

Ad. by

1, 190

1902

Public Road

versus in

Lawrence Twp

No road

X

and your petitioners desire the laying out of a new road between the points aforesaid to supply the road vacated as aforesaid.

That a petition was presented at May Sessions for said road and viewers appointed and road order continued until said viewers report adversely to the road at Sept. 1. 1901

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 18

day of Dec., A. D. 1901, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Lawrence

, in said county, setting forth that

part of a public road in said Township is being vacated or now has been by proceeding had in your Honorable Court, without supplying said road; that your petitioners will labor under great inconvenience for want of a public Road or highway in the Township of Lawrence, beginning at a point in the Public Road leading from Clearfield to Woodland at or near the east side of A Graham Lot in said Township and thence running to a public road leading from Clearfield Boro, through the County Home Farm to Woodland at or near the mouth of Clearfield Creek, it being a part of the aforesaid road running through the County Home Farm to the mouth of Clearfield Creek that has been vacated as aforesaid and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byer, Newton Fultone and Zach Ogden who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed view and 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 releases, shall assess the same, if any sustained, and shall make report thereof to the next Court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated 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.

Frank M. Thompson
Clerk.

RELEASE OF DAMAGES.

Know all Men by these Presents, That we, the undersigned owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of ONE DOLLAR to us respectively paid by the County of Clearfield 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 County of Clearfield all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this 25th day of January
A. D. 1902.

John Graham Seal

Seal.

Seal.

Seal.

ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To Robert Mitchell Heirs the sum of one Hundred dollars
To Amer Graham the sum of five dollars
To the sum of

Witness our hands this 23 day of January A. D. 1902.

Harry Byers

T. N. Fulton

Zach Ayers

To The Honorable Cyrus Woodson President Judge of the Court of Quarter Sessions of Clearfield County, we the undersigned viewers appointed by the within order of Court to view and lay out the road therein mentioned respectfully report that we gave good and lawful notice of the said road view including notice to Supervisor of Lawrence Twp and County Commissioners of Clearfield County a copy of which are attached hereto, that we met ajarable thereto and having been severally sworn or affirmed we viewed the ground for the proposed road and have laid out and do return for public use the following road, to wit, Beginning at a point in the Public road from Clearfield to Woodland at or near the east side of A. C. Graham's lot — at point opposite a marked fence post on West side of said road, thence through land of Robert Mitchell Heirs fenced in with said road North fifty-four degrees East fifty-four feet to a post thence by an old road North eight and one fourth degrees East three hundred feet (center line of proposed road being 16 $\frac{1}{2}$ feet from line fence of A. C. Graham's land,) to post, thence through improved land of A. C. Graham, by a line passing $\frac{1}{2}$ feet south of A. C. Graham's NE corner North eighty-one and three fourth degrees West one hundred and fifty-two feet to post near bank of Clearfield Creek, thence as follows along bank of Creek through wooded land of said Robert Mitchell Heirs North eight and one fourth degrees East sixty-six feet to a dead White Pine sapling thence North thirteen degrees East two hundred and fifty-six feet to a post thence North twenty-two and one fourth degrees East two hundred and thirty-four feet to a White Pine sapling thence North twenty-seven and one half degrees East one hundred and eighty-four feet to a White Pine thence North forty-eight and one half degrees East one hundred and five feet to a Chestnut thence North sixty-five and one half degrees East one hundred and eighty-four feet to a Chestnut thence North seventy-four degrees East one hundred and sixty-two feet to a post thence North eighty-seven degrees East one hundred and thirty-five feet to a White Pine sapling thence South eighty-four and one half degrees East one hundred and sixty-one feet to a White Pine sapling, thence South seventy-two degrees East two hundred and three feet to a White Pine & stump thence South forty-nine and one half degrees East three hundred and seventeen feet to a Maple thence South seventy degrees East two hundred and ten feet to a Cherry sapling thence South seventy-seven and one half degrees East one hundred and seventy-three feet to a Maple sapling thence North eighty-five degrees East one hundred and thirty-seven feet to a White Oak thence North seventy-nine and one half degrees East two hundred and twenty feet to a Maple sapling, thence North fifty-eight and one half degrees East one hundred and four feet to a post thence North twenty-nine and one half degrees East nine-hundred feet to a Hemlock thence through same North ten degrees East two hundred and fifteen feet, and the further distance of one hundred and twenty-eight feet through woodland of Wm. Graham making total distance on this course of three hundred and forty-three feet to a Birch thence through wooded land of said Wm. Graham North six and one half degrees to a Red oak thence through same North seven-west two hundred and forty-five feet to a Red oak thence through same North seven-and one fourth degrees East two hundred and eighty-seven feet to a marked alder on Public road leading from Clearfield Borough through the County home farm to Woodland at or near the mouth of Little Clearfield Creek. A plot or draft of road as laid out aforesaid is hereto annexed showing courses distances and improvements which road is necessary in our opinion for a public road. Release of damages and assessment of damages elsewhere in report. Witness our hands this twenty-third day of January 1902

Viewers

Harry Rogers

T. N. Fenton

Zack Oglesby

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, a. set the amount out at the foot of their return.
Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.
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.

No. 2 Jeff. Sessions, 1902

ORDER

To view and lay out a road for public use in the township of Lawrence, Clearfield County

Jeff. Sessions, 1902
read and confirmed N. S.
Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

| AMOUNT. | |
|-----------------------|-----------------------|
| <u>Harry B. Bixby</u> | <u>Days 3</u> |
| | <u>Miles 3 12.30</u> |
| <u>T. H. Fulton</u> | <u>Days 1</u> |
| | <u>Miles 10 300</u> |
| <u>Jack Ogden</u> | <u>Days 1</u> |
| | <u>Miles 7 \$2.70</u> |
| | Days |
| | Miles |
| | Days |
| | Miles |

*Jeff. Sessions
Cyrus Gandy*

Filed 1902
Fees \$1.25 paid by Bixby
on 3 1902
Grant H. Thompson,
Prothonotary.

Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view Public Road leading from a point in the public road leading from Clearfield to Woodland at or near the East side of a.c. Graham lot

in Lawrence Township, to public road leading from Clearfield Borough through the County home farm to Woodland at or near the mouth of Clearfield Creek it being a part of the road of said running through the County Home farm to the mouth of Clearfield Creek that has been vacated and your petitioners desire the laying out of a new road between the points aforesaid to supply the road vacated, in Lawrence Township, in the county aforesaid, will meet at the house of A. C. Graham, in Lawrence Township, on Thursday, the 23rd day of January, A. D. 1902, at 9 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

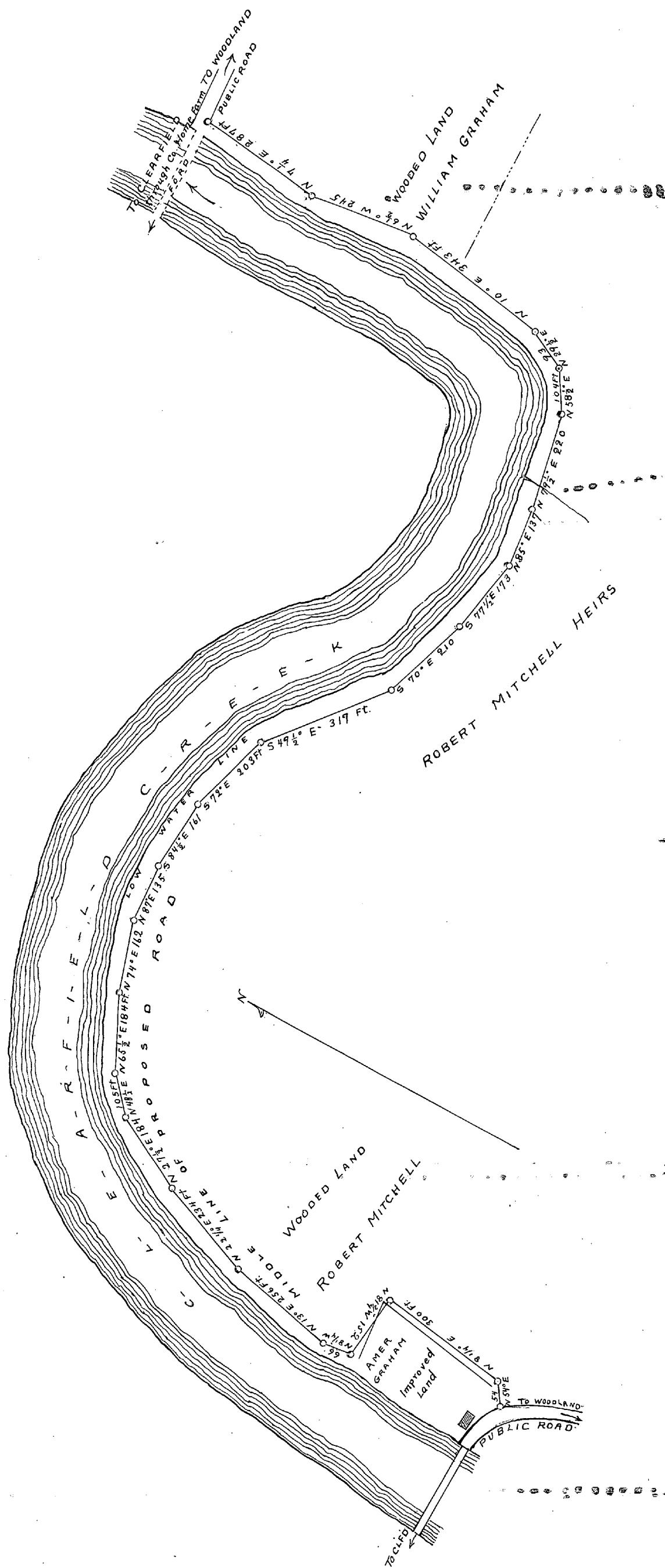
Harry Byers
Newton Fulton
Zach Odens
Viewers.

Clearfield Jan. 21., 1902.

11-8-01. 500-H.

Owned and used this
13th day of March, 1902

Goldtawer, John T.
County, ²⁰⁰
Contia.



ROAD IN LAWRENCE TWP

NO. 2. FEB. 55; 1902.

Scale, 200 ft = 1"

Harry Byers

Harry Byers
T. N. Fulton.

zach Ogde

Viewers.

Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view Public Road leading from a point in the Public Road leading from Clearfield to Woodland at or near the East side of A.C. Graham lot.

in Lawrence Township, to Public Road leading from Clearfield Borough through the County Home farm to Woodland at or near the mouth of Clearfield Creek it being part of the road aforesaid running through the County Home farm to the mouth of Clearfield Creek that has been vacated, and your petitioners desire the laying out of a new road between the points aforesaid to supply the road vacated.

in Lawrence Township, in the county aforesaid, will meet at the house of A.C. Graham, in Lawrence Township, on Thursday, the 23rd. day of January, A. D. 1902, at 9 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Harry Byers.

Newton Fulton.

Zach Ogden.

Viewers.

Clearfield, Pa., Jan. 11, 1902.

11-8-'01. 500-H.

Served on me this
16th day of Jan., 1902

John G. Bowes
John G. Bowes
John G. Bowes
John G. Bowes

In the Court of Quarter Sessions of Clearfield County.

In the Matter of the Re-# No 2 EeburSessions 1902.

vied of road from a point on road #
leading from Clearfield to Wood- #
land at or near the east side of #
A.C.Graham's house in Lawrence #
Township to a public road leading #
from Clearfield to Woodland at or near
the mouth of Clearfield Creek. #

A.F. Mitchell ~~and~~ *William Mitchell* owners of the land through
which the said road is located files the following exceptions to the
confirmation of the said road.

1. The the petition for a review is not to lay out a new road,
but to supply a part of a public road about to be vacated
or a part which has been vacated,which cannot be done under
the law.
2. That the terminus of the road in the alleged public road
leading from Clearfield to Woodland is not fixed to a
definite point in said road as required by law.
3. That said road is not needed to accommodate the public
travel and in fact is only for the use of William Graham,
the same leading to his farm. That the road as reviewed
leads from the public road leading from Clearfield to
Woodland down Clearfield creek to a road near the house of
said William Graham;thence by an existing road or part of
a road back to the public road leading from Clearfield to
Woodland,connecting with said road about a half a mile
from where it leaves said road..

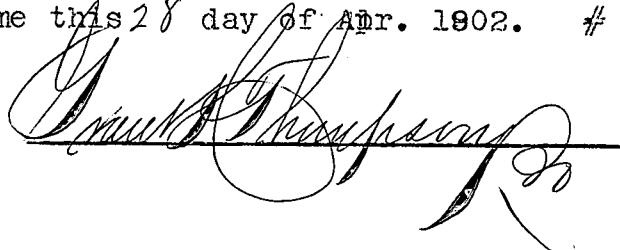
4. That your petitioner owner of the land through which said road is located had no written notice of the viewing of said road or the assessment of damages done by reason of laying out of the said road, nor had he any notice of the said view and the assessment of damages, nor had the occupants of said land any such notice, as required by law and the rule of court.
5. That the damages assessed to the owners of the lands through which is inadequate and the real damages that would be suffered by said owner would be about \$
6. That the report of viewers does not state that notice of any kind was given to the owners or the occupants of the land through which the road is located.
7. The report of viewers represent the road a laid out ending "on public road leading from Clearfield Borough through the County Home farm to Woodland at or near the mouth of Little Clearfield Creek, when in fact at the time of the review the part of this road leading from Clearfield through the County Home farm to the mouth of the creek was vacated and that no such road as called for in the report of viewers and in the petition for a review was in existence
8. That the only purpose of said road is for the private benefit of William Graham who owns the farm to which the road is laid out to and that is not needed to go to or from any place. Your acceptant therefore asks the Court to refuse to confirm the report of the reviewers.

A. H. Mitchell

Clearfield County, ss:-

A.F.Mitchell abovenamed being duly
sworn according to law doth depose and say that the facts setforth in
the aforesaid exceptions are true and correct according to the best of
his knowledge and belief.

Sworn and subscribed be- #
fore me this 28 day of Apr. 1902. # A. F. Mitchell

A handwritten signature in black ink, appearing to read "A. F. Mitchell", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'A' at the beginning.

In favor of Plaintiff
Sesemann
Att'l. T. S. 1908

Exhibitions to
John W. Stevens,
W. Israel and
Sommerup.



By agreement & counsel this
testimony is taken on the
former Rule with same force
and effect as though taken
on day therein fixed

Q. 7. Mitchell affirmed - I am
one of the owners of the land
over which this road passes.
There was no notice of the time
and place of the re-view of the
road in this case served on me -
I was not present at the view - I
had no knowledge of the re-view until
after it was over - I was not
asked to release any damages -

The timber on the piece of
land through which this road
would pass was sold to Austin
Haney down to 10 inches of sticks
from the ground - There is a piece
of ground lying there which I
always intended for a park or
camping place and did not
intend to fence it up - I did not
care to have another road

through my farm when the same
party had another road through
my place near my house -

I would not have the ~~damaged~~
road there for two hundred and fifty
dollars.

Cross-Ex by S. V. Wilson -

I can't recall danc-
g contract for sale of timber, it was
some time this last winter either
in January or February or along
there. If the men in gave me \$100.
damages with the timber on the ground
I still would not have the road
there for \$250 - I never saw any
notices on the land for this review -

I don't know of any being put
up - I am not positive that there
were no notices up - I have had
trespass notices up - not for campers.
That is not stated on my notice
that I except the campers - It has
been pretty nearly public property.

I have never seen the review -
I think it is about half a mile
along the road counting by the old
log road - If a man wanted
to buy all my land I would sell it
at \$100 per acre - I do not
intend to make farm land out
of this strip. I intended it for

a park or camping place.

A. F. Mitchell

Public Road in Lawrence) In the Court of Quarter Sessions
Township. :) of Clearfield County.
:) No. 2 February Sessions, 1902.

Exceptions to Report of Viewers.

OPINION.

This case arises on petition of William Graham and other citizens of Lawrence Township, for a review of a public road situate in Lawrence Township, Clearfield County, Pennsylvania, described in petition as "beginning at a point in the public road leading from Clearfield to Woodland at or near the east end of A. C. Graham lot in said township, and thence running to a public road leading from Clearfield Borough through the County Home Farm to Woodland at or near the mouth of Clearfield Creek."

The petition further alleges that the road asked for is necessary, because a part of the public road leading from Clearfield Borough through the County Home Farm to Woodland is now or has been vacated by proceedings in Court, being that part thereof leading from the Clearfield road to Clearfield Creek through the County Home Farm, and that this road is necessary because of said vacation. Petition also sets forth that viewers had been appointed at May Sessions 1901, who reported at September Sessions 1901, adversely to the road. The papers in said case to May Term 1901 were not produced at the argument and have not been placed before the Court in any way, the officers of the Court and the Attorneys concerned herein being unable to find the papers, but it is admitted that the said report was adverse to the road and that this is a review rather than an original proceeding. To this Report A. F. Mitchell and Annie Mitchell, owners of the land through which the said road is located, filed exceptions on the 1st of May 1902, these exceptions being eight in number and given at considerable

(2)

length and not necessary to here set out in full. Said exceptions, so far as material to the determination of this case, are, that this road is not for the accommodation of the public, but is for the private benefit of William Graham, who owns the farm which is the real terminus of the road; that the exceptants own the land through which the road is laid out and that they had no notice of the view for the assessment of damages, as required by law and the rule of Court; that the damages assessed are inadequate. Some testimony was taken and submitted to the Court in support of these exceptions, from which it seems that it is the fact that no actual notice was given, nor is there any pretence that notice was in fact given to the owners of the land. While it is true, as we understand the law, that there is nothing in the Acts of Assembly relating to roads requiring actual notice to the property owners through whose property a road is laid out, yet our Rules of Court, under the head of "Roads", page 70-70, section 172, requires "written or printed notice given to the owners or occupants of the seated land along the road of the proposed road x x x x and the Report shall state affirmatively that such notice has been given, in default of which the proceedings will be set aside." In our judgment this Rule of Court is a proper one and should always be observed. It is certainly against justice and against right that any man's property should be taken and the compensation to him fixed by any body of viewers, without giving him a hearing. Such rules of Court are sustained in nearly all the Counties having Rules on the subject, and we believe properly so. It has also been sustained by the Supreme Court in Road in Lancaster City, 68 P. S. R. 396.

Independent of the question of notice, however, we are inclined to the positions that the exceptions, which relate to

the necessity of this road for public use, should be sustained. This is a review, the view thereon having been adverse, and the whole matter coming before us on a view reporting against the road and a review reporting in favor of the road prayed for, we may adopt either report as in our judgment the public interest requires. Bucks County Road, 3 Wharton 109; Buckwalter's Road, 3 S & R. 236; Bachman's Road, 1st Watts 400; Paradise Road, 29 P. S. 20. The only person who lives on the road prayed for, or whose interests are in any way bound up in this application, is William Graham. The road prayed for terminates practically at his buildings, it there is supposed to terminate in a public road leading from Woodland to Clearfield. As a matter of fact the old public road, which led from a point near the Mitchell buildings down past the William Graham farm and over Clearfield Creek by fording, thence through the County Home Farm to the Clearfield public road at or near the buildings of J. F. Weaver, was vacated over all that portion of the road leading from the fording at the Creek near William Graham's through the County Home Farm to its junction with the main public road at or near the Weaver buildings, thus leaving for public use only that portion of the said road which leads from the Creek ~~at~~ or near William Graham's house or Barn east to the main public road just east of the buildings on the Mitchell farm. This portion of the public road was not vacated probably as a concession to Mr. Graham and to give him an outlet, for the whole road so far as the public necessity is concerned might have been vacated. It is, of course, true that the vacation of that portion of said road leading from the Creek or from William Graham's west to the Weaver buildings worked hardship to Mr. Graham and made his only outlet very inconvenient, especially when he wanted to go west to Clearfield, but this matter has already been adjudicated and we are obliged to consider it as it stands now.

What then is the situation? The main public road leading

from Clearfield to Woodland goes by the Mitchell buildings and crosses the Clearfield Creek at a bridge near A. C. Grahams. The road asked for connects with this main public road just at the east end of the bridge, near A. C. Grahams, and runs north through the Mitchell farm about a mile to the terminus of the ~~partly~~ vacated public road at William Grahams. The ^{partly} vacated public road leaves the same public road from Woodland to Clearfield just east of the Mitchell buildings and not over half a mile from A. C. Grahams, which is the southern terminus of the road prayed for, and runs for a mile and a quarter or more in a northwest direction to the William Graham farm. The result, therefore, of confirming this road absolute would be to give two public roads, to be kept up at public expense, each a mile or more in length, leading from the main public road between Woodland and Clearfield, not over half a mile apart, and running in a northerly direction to a man's buildings, he being the only person who lives along either road and directly or indirectly concerned in having such outlet so far as any evidence before us is concerned. That Mr. Graham should have a convenient outlet to the public road goes without saying, but if he wants one more convenient than the public road he now has it should not be at public expense but must be considered a private road and be at his private expense. It is, of course, unfortunate for Mr. Graham and we have all sympathy for his situation. His case is peculiar in some respects, one of which is that he probably located his buildings on what was at one time a leading public road, but by virtue of changed circumstances the public road has practically now left him, and he, if he wants to get out to a public road, will be obliged to do so at private expense. We are not sitting as a Court of sympathy or we would certainly grant him this road. Under all the rules of law and right and justice we are forced to the conclusion that it

(5)

has no merit as a public road, and in this view we are supported by the Report of the Viewers in the original view of this road, whose report we sustain.

The exceptions to this Report of Review are therefore sustained and confirmation absolute refused.

By the Court,

Allison O'Smith

P. J

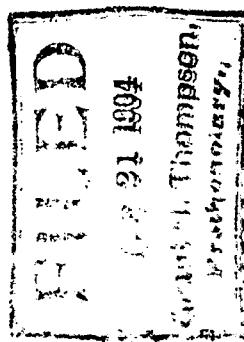
Ron

No. 2 February Sessions, 1902.

Public Road in Lawrence Township.

Exceptions to Report of Viewers.

OPINION.



Rule to Take Depositions.

Clearfield County, ss:

Public Road in
Somerset Twp
versus

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.:

No. 9 Term Sess Term, 1802.

AND NOW, to wit, the 14th day of Mar, in the year
of our Lord one thousand eight hundred and ninety-
three, the Plaintiff enter a Rule to
take the Depositions of ancient, infirm and going wit-
nesses, to be read in evidence on the Agreement
of this case. Ex parte rule of Petitioners on
full days notice.

Frank G. Thompson
Prothonotary.

To S. W. Wilson, Esq.:

My friend.

You will please take notice, that in pursuance of the foregoing Rule depositions
will be taken before D. S. Bellare 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 23d
day of March, A. D. 1802, between the hours of 9 o'clock
A. M. and 9 o'clock P. M., when and where you may attend and cross-examine.

Clearfield, Pa., March 4,

Oscar Mitchell
1802
Atty. for Plaintiff

Accepted March 14 1903
Personal service

S. W. Wilson Atty
Graham

No. Term, 189.....

versus

Rule to Take Depositions.

In Re Public Roads in Court Session
Lawrence Township } No 2 Feb. Sess 1902

Deposition of witnesses taken
at the office of Oscar Mitchell Esq.
in the borough of Clearfield on
Monday February 23rd 1903 be-
tween the hours of 9 a.m. and 9 p.m.
in accordance with the attached
Rule and Acceptance thereof
endorsed -

Present Oscar Mitchell Esq. for
Petitioners - S. U. Wilson Esq
for ~~the~~ Mr. Graham -

Dennis Owens - affimed -

I am acquainted with
the location of Mr. Graham's
farm along Clearfield Creek
in Lawrence Township - There
is a road now leading out
from his farm to the road
leading from Clearfield to Woodland.
It ~~now~~ runs from Mr. Gra-
ham's house to the Woodland
Road

The road from Wm. Graham comes on to the Woodland road about half a mile east of the Clearfield Creek Bridge -

I know the location of the ground ~~over~~ from the road leading to Woodland at or near the Clearfield Creek bridge where the town of Graham lived near the bridge to where Wm. Graham lived below that point - The road as laid out by me in my review does not accommodate any other person than Wm. Graham as far as I know -

I would be farther to go to Woodland by going over the proposed road to Graham and then to go on the road leading from his house - It would be a half a mile farther than over the present road - I don't think it would be as good a grade as the one now travelled to Woodland - I don't know anything that would cause the public to travel over the

proposed new road as a matter
of convenience -

Cross Examined by S. J. Wilson.

I am 57 year old.
I am acquainted with the
road leading and used
that crosses the Fording and
leads to Clearfield now vacated
through the county home farm
and have been acquainted with
that all my life - It was used
as a public road for forty years
at least - That was the nearest
way for Mr. Graham to travel
to Clearfield. As far as I know
it accommodated only Mr. Dix
and Mr. Graham - except for
getting sand &c. from the river.
The road leading from Mr. Graham's
to the Woodland road is a good half
a mile & not further - Mr. Graham
and people occupying the 2 miles
in going to Clearfield by way
to Woodland road would be
at least a mile - This road
reaches the Clearfield road

about 30 yards from Mr. Mitchell's farm house - To go from Cleupeld via Mitchell's farm to Graham's would be over these miles - I think it is as good a road as we have in common. I don't know if it fills up in winter time. I never travelled it much. I never was over the new road that they located - I have been along the creek often -

I would not think from the character of the ground and the timber and under brush that \$100 - would be sufficient damage to the Mitchells. The timber - like most woods - it stands out the bank. I could not say that a greater portion of the timber is against the breast of the hill - to my judgment it is about the same all over - There is a little price used as a picnic ground cleared as a rafting ground, I helped to rid it off - I would not like to estimate the damages to the Mitchell by opening this road.

There was timber standing along when I was there a couple of years ago - If it was my land I would narrow it less than 300 - It is not used along the creek for farm proposed. There is a strip of wood along there and the farm is farther back - There was an old road that came up through that wood to the bridge - They could travel it but it would not be much to have over - That road has been travelled for seven or eight years by a team - There has been a kind of a path but not that you could drive a team - I remember it could be travelled on for thirty years but not with a team - The effect of vacating the road through County Home farm and closing of the road through the wood would be to make Mr. Graham travel about two miles further a mile and a half any how - to come to Clearfield.

The same necessity exists for
the new road as existed for the
road through the County home farm
for forty years - The public road
on this side of the creek down to
the Odell Mill was travelled
more than the road through
the County home farm -

Re-drafted by Oscar Mitchell -

The road
that went through the County
home farm and crossed the Clear-
field Creek near Mr. Graham's
farm and entered the present
Clearfield & Woodland road near
Matchell's farm was the original
road between Clearfield & Woodland -
I do not know of any public
necessity for this road after
the other road to Woodland
was opened except for people
hauling stone and sand from
the creek - I do not know
of any public necessity for
this road as laid out by the
governor except for one man

I don't think there would be
any reason for the publication
- ellig around that way when
it is farther to woodland - There
is no possible use for the two public
roads there - I know there has
been a road up the creek on this
side from near the mouth of
the creek to the present bridge - It
was worked on years ago by
the Supervisors - It would be
about the same distance to cross
the creek and come up the new
road as formerly used ~~as to cross to~~
cleared up to come on the proposed
new road - The land where the
new road is laid out at the up-
per end is fine bottom farm land,
Report by Mr. Wilson -

I did not say
that Mr. Graham could use the road
on the side of the creek on his side
he ~~should~~ laid it at or towards the
lower end and the railroad blew
some rocks up it - It would
have to be fixed - Dennis O'neill

James Savage ^{dwong} was a reiver
but not on this same road -
D. was a reiver on a ~~road~~
~~started at his corner~~ former
view that started on the public
road leading from Mr. Graham
to the woodland Pike through the
wood up the creek along the
brow of the hill to the main
road at the bridge along the woodland
road - It was the viewing of a
road of which this is a review -

To open this road would be an outlet
for Mr. Graham coming this way
from his farm - I was on the
view that reached the road
from his house, the creek through
the County Home farm to the lane
at the Moore homestead -

I think Mr. Graham ought to have
an outlet whether public or private.
There is no public use for the
road being laid out in this review
would have it for the general
public - the road as now used is
the most direct road ^{to woodland} I think

The man ought to have an outlet
on this side of the creek or the other -
I would say he ought to have
an outlet public or private -
Cross. Ex by Mr. Wilson.

The same
condition exists for this road as existed
for the road through the County Home
now vacated -

Re-Direct by Mr. Mitchell - If there
is a public road on this side of the creek
Mr. Graham would have about as
good an outlet as he would have
had before the Conway Home road
was vacated except it might be
something farther -

Re-Cross - by Mr. Wilson - If Mr.
Graham starts from home and
crosses the creek on the road that
was vacated he would be going
almost directly toward Cemaped
while in coming to the bridge on
the other side of the creek he
would reach the bridge before
starting for Cemaped -

James Savage

W^m U. Wright's claim - I know
the land from the Amr. Graham house
at bridge at creek down to the mouth
of the creek over which this river
located the road - Mr. Graham has
a farm at the end of this proposed
road called the South place - I
never saw but the one farm house
nor any body else living there
except in the one house - I can't
see that there would be any public
necessity for laying out this
road for in my opinion it is
not 160 rods by the turnpike -
It would be farther by this road
in coming from Woodland to Clear-
field than by the road as now
used - I don't see any reason
for the public maintaining a
road laid out by the reverend
Cros. Ex by Mr. Wilson.

~~My earliest~~ Some
year back they had a road down
a little camp on the other side of
the creek except a timber road
to the rafting ground - I had
been down last about 2 years ago -

I generally went down on this side to Ogden's Mill and crossed the creek - I went down this road on the other side about 10 or 12 years ago -

If that road and the County Home road are closed the roads have to travel about the distance from Graham's to the Woodland road - The Bradford Township people did travel this road through County Home originally but of late years them did not use this road - with that exception there is the same condition as did exist when Mr. Graham made his road through the County Home and same necessity for the proposed review - I believe Mr. Graham should have an outlet either public or private -

Re-Dict by Mr. Mitchell - Mr. Graham has an outlet now about a quarter of a mile more than before the proposed new road. There was a public road down this side of the creek for many years - If the road down this

side of the creek. was open it
would give them the same
outlet as originally. It is not
a mile from the bridge down the
creek.

W. V. Wright

James F. Mitchell farm - I am
threw the land over which this
road goes down the creek as laid
out by review - It is good land
all but the lower end. It is bottom
land - In my opinion to open
the road along the bank of the creek
would damage the land \$3.50 -. I
would not want it for that.

I don't think there is any
public necessity for the road
as laid out by review. The
man living there only keeps one
horse on the farm - He has a
public road to cross fields around
the fields of the Mitchell farm
There has been a public road from
the mouth of creek up to the bridge
on the side of the creek for the past
forty years. They have stone up.

along their - I have helped work
the tax out on that road - In travelling
that road Mr. Graham never has
about the same cutter to clear paved
as in travelling the county roads
farm now located - except a
little further -

I have been all over that road
from Wood Cou~~l~~ to the road to Graham
and have never seen any dipli
there to prevent travel as you
could travel through in the woods
there -

Cross-Ex by Mr. Wilson - We pur-
chased the farm from Mr. Leonard
in 1870 or 1871 or along there - we have
not extended the fields any since
buying the farm - when we bought
there there was no road from Graham
up by our field to the bridge - we put
in a raft a tie down there the first
year we had the place and hauled
timber - we comes down down there
by being careful - there was never
any road below the rafting ground
except a space along the fence -
he ^{Mr. Graham} made his road up his hill himself

and never asked any body about it
He used this road pass of the time
after the County Home road was va-
cated - He has not used it for a
couple of years - we would build a
fence and he took it down - We
also cut a tree across it -

The road Mr. Graham used through
the County Home was a poor good
township road - In coming the road
on the side of the creek he does not
start for clearings until he gets to
the bridge. One place on that road
is bad, they used to keep it up -
That was a regular township road
and was used for forty years and
he worked tax on it -

James H. Mitchell

Paper in vacuum of Poor House
Jury ^{was} offered in evidence by Oscar
Mitchell Esq.

Clearfield County 55:

I do hereby certify
that the above witnesses were
examined after being sworn and
the testimony reduced to writing
by me and subscribed by them
in my presence and that same
is correct.

Witness my hand and
notarial seal this Twenty third
day of March AD. 1903 -

Benjamin F. Chase.
Notary Public

MY COMMISSION EXPIRES
JANUARY 26 1907

| | | |
|----------------|-----------------|-----------------|
| Tees of Notary | 3 ⁰⁰ | 3 ⁰⁰ |
| W. V. Wangler. | 1 day 1 mile | 1.06 |
| Jas. Savage | 1 day 1 mile | 1.06 |
| J. F. Mitchell | 1 day 1 mile | 1.06 |
| Dennis Owen | 1 day 2 miles | <u>1.12</u> |
| | | \$ 7.30 |

Quarles Session

Dec 2 Feb. 1908

In Re Public
Road in
Lawrenceburg-

Depositions of
Keepers -

Volney Quarles 29⁰⁰
William Dees 4,30

BENJAMIN F. CHASE,
ATTORNEY AT LAW,
CLEARFIELD, PA.