said view, informing them respectively, of the time and place of the meeting of the view and assessment of damages. That at the time of the meeting of the said view, the following named owners of the land were present, and participated in the view, to wit: - A. L. Snyder, D. R. Fullerton, Mrs. Frances A. Snyder and Thos. H. Murray, Esq., Solicitor, for said Penna. R. R. Co., and

Blair, Superintendent of the Tyrone and Clearfield Division of the said Penna. R. R. Co., That at the time of the hearing of the owners of the land through which said road laid out passes, on the question of damages, the following named owners were present, to wit: - G. L. Reed, F. M. Cardow, A. L. Snyder, D. R. Fullerton, Mrs. Frances A. Snyder, and Danl. M. Welch, as also Jas. Read and W. J. Ross, County Commissioners of Clearfield County, Pa.. And we annex a plot or draft of said road laid out, stating the courses and distances, and noticing briefly the improvements through which the same passes, and also a description and draft of the road vacated.

✓ We further report that we endeavored to procure from all the owners of the land over which said road passes, releases in writing of all claims to damages that may arise from opening the same, that we failed to procure releases from G. L. Reed, F. M. Cardow, A. L. Snyder, D. R. Fullerton and Mary Fullerton as tenants in common, Mrs. Frances A. Snyder, Danl. M. Welch, and the Penna. R. R. Co., and therefore, having taken into consideration the advantages, as well as the disadvantages, to be derived to the said G. L. Reed, F. M. Cardow,

A. L. Snyder, D. R. Fullerton and Mary Fullerton as tenants in Common, Frances A. Snyder, and Danl. M. Welch, and the Penna R.R. Co., from the road passing through their lands, respectively, we have assessed the damages sustained by the said G. L. Reed, at Twenty Dollars, and the damages sustained by the said F. M. Cardon, at twelve dollars, and the damages sustained by the said A. L. Snyder, at fifteen dollars, and the damages sustained by the said D. R. Fullerton and Mary Fullerton, as tenants in common, at sixty-five dollars, and the damages sustained by the said Frances A. Snyder, at Two hundred and fifty dollars, and the damages sustained by the said Danl. M. Welch, at One hundred dollars, and that no damages are sustained by the said Penna. R. R. Co., by reason of said road passing over their right of way, and of the opening of the same.

Witness our Hands this ^{Sixty,} ~~fifth~~ day of April A.D.
1894.

Geo. C. Kirk }
Levi Gass }
R. S. Stewart }
J. C. Stewart }

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.

Geo. C. Wink	Days 4	Miles 2.3	2.30
Robt. S. Stewart	Days 2 1/2	Miles 1.3	1.30
Levi Boss	Days 2 1/2	Miles 1.8	1.80
	Days	Miles	
	Days	Miles	

Now 15 Sept 1894 at 10 o'clock
spearing that at the time
this report was confirmed
absolutely but 7 Sept 1894
a Remonstrance against
the same was
filed and confirmed
so hereby thickened
By the Court
Cyrus Gordon
P D

No. 7 Spring Sessions, 1894

ORDER
Vacate

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

May 12th Sessions, 1894
read and confirmed N. S.

Road to be opened 33 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

By the Court
Cyrus Gordon

2 Sept 1894 Confirmed
absolutely. costs & dam-
ages to be paid by Clear-
field County.

By the Court
Cyrus Gordon

Filed 28 April, 1894

Fees \$1, paid by Mitchell

D. J. Gering

Now 12 Aug 1895 after argument, and
carefully considering the Remonstrances filed
and testimony taken the Report of viewers
is confirmed absolutely. Costs and dam-
ages to be paid by Clearfield County -
By the Court
Cyrus Gordon

Recd. of Gm. orders #11991 & 11992 for
damages of Mrs. Snyder & Dan Welch
Oct. 19/1895
W. C. Miller, Atty. for
Frances A. Snyder & Dant.
W. Welch.

Received Dec 29th 1994 of
Oscar Mitchell Esq. Ten
Dollars, in full for taking
Depositions in No 7. Feb'y 23, 1994
on part of Petitioner
\$10 00

B-F Chase -
Notary Public

J. Blair Reed produced and sworn on part of petitioners for the road says; - My age is 38. Reside in Lawrence Township Clearfield County.

I am acquainted with the road as laid out by the view from the iron bridge above town to M. G. Antes' barn in Lawrence Township, being No. 7. February Session 1894. I was over this road as laid out a week ago to-day. The depth of the fill would be 14 feet to the top of the rail on the rail-road and I think that would be high enough for the road. It is from the sod, and it would be as low as the top of the pipe that would have to be put in. I would call this a narrow ravine for the distance of 14 feet down. I would suppose there would be about 12 feet of this ravine that would have to be filled, to the extent of 14 feet. There will be a cut in the road in the Fullerton

field to fill up this ravine. By cutting and taking the fill from the Fullerton field and raising the culvert up to the railroad I think it would make a very moderate grade for the road. It would need a fill at the Cardon house of 6 feet 10 inches. You would have the material right close by in grading the road just beyond Cardon's house to make this fill with. It would make just such a grade as there is now on the old road. I saw the measurements made at these places, took the notes and looked over the level. With proper filling and proper guard these two points can be made reasonably safe as to the railroad. Just where you cross the railroad at the Fullerton run going toward M. G. Antes the road is just 8 feet from the ties to the bank of the river. I did not measure

the depth at this point but
 I would say it was about
 22 feet perpendicular to the
 low water mark. The bank
 is steep. The condition of
 this bank 85 feet from this
 point toward M.G. Autes is,
~~25 feet from the outer edge of~~
 extending a line horizontally
^{25 feet}
 from the outer edge of the road
 to the edge of the water in
 the river, ~~25 feet. It is is 13 1/2~~
~~feet.~~ The distance is then
 13 1/2 feet perpendicular to the
 water. This line I speak of
 is horizontal with the road.
 Two hundred feet from this
 crossing the width of the
 road from the outer edge
 of the ties to the bank of the
 river is 37 feet. I saw
 these measurements made.
 I went over this road from
 the Fullerton run to where
 it intersects the Autes road
 at the M.G. Autes barn.
~~From the brow of the hill~~
 From the time you go on to

the cut beyond the Fullerton run you almost immediately lose sight of the cars until you get opposite Mrs. Snyder's where there is a ravine. At this ravine ~~the road is~~^{the road is} about 200 feet from the railroad. This road has a moderate grade from in Mr. Welsh's field down to where it intersects the Antes' road at the M. G. Antes barn. I consider the road from the M. G. Antes barn down to where it intersects the Boggs road safe, that is for my own driving and I expect to drive it if it is made. The road is located upon ground on which a good road can be made. I do not consider the old road between these two points safe. I consider the safest place on the old road on the hill between the Cardon and the Fullerton run. I have been on this hill once or twice when the train passed, my team stayed there

and I don't remember of having any trouble with them. If this new road were built I would drive it more than the old one.

X Cross Examination

The distance from the top of the hill to the bottom of the run was not measured on either side of the Fullerton ravine. From the bottom of the run to the top of the hill in the Fullerton field I would suppose it was a distance of 60 or 70 feet. On the north side of the ravine from the bottom of the run to the top of the hill I would suppose it was about 35 or 40 feet. From the top of the hill on the north side of the ravine to the top of the hill on the south side on a straight line I suppose is 75 rods. I did not measure this I am only guessing at it. The rise on the north side of the ravine ~~to the~~ from the bottom of the

run up to a point about on the level of the railroad is very steep. From that point on up to the top of the hill the grade of the present road. On the South side it is a gradual rise to the top of the hill. Following the surface of the ground to the top of the hill on the south side of the ravine I would say it was a distance of from 45 to 55 rods. In stating the distance from the bottom of the run to the top of the hill on the south side of the ravine as being 60 or 70 feet I meant a perpendicular line rising from the run to a point on a level with the top of this hill. Filling from a point as high as the railroad on the North side of the ravine on a level to the south side of the ravine I should think would be a distance of from 50 to 60 feet. There is water running down this ravine. Sometimes there is very little water in this

ravine and sometimes there is quite a good deal, but not much as compared with a creek or river. When it is at its highest it is what would be considered a fair sized run. East of the location of this road the country is two ~~large~~ hills and the water from these hills drains into this ravine. ^{When} this ravine has the largest body of water in it, it is probably 12 inches deep. ~~It is~~ Right where this road is located, the stream would be about 4 feet wide on the surface of the water. Two terra cotta pipes 12 inches in diameter would carry this water through. I don't know about the fall below but if the fall was sufficient one might carry it through. I am just guessing at this. I think terra cotta pipe would be sufficient to put in there under 14 feet of a fill. The length of the cut in the Fullerton field I suppose would be between 15 and 20 rods. The depth of the

cut I suppose would be from 1 foot to 6. The average depth would be perhaps from 2 to 2½ feet. At the Cardon fill following the lay of the land it is about 15 rods from the bottom of the ravine to the top of the hill on the south side of the ravine. It would be about 35 feet perpendicularly from the bottom of the ravine to a point on a level with the top of this hill. It would take 6 feet 10 inches of filling to make a good road of this. This filling would start from almost nothing at the bottom of the ravine and gradually widen out up to the top of the filling where it would be probably 40 feet across. The slope of the bank is not the same all the time and not regular. There is another ravine in front of Mrs Snyder. We made no measurements of this ravine. The ravine in front of Snyder is narrow and a very small stream of water runs through it.

I suppose it would take a
 filling of 4½ feet. If there
 were cuts on each side it would
 not take so much. From the
 bottom of the ravine up to the
 top of the hill on either side
 I think would not be over 4
 feet perpendicularly. Something
 like 12 feet across from the top
 of one hill to the other 4 feet
 from the bottom of the ravine.
 There is a stream of water in
 the Cardon and Fullerton
 ravine and I don't know
 whether there is in the Snyder
 ravine or not. I commenced
 driving this old road about
 25 years ago. Have been driving
 it more or less ever since
 less than more. I have
 another road leading from
 my place to Clearfield it
 is a good ^{road} except when muddy
~~and~~ ^{but} has a heavy hill to go
 up and go down in going
 to Clearfield. Since the rail-
 road was made I drive this
 road except when ~~it is muddy~~

I have a heavy load that I can't
 haul over the other hills. With
 a heavy load I drive the present
 road along the railroad. There
 are times when I have driven
 this road along the railroad
 in going from my place to Clear-
 field and returning home. ~~in~~
 I have driven this road along
 the railroad in going from
 my home to Clearfield and re-
 turning in preference to the
 other road when I did not
 have a heavy load and
 thought there was no danger
 of trains. I have driven the
 road along the railroad in
 preference to the other road
 because the other road was
 muddy. I have done this per-
 haps three or four times in
 a year. In driving this road
 I have taken the chances of
 meeting a train on this road
 in preference to driving through
 the mud when it was not
 train time. I always knew the
 regular time for the passenger
 and freight trains.

I don't remember of ever having met a regular train on this road but have met the gravel train. I never had any trouble when I met the gravel train on this road. I have gone and waited until the regular train had passed and followed it through. The closeness of the road to the railroad and the numerous crossings constitute the danger in traveling this road. I consider the crossings more dangerous than driving along side of the railroad. In coming from M. G. Antez to Clearfield there are three crossings on which I think you cannot see the train 40 rods away. The first one below Mrs. Snyder is not more than 15 or 20 rods away from the turn. From the 4th crossing you can see to the next crossing somewhere about 25 to 30 rods. The 3d. one you can see the train for nearly 40 rods. The other two crossings you can see a

train away for over 40 rods. In going from Clearfield towards M. G. Antes's the first crossing is at the Cardon house. I can't tell how far you can see the train but consider that one of the easiest places to get caught. At the second crossing you can see the train approaching 25 rods away. The other three crossings are on a straight line and you can see ahead beyond M. G. Antes's. Sometimes you could hear a train before you could see it and sometimes you couldn't. I do not consider that this new road would be an absolutely safe road to travel on account of the danger from the trains because there are some horses that are not safe close to any railroad. If a road is built far enough away from the railroad so that it is not necessary to travel close to the railroad it makes the road as nearly

absolutely safe from railroad danger as a road can be made. I would have the old road changed and a new road built to avoid the danger of the railroad. This road as laid out does not entirely avoid the danger of the railroad but is reasonably safe. It is not as safe as a road laid back far enough to take the horses entirely away from the railroad. I believe that the township would be justified in expending an amount of money sufficient to build this road ~~even~~ though a road might be built back farther that would be safer.

Re-direct.

I made no other measurements than those given in examination in chief. The measurements I gave in cross examination were mere guesses. If the road is cut down ^{at the top of the hill} to what the old road is there will be the

practically the same grade in the new road as the old, that is between where the new road leaves the Boggs road, to the top of the hill between the Cardon and Fullerton run. The raise from the present road from the ditch opposite the river bridge up to where the new road crosses the railroad on the Boggs road is ~~a dist~~ 7 feet 1 inch in 90 feet distance. The raise of the present road into the river bridge is 6 feet 3½ inches in 45 feet distance. The 25 years I spoke of driving this old road, I do not mean to say by that, the railroad was there during all this time. If this new road were built I would usually travel the new road to Clearfield. At times it is impossible to get through the ridge road to Clearfield on account of drifts, and then it is necessary to go this old way by the river.

J. Blair Read.

Lewis A. Wemi produced and sworn on part of petitioners for the road says; I am 38 years of age and I am one of the present supervisors of Lawrence Township. I have been over the road recently laid out from the iron bridge to M. G. Antess's barn twice. I helped to take all the measurements that were made by us. I heard Mr Reed giving the measurements made on this road at the different points and places and that the measurements given by him which he said was measured are correct. The grade of the new road as laid out with the filling at the Cardons run to the height given by Mr Reed to the top of the hill between the Cardons run and the Fullerton run will be ^{something} under 5 degrees. I think with the proper cuts and fills intended the new road will be about the same ~~grade~~ as the old between these two points.

Taking into consideration the filling and cutting as stated by Mr. Blair Redd the grade of the new road from the Fullerton run to the top of the hill in Snyder's field will be about the same as the grade of the road from the Boggs road to the top of the hill between the Cardou run and the Fullerton run that is something under 5 degrees. The grade of the new road from the top of the steep part of the hill in Fullerton's field to the point in Welsh's field where the new road begins to descend to the M. G. Antes's barn will be about level. The little ravine spoken of in Mrs. Snyder's field is on this portion of the road. A little cut will have to be made on both sides of this ravine and a small fill made. I should judge that the grade is about 3 degrees from the point in Welsh's field down to the Antes road where the new road intersects it near the M. G. Antes barn.

I have had a good deal of experience making townships or public roads according to my age. Taking into consideration the cutting and filling as given by Mr. Blair Read it would take about \$400. to construct this road. I think I could put the road through for that money. The ground is a little better than the common run of ground in our township. It is solid. If this road were properly made according to the order given I don't see why it would not be a safe road to travel. I consider the crossings in the old road the most dangerous thing about it. I think any man ought to. Commencing at M. G. Antez's it first crosses the railroad and runs along side of it on the railroad ground to the next crossing then along the railroad to the third crossing on railroad ground, then along

the railroad to the next crossing on railroad ground, then over the hill along the railroad on railroad ground to the next crossing, then from this last crossing to the river bridge partly on railroad ground. After you cross the railroad at the Fullerton run going toward M. G. Antea's is narrow and dangerous. It is dangerous because you are between the river banks and the railroad. The depth of this bank was properly given by Mr. Read. The other measurements given by Mr. Read taken at or near this place are also correct.

Cross Ex.

I think this road from one end to the other is $\frac{3}{4}$ of a mile. The level part on the top of the hill I should think was about 160 rods. I suppose something over eight rods would be cuts. I don't know how many rods of filling there would be in this road.

The largest cut would run about 5 or 6 feet deep. At the Fullerton run and the Cardou run I would put in 20 inch terra cotta pipe to carry the water through. Two at the first and one at the other. In making up my estimate of \$400. as the cost of the road this is the way I would fix it at these runs. I can't tell how much per rod it would cost to build this road. I cannot tell how much it would cost per rod to build this road where the cuts would be. I cannot tell how much per rod it would cost to build this road where the fills are just now. I cannot tell how much it would cost per rod to build this road from where it leaves the Boggs road, to the top of the Fullerton hill south of the Fullerton ravine. It would cost one dollar per rod to build this road from the top of the Fullerton hill

to the point in Mr. Welsh's field where this road begins to descend to the Antes road. I am not able to say what it would cost per rod to build this road from Mr. Welsh's field down to the Antes road. I do not know what the actual distance is from the Boggs road to the top of the Fullerton hill. I do not know the actual distance from the top of the Fullerton hill to the point in Mr. Welsh's field where the road begins to descend but think it is about 16 rods. I ~~do~~ not know the distance from the point in Welsh's field down to the Antes road. There would be two fills on the road from the Boggs road to the top of the Fullerton hill. There would be a cut on the Fullerton hill and a small one on the Cardon hill. On the road from the Fullerton hill to the point in Welsh's field there would be two cuts and one fill worth mentioning.

From the point in Welsh's field down to the Antes road there would be side hill cutting about all the way. In constructing the road under my estimate of \$400 I would expect to make it 16½ feet wide on side hill cutting and 18 or 20 feet where there is no side hill cutting and no filling. I would make the road the same width were the fills as I am making my estimate of \$400. I provide for proper guards of posts and rails ^{where necessary} but have no idea how much of the distance would have to be guarded in this way. The ground from the Welsh field down to the Antes road could be made dry by draining the same as the old road. There would have to be servers put across in springy places. There would have to be a ditch on the upper side of the road along the bottom

of the hill to collect the water there and sewers put through the road to carry the water away. The water on the balance of the road on this hill would have to be collected in sewers and turned through the road. There would have to be a little filling done at the railroad crossing in the Boggs road to make it a good road. I heard Mr. Read's testimony giving the height of the hills and the amount of cuts. His testimony is correct.

Lewis A. Dermis

William Graham produced and sworn on part of the petitioners for the road says:

I reside in Lawrence Township. I will soon be 70 years of age. I held the office of supervisor of Lawrence Twp. two years. I have not been over the new road as laid out. I am acquainted with the ground from the Fulton run up over the hill down to the M. G. Antezbarn.

I am acquainted with the character of the land ~~from~~ the Fullerton run up along the brow of the hill and from the down to the M.G. Antes barn. When I was supervisor I examined this portion of this land for the purpose of constructing a public road over it.

Question - State what in your opinion it would cost to make a township road from the M.G. Antes barn up along the side hill ^{and along} ~~by~~ the brow of the hill through Fullerton's field to the Fullerton run, not crossing the run.

Objected to - For the reason that the witness has already testified that he has not been over the route of the proposed road and it has not been shown that he has sufficient knowledge of the location of said road or that he has sufficient ~~knowl-~~ ^{knowl-} edge and experience in the

building²⁴ and construction of township roads as to make him a competent witness to testify to the cost of building this road.

I made an estimate 12 or 14 years ago of the cost per rod of making the road included in the question. I made an estimate from the Antes barn to the top of the hill at the Fullerton place just above the run. I thought it could be done for one dollar and a half a rod. It would cost less now to make the road than it would at that time. It would be from 25 to 30 less per rod now than then for making the road. I have jobbed a great deal of township road. I have had considerable experience in making township roads. I built 160 rods of township road out here in Lawrence 12 or 13 years ago, done by the job. I have constructed a good many timber roads.

Cross Ex.

I cannot tell what the distance is from the Anter-barn to the top of the Fullerton hill. I made no estimate of the cost of this road beyond the top of the Fullerton. I considered it at that time to be very good ground to build a road on. It was not swampy at that time. If it had been swampy my estimate would have to have been more than one dollar and a half per rod at that time. At that time we allowed our men working out their taxes \$1.50 per day. At that time we allowed a man and his team \$3.50 per day. A man is allowed \$1.60 a day now for working on the road, working his tax out. A man and his team is allowed now either \$3.00 or \$3.50 per day. In building roads by the contract at that time I paid my hands from \$1.25 to \$1.50 and \$4.00 for

a man and his team.
Re-direct

My estimate on this road was to give it out by contract and not to make it as supervisor.

Re. Cross-Ex

I do not know what wages have been paid to men or for men and teams during the last year by any person who has had the contract of building a township road, nor do I know the distance of this piece of road I estimated 14 years ago.

Wm. Graham

James Spackman produced and sworn on the part of the petitioners says;

I reside in Lawrence Twp and am age 53 years. I have been over the ground of the new road. I was over the road with Mr. Blair Read and Lewis Uleni when they made the measurements spoken of by Mr Read.

I heard Mr. N. Blair Read's testimony as to the measurements taken by us and they were correct. The grade on the new road from where it leaves the Boggs road to the top of the hill between the Cardon and the Fullerton run is about the same as the grade on the old road between these two points. I think there could be a very good grade made from the Fullerton run up into the Fullerton field at the top of the hill, if filled and cut as stated by Mr. Blair Read in his testimony. The character of the road from the top of the hill to the point where you descend into Mr. Welsh's field is level and good ground for a road. The ravine running down over this road to Mrs. Snyder's ~~is~~ not very deep and narrow. There can be a good regular grade gotten the whole way

down from the point of descent to the road at the M.G. Anter barn. This road along the top of the hill I don't think there would be any danger from the cars for it is out of sight of them. If this road is constructed where it is located it would be reasonably safe from the cars I think.

I think that from the lower edge of the road down to this crossing is something like 50 feet. I think the road between the Anter barn and the iron bridge is now a very unsafe road to travel. The main travel over this road would be from Ansonville Glen Richey and that section down over the Anter road.

Cross Ex.

At this point where the crossing is about 50 feet from the line of the new road, it is 50 feet right up a bank that is almost straight up. Since looking at the notes of our actual measurement of this distance I find it to be

77 feet from the railroad to the center of the new road, that is right up this steep bank. This distance was measured in part to show the distance Mr. Welsh would have to go to get on to this new road from the crossing that being his nearest point. To get up on to this new road from that crossing he would have to go right up over this steep bank where we went. If this new road was laid out as constructed I think it would remove all danger of traveling from the railroad. If the new road were far enough away I think there would be no danger. If the new road is located partly upon the right of way of the railroad company, at those places I suppose it would not be far enough away to make it safe.

From the Antez road through the Welsh field would be uphill. There would also be another hill south of the Fullerton ravine. The new road as laid out is partly laid on the old road and that is very close to the railroad.

Question - Where the new road is located upon the site of the old road would the new road remove the danger at these points alleged to be experienced from the railroad?

Answer - Where the new road is laid over the old road up over the hill I never saw any danger.

At the Cardon House and at the Fullerton run where the new road is laid on the old road is close to the railroad. I think there is danger in driving close along the railroad. The construction of this new road along close to the railroad

upon the old road would not take away the danger at those two points. These points that I refer to are each about 100 feet in length.

~~Question~~ - Whenever the new road is located upon the right of way of the railroad whatever danger exists in driving close along a railroad would still exist if driving this part of the new road.
Re-direct.

This new road is not constructed on the right of way of the railroad at any place that I know of except the Cardon house.

Jas Spackman

R. S. Spackman produced and sworn on part of the petitioners for the road says:

I live in Lawrence Town and am 48 years old. I am acquainted with the location of this road and was over it with Mr. Blair Read, Wemi and others when they took the measurements referred to in Mr. Read's testimony. I heard the testimony of Mr. Blair Read. The measurements taken by Blair Read himself and others and given by Blair Read as measurements ~~as~~ actually taken are correct. This new road from the Boggs road to the top of ^{the} hill between the Fullerton and the Cardon run can be made on about the same grade as the old road is on. If the new road be cut and filled as stated by Blair Read. I think there can be a very nice grade made from the Fullerton run up to the top of the hill towards Snyder land.

The character of the road from the top of the hill above Fullerton's run to the point in the field where it commences to descend down toward Antez's looks nearly level. I think it would be a very nice grade from the hill from the point in Welsh's field to the Antez road.

I do not travel this road between Antez's and the river bridge on my way to Clearfield except when the other roads are bad or I have some business around by the Antez road.

The reason I do not travel this road is I am afraid of the trains on the crossings.

If this new road were constructed I would travel it, I would not be afraid of it at all.

I think the new road ought to be constructed as laid out.

There was a train went by on the railroad when we were examining this new road at the ravine.

There was a little smoke came from the engine then and flew up over the hill but there was none to frighten a horse in my judgment. I have been on the hills between the Fullerton and the Carbon run twice with a fiery horse when the train went by and I never experienced any trouble from the smoke of the engine. My horse did frighten some.

Cross Cr.

There is a little danger in driving along the railroad but I would not be afraid in driving the new road as laid out. I would not consider the new road where it is laid close to the railroad quite so dangerous as the old road because on the new road if a horse would scare you would have the straight road for him to run on. This would be the only reason why it

would be safer as there would be no crossings at these points. For my driving I would just as soon drive the road where it is laid out as though it were a half a mile back.

Question - Will you swear that this new road where it is laid upon the right of way of the railroad is just as safe for general travel as if the road was laid back a reasonable distance from the railroad?

Answer - For the general travel it might not be so good but for my use it is just as good. The old road as now used is just as safe for my use from the Cardon ravine to the Pullerton ravine as the new road.

Re direct

My goodness yes it is a great deal more dangerous in driving along the old road from the M. G. Antez property

down to the Fullerton run than it is between those two points on the new road. I don't think there is any danger in driving from the M. G. Antes property down to the Fullerton ravine from the railroad. There is more danger in driving along distance alongside of the railroad than in driving a short distance. It is a great deal more dangerous in driving along side of the railroad down from the Antes property to the Fullerton run than driving the short distances along the Fullerton run and the Cardon run.

R. S. Spackman

Alexander Antes being produced and sworn on part of the petitioners for the road says:

I live in Lawrence Twp. and am 59 years of age

I am acquainted with the township road leading from Antez's up to and past Robert Boyd's. I travel the road from M. G. Antez's up past Robert Boyd's frequently. I have not had any trouble traveling this road. I can see the train from Susquehanna bridge from a point just below Robert Boyd's house. If I was traveling down and the train coming up I could see the train very plainly to Mr. Snyder's that would be a distance of about a mile. There is a patch of woods between the road and the railroad about half way between M. G. Antez's and Robert Boyd's house. This patch of woods is about 40 rods in length. I have never seen any trouble between these two points because you are above the railroad and traveling from Clearfield up I can see the train and make

this woods if I have a
 carry horse if not I can
 stop at Antes's and I can
 see the train from there
 about one and a half mile.
 Cross Ex.

At either end of the road
 it is close to the railroad up
 on a high bank. The farthest
 distance from the railroad
 is at this woods. The greater
 part of the road is close
 along the railroad. It just
 about clears the right of
 way of the railroad at the
 two ends but probably
 does not altogether. The
 biggest part of the woods
 road is about 100 or 150
 feet away from the railroad.
 From Mr Boyd's to the woods
 and from the woods to
 Mr Antes's is close along
 the railroad. It is some-
 thing over 100 rods from
 Mr Boyd's down to Mr.
 Antes's. The road from Mr
 Antes's house down to the
 first of these five crossings

is 30 rods. There is some danger from traveling close along the railroad. There is more danger to the general public in traveling close along a railroad than in driving a road away from the railroad. If a road is laid 50 or 60 feet from the railroad there is no particular danger. I have drove the old road a great deal. I have driven it about 20 years. I have been annoyed a great deal through fear of the road and in danger in crossing those crossings. If it were not for those crossings there would be no danger in traveling that for me I have not met with an accident on any of those crossings in twenty years. It is a tolerably good road. I know of some work that was done on the road by the township in the last five years. I hauled plank there last year for one sewer.

There was some stone and dirt put on last year. The road is considered to be in good condition for a public road as for solidness.

Re-direct

I don't know whether they would have to haul the material but so far as I know they would have to haul material to repair it at this point. I saw no work done from M. G. Antes's up to my place last year. It is a good solid road bet from M. G. Antes's up to Boyd's and requires little repairing. This dirt to widen the Fullerton crossing might have to be hauled 20 rods. There is quite a bit of travel from Boyd's down to M. G. Antes's.

J A Antes

James Spakeman recalled.
I traveled the road from Robt. Boyd's down to Clearfield every day this summer except Sunday.

I had no trouble in traveling this road on account of trains from Robt. Boyds to M. G. Antess's. Last year I think I had trouble in traveling the road from M. G. Antess's to Clearfield. I was going from Clearfield out. The freight train was coming up to me. I had a pair of young horses and I got out and unhitched them to get away from the wagon down below Mrs. Snyder's. Mr. Boyd helped be to drop the butt chains and we stepped them away from the wagon.

Re. Cross

We were not on a crossing but were simply driving along side of the railroad. I saw some danger because if they went away with me they would run into the next crossing. I have driven this road for 20 years and this is the only trouble

I ever had on that road on
account of the train,
Jas Spakeman

A. L. Snyder affirmed.
Question - State whether or not
you were in any way interested
in obtaining a view of a certain
road leading from the residence
of William Litz in Clearfield
Borough to a point at or near
where the private road from
the residence of Alexander
Spakeman intersects the pub-
lic road leading from Clear-
field to Blooms bridge. The
purpose of this question and
those that will follow it, be-
ing to prove by the witness
that he was instrumental in
having these road proceedings
begun for the purpose of de-
feating said road No. 7
February Session 1894, and
at the same time concealing
his actions in said road
proceeding from the public
and from the court in
order that if the road from

the said Litz's house to a point at or near said Alexander Spakeman's private road was defeated, that he would not appear as a petitioner and thus avoid responsibility for costs, and, at the expense of the county, use this road proceeding, as a means of preventing the vacation of the road from M. G. Antes's to said iron bridge above Clearfield.

Answer,

I think I was somewhat. There seems to be a great deal of trouble up there about the road being dangerous, and in doing what I did towards this, I did it to get a safe road for the traveling public.

I got the petition of this road from Daniel Welsh. I gave it to Mr Math Henry. I did not sign the petition. The reason I did not sign the petition was because I.

considered it would run through my land and do some damage.

Question - Were you or were you not interested in getting out the petition for the public road from near Bill Litz's residence in Clearfield to the said private road of Alexander Spakeman?

Answer - I suppose I was somewhat interested.

Question - State then why if you were interested you did not sign the petition, which you handed to Mr. Henry.

Answer - The reason that I did not sign that petition was that the road would run through my land and do some damage.

Question - If that was the reason then why you did not sign the petition, why did you hand it to Mr. Henry to have the road viewed?

Answer - Mr. Henry told me that if I got the petition and produced it to him he would handle it and present it to the court.

Question - Then the reason that you handed it to Mr. Henry was that he told you that if you handed him the petition, he would hand it to the Court and have the road put through.

Answer - Yes Sir.

Question - Then you believe that if Mr. Henry put this road through it would damage your land less than if you signed the petition.

Answer - No, I don't believe it would.

I took this petition to Mr. Henry so that he could have the road put through.

Question - Then you say that ~~this road would damage you~~ the reason why you didn't sign the petition was that the road would damage your land and for that reason you did not sign the petition but handed it to Mathew Henry, who had previously told you, if you

would get the petition and hand it to him, that he would have the road put through.

Answer. Yes, Sir.

Question. Then how do you explain that it would damage your land less by having your name off of the petition, and having Matthew Henry to put the road through than it would have damaged you had the road been put through with your name on the petition.

Answer. I can't see that it would make any difference on the property.

I don't see any difference as to the damage to my land whether my name was on or off the petition. I supposed, if I signed the petition the viewers would not award me damages. I didn't ask anybody to sign that petition. I don't know that Mr. Matthew Henry isn't worth one dollar.

I would suppose there could
 be something collected off of
 him. I ~~think~~ don't know what
 Wm. Henry is worth financially.
 Mr. Daniel Welsh said he
 would pay $\frac{1}{3}$ of the costs of
 this proceeding and I have
 paid \$1.00 toward this petition.
 I think my mother was to pay
 the rest. Mr. Bell was to handle
 the proceedings in this road.
 The reason why we three paid
 for this petition was that Mr.
 Henry said, if we would get
 the petition and pay for it,
 he would handle it and present
 it to the court. The way I got to
 talk to Mr. Henry about the road
 was that he came along one
 day and got to talking about
 the road and said the road
 ought to be moved farther
 back from the railroad. It
 was not the reason that we
 wanted the road run back
 through Mr. Autes and Mr.
 Boyd that we wanted to dam-
 age them all we could.

The reason why we preferred a road back, where the last view is was to get a road there and not to vacate the old road.

I went up to Math Henry's to take this petition up to him.
Cross Cr.

I am not asking the Court to grant this road. I never did ask the court to grant the road. I never circulated the petition nor asked anybody to sign it. I heard a number of people say that the road should be back in the neighborhood of where this road is located, if a new road was built.

My interest in this matter was such an interest as want to the accommodation of these people. If this road were to be built it would accommodate the people sought to be accommodated by this proposed new road. It would be back far enough from the railroad to avoid any of the alleged danger. It would still leave the road that my mother

and Mr Wedsh ~~have to travel~~
and myself have to travel
from our lands without
being vacated. This is the only
benefit that we could derive
from the building of this back
road. My mother, Mr Wedsh
and myself have no objection
to the building of a road through
our lands, if we are paid
in damages, back from
the railroad to accommo-
date the traveling public.
We are willing at all times and
at any time to assist in the
securing of such a road ex-
cept that we will not become
parties to the proceeding.
I am willing to contribute my
share in money along with
other people to start such pro-
ceedings. In the proceedings
started by Mr Henry no further
liability or expenses was to
attach to me beyond my
share of the cost of drawing
the petition I assisted in cir-
culating the remonstrance against

the proceeding had in No. 7 February Session 1894. The general sentiment of the people I met in circulating this remonstrance was against the building of this new road as located along the railroad. I found some people who thought a new road should be built. They thought the new road should be back away from the railroad altogether. I think the last proceedings started by Mr. Henry was started for the purpose of giving these people a road where they thought it should be located. We had no objection to their having a road back there. Our interests in this matter was simply to give to the traveling public a road that would accommodate them without taking away the rights, which we enjoy. I have no connection directly or indirectly at the present time with the proceeding to secure this back road at this time.

I have not had since I delivered the petition to Mr. Henry. If the road were built I think it would be a better road than the proposed road along the rail road. I think it would be about entirely free of all danger from railroad trains. There is no other public road running by the buildings where my mother lives and where Mr. Welsh lives except the one sought to be vacated. We are desirous and willing to use this public road. I think I am familiar with the amount of work done on this piece of road each year by the supervisor. To the best of my judgment I do not think it would average \$6.00 or \$7. a year for the last five years. The road is in pretty good condition at the present time. I do not think it would cost any more each year to keep

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This road up for the next five years than it has in the last five years. If a new road were built and this road not created we would be willing to keep this road in repair. I do not know what other people would do but I would be willing to do this myself. I think my mother and Mr. Welsh would agree to this.

Re. direct

The back road I think will damage my land more than the front road. My mother has no land that she cannot get to except by going over this proposed back road. We can go up on to our land by going up the road by our barn on to the proposed new road. No. 7 Feb. Session 1894. We can haul a small load up that road. That is the only way we go up to those fields at present. We could use the new proposed back road to go to our back fields by going up the Ruter road and crossing the new road from there.

A. I. Snyder

Clearfield County ss.

I hereby certify that the witnesses within named were produced, sworn and examined and their testimony reduced to writing and their names of the witnesses placed thereto, before John M. Gray Esq. who had been by me authorized to take the testimony by virtue of a Rule to take Depositions and an agreement made between W. C. Miller Esq. Attorney for Respondents and Oscar Mitchell Esq. Attorney for Petitioners. by which the testimony was to be taken by the said John M. Gray Esq. in my absence or per said Rule to take Depositions hereto attached

Witness my hand and Manual Seal.

B. F. Chase -

Notary Public.

Clearfield County ss.

I hereby certify that the above witnesses were produced sworn and examined and the testimony reduced to writing in my presence and the witnesses attached their names thereto as per above agreement and Rule to take Depositions.

Witness my hand -

John M. Gray.

In the County Clerk's
Records.

May 7 Feb'y 55. 1894.

Robertson & David
of the Public Road
in Lawrence Twp.

Alphonse Lion &
Heirs

Charles Alphonse Lion &
Heirs

Wm. J. M. May.

Wm. J. M. May.

In the Court of Quarter Sessions of Clearfield County, Penn'a.
To the Hon Cyrus Gordon, Judge of the Court of Quarter Sessions of
Clearfield County:-

The petition of the undersigned respectfully represent, That they labor under great inconvenience for ^{want of} a public road to begin at a point in public road ^{near} the east end of the iron bridge across the Susquehanna River, at the upper end of the G.L. Reed farm, in Lawrence Township, to end where the "Antes Road" ^{intersects} said public road at or near the barn of M.G. Antes, in Lawrence Township: The petitioners therefore pray the court to appoint viewers qualified according to law, to view the ground proposed for such road, and, if they should see occasion to lay out the same to inquire of and vacate that part of public road leading from Clearfield to "Bloom's Bridge," now in use, lying between the two points where the proposed new road intersects the same, if in the opinion of the said viewers, the last mention road will by reason of the laying out of the proposed road, become useless: and make report of their proceedings to the next court.

And they will ever pray, &c., &c.

Wm. B. Arty
Robert Lloyd
W. S. Reed
Edgar B. Reed
Hugh Dougherty
Taylor Bloom (the man that was truck with the
road)
J. W. Thompson
Ray Thompson
J. G. Mullen

John B. Arty
Jerry B. Arty
Jack Lippert
G. A. Antes
Harc Stage
W. M. Arty
Alex. Reed
Miles Reed
John Reed

Das Sch. Mann

W. L. Antes

L. L. McPherson

Nov Dec 20 1874
Returning from our
vacation road in
Germany July.

My dear Aunt
Cyrus Sunday
P.S.

Nov 27, Tues. 1894 the
within petition person-
red, read, and endorsed
and therein ^{George C}
Link. Robert S Stewart also in Good

OSCAR MITCHELL,
Attorney at Law,

Attorney at Law,
SPEARFIELD, B⁴
Bedford
John C. Clark & Sons, 330 Dock Street, Philadelphia.