

No. 6 Dec

Term, 190

3

Public Road

versus, ad

Grand Twp.

St. Louis, Mo., May 1905. Served the within Rule on Clayton Donnell, by handing him a true and accurate copy, and making known the contents thereof, Served on C. C. Martel & Wm. Hurley, Defendants of Defendants, by giving a true and accurate copy to C. C. Martel, and making known the contents thereof, Served on Wm. Hurley by leaving a true and accurate copy at his place of residence with an adult member of his family.

So acts J. S. Starns
Supt.

RECEIVED
1905-5
115-5

387

Public Board
versus
Howard Frank

RULE ON

Defendant
Supt. Starns
Sheriff Starns - 10.00
" " 5.25

1675

John H. Starns Attorney for Plaintiff.	John H. Starns Attorney for Plaintiff.
John H. Starns Attorney for Plaintiff.	John H. Starns Attorney for Plaintiff.

Q. C. Williams
C. C. Williams

In Republic Road

in
versus
Gward Trost

In the Court of
of Clearfield County, Pa.

No. 6 Dec Term, 1903

Fi. Fa., No. Roads 190

And now, May 1, A. D. 1905, petition read and considered,
and a rule is granted on Supervisors of Gward Trost ^{and on}
petitioners to show cause why confirmation
absolute should not be granted off.
Service to be made on Clayton Smith

Returnable 1st sunday of June next
By the Court,

HON. ALLISON O. SMITH, P. J.

Certified from the record this 1 day
of May, 1905.

Ross Thompson

DRK

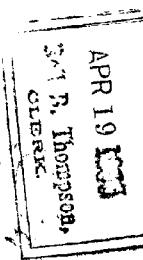
Placed
6 Dec 1903

15 1/2 April 1903

Rule Granted & that
Cause being reported
of Rivers should
not be set aside
returnable to 1st
Wednesday of June
1903

By the Court

W. H. Thompson
FILED



In the Court of Quarter Sessions of Clearfield County.

In the matter of a public road in Girard township, Clearfield County, leading from public road at Surveyor Run to connect with public road leading from Gillingham School house to the Knobs.

Now, April, 14, W. A. Hagerty, attorney for the Supervisors of Girard township, moved that the confirmation for said road be stricken off for the reason that the report of the viewers do not show that the property owners along the road of same, were ever given notice of the time and place of view as required by Act of Assembly and ruled by the Court.

*W. A. Hagerty
att for Supervisors*

To the Honorable tte Judge of the Court of Quarter Sessions
of Clearfield County Penna .-

The petition of the undersigned subscribers citizens
of the township of Girard in said County .- Respectfully represent that
the labor under great inconvenience for want of a public road to lead
from a point on a public road leading from Clearfield to Karthaus at or
near the mouth of Surveyor Run to connect with a public road leading from
Deer Creek to the Knobs at or near Gillingham school house.- They
therefore pray your Honorable Court to appoint three disinterested citizens
of said County to view and lay out the same and make report thereon
to the next Term of Court .- And they will ever pray &c

Isaac Smith William H. Davis
Ralph Smith Wm Coulter
Frank Smith Wm Crise
Geo D. Fugay George Wilson
E. O. Billotte Byron Fugay
William Bradford William Davis
D. Stever
S. C. Bradford Dan Driscé
Daniel Bradford David Coulter
William Bradford Frank Coulter
George Brumgaran
John W. and John
Fred Smith
Abel Hughey.

No. 6 Dec. 1903

Two Sept 14th 1903

Within Petitions were

and Condescension

and Harry Byers

W. A. Nelson & Chas. Weller

and Affidavits

Guinn, & now Chas

Weller and Mark

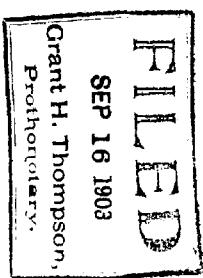
John Johnson &

West County & County

By the Court

Chas. Guinn

P



H. A. Guinn

In the Court of Quarter Sessions of
Clearfield County.

In re Public No. 6 Dec. 88. 1903.
Road in Girard Township Order Opening Road,
Date 19 Dec. 1903.

Answer of Clayton Smith,
Clearfield County, Pa.

Clayton Smith, being duly sworn
according to law, doth depose and
say that he is an owner of property
along the road laid out in the above
mentioned order; that said road
was duly laid out and that due and
legal notice of the meeting of the
towns was given as appears by the
Report of the vicinage filed to the above
number and time; that the property
holders were duly notified; that said
road as laid out is necessary by
deponent and to fifteen other residents
of said vicinity; that part of said
road, in all about ^{approximately} ~~three~~ miles, has been
laid out; that about a mile of said road
is not yet open, and the supervisors
at present in office are reluctant to
open the same for some reason un-
known to deponent; that the present
rule to strike off the confirmation of
said Report of vicinage is without any
just cause; wherefore deponent prays
that said rule be discharged.

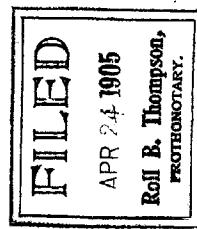
at the costs of said petitioners.
And be our proxy, etc.
Dwight and Subscribed
before me this 22 Apr. 1903. Clayton Smith
1903.

Daniel Connally

Commissioner
of Industries

No. 6 Dec. 5, 1903

This is Ruble Road
in Worcester County.
Answer of Clayton
Smith & Rule
to their cause



William G. Brown
Rec'd. for Resp.

Rule to Take Depositions.

Clearfield County, ss:

In re.....Road in.....
VERSUS
Edison Corp.....

In The Court of ~~Common Pleas~~ of
of Clearfield County, Penn'a.

No. 6 Dec. Term, 1903

AND NOW, to wit, the.....10th.....day of.....June....., in the year
of our Lord one thousand nine hundred and.....five.....
....., the.....Pet.....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.....Pet.....on
.....five.....days notice.

Prothonotary
Clerk

To.....Bell & Hartman....., Esq's

.....Atty for Ltr. R. L. L. Co.,

You will please take notice, that in pursuance of the foregoing Rule depositions will be
taken before.....L. W. Edmund, N.P., or some other person authorized to ad-
minister an oath or affirmation in Pennsylvania, in and for the County of.....,
at the office of....W. L. Swonger.....in the.....Boro.....
of.....Clearfield....., in the county of.....Clearfield.....
and State of Pennsylvania, on the.....17.....day of.....June.....A. D. 1903.,
between the hours of.....11.....o'clock A.M. and.....5.....o'clock P.M., when and where you may
attend and cross-examine.

.....William L. Swonger.....
Clearfield, Pa.,....., 190..... Atty for Pet.

Service accepted June 12, 1903

Bell & Hartman

Atty for Attorney & Clerk Co.

No. Term, 190...

VERSUS

Rule to Take Depositions.

IN THE COURT OF QUARTER SESSION OF CLEARFIELD COUNTY

In re

PUBLIC ROAD in

Girard Township

No. 6 December Term, 1903.

By agreement of Counsel, Testimony of Exemptants' Witnesses is to be taken on the 17th day of June, A.D., 1905 by virtue of the attached Rule, to have same effect as if taken on the date in said Rule mentioned.

In re PUBLIC ROAD in : No. 6 December Term, 1903.
Girard Township :

Harry Byers being duly called and sworn, testifies as follows:-

By Mr. Swoope.

Q. What is your profession ?

A. I am a Surveyor.

Q. How long have you been a Surveyor ?

A. About seventeen years.

Q. Were you appointed by the Court as one of the Viewers in the matter of this road in Girard Township ?

A. I was.

Q. State what you did in pursuance as one of these road Viewers in this proceeding.

A. I sent out the notices to be posted, and believe they were sent to Ed Billotte in Girard Township.

Q. Is this one of the notices you sent out, and is it in your own hand writing ?

Dated Clearfield, Pa., Nov. 16, 1903, at the Boarding House of the Surveyor Run Lumber Company in Girard Township, on Tuesday 24th day of November, 1903 at 9 O'clock A. M.

A. Yes.

Q. You sent it out the date it appears there, did you, November 16, 1903 ?

A. I presume it went out that day or the day following, I cannot say for sure.

Q. Did you ~~xxxx~~ other Viewers go down on the day mentioned ?

A. Yes, we were there at the Boarding House.

Q. Did you notify Alfred Graham, Manager of the Surveyor Run Lumber Company ?

A. Yes, it was a verbal notice; I spoke to him about it and mentioned the date of the view in Clearfield, as I knew he was interested.

Q. Did you speak to any of the other members of the Surveyor Run Lumber Co. about the meeting ?

A. I do not recall that I did.

Q. On the day fixed, the 24th day of November, did you and the other viewers go to this place at the Boarding House and hold the view ?

A. Yes, we did.

Q. State whether or not if you as Viewers considered the Surveyor Run Lumber Co. would testify for damages for this road ?

A. I believe we reported no damage. I consulted with the other members of the Company concerning the question of damage and I believe Mr. Porter signed the release of damage, and I understood from them that he was then as tenant in common and each would have to sign the release.

Q. Did your report show that they were not entitled to any damages ?

A. Yes.

Q. Your report mentioned the Surveyor Run Lumber Company in the portion voted to the assessment of damages, did it ?

A. Yes.

Q. How far was this Boarding House from the Saw Mill, owned by the Surveyor Run Lumber Co.

A. I suppose it was about one-eighth of a mile.

Q. Did you see William Kratzer down there that day, or any place near that place ?

A. Yes I saw him at both the boarding house and the mill. My recollection is we wanted him to go along as we thought the Company would be interested.

Q. Do you know what position he held with the Surveyor Run Lumber Company ?

A. No, not exactly, he seemed to be in full charge of the mill.

Q. State what further you did in performing your duties as Viewer ?

A. Laid out the road, marked it and reported it.

Q. State if you made a draft of the road ?

A. We did.

Q. Is this it ? (draft produced)

A. Yes that is it.

Q. Where you have marked on the draft the road begins, is that the actual point where it begins ?

A. Yes.

Q. Is that on the place where this road leads from Clearfield to Karthaus ?

A. Yes it was.

Q. Is it near the mouth of the Surveyor Run ?

A. Yes, and it is the nearest point to the Karthaus road and the nearest point of the Run where the new road should be joined on to the Karthaus road.

Q. Was that the nearest practical point on the Clearfield and Karthaus road near the mouth of the Surveyor Run ?

A. It was.

Q. State if in laying out this road, how much of the old timber road there you followed ?

A. It looked to be about two-thirds the distance.

Q. How long is this proposed road ?

A. Three mile, 19 perches, and two-thirds follows the course of the old timber road on the draft.

Q. State, if at the time you laid out the road, the old timber road was in use.

A. It was, that is there was some travel on it.

Q. State, if in laying out this road you followed the most practical route up the Run ?

A. Yes, think we did.

Q. State if the other terminus road as laid out by you, came out on the public road leading from Deer Creek to the Nobbs ?

A. It did.

Q. State if it came out on the public road leading from Deer Creek to the Nobbs, it would be practicably as near to Gillingham School House ?

A. It would be we considered the nearest and best route to reach the School House, and we considered it best for less damage to private property, as also the condition of the ground as to the swamp and grades.

Q. As I understand you, you say the road as laid out by you and the other Viewers, as marked on this draft, was the nearest practicable route and the best route taken between the two terminus as specified ?

A. We so considered it so in looking over the ground.

Q. State how far the terminus that fronts on the public road from Deer Creek to the Nobbs is from Gillingham School House ?

A. I do not know the exact distance, I suppose about one-eighth of a mile.?

Q. Did you draw up this report as filed in this case ? (report shown)

A. I did.

Q. Did you present it to the Court for confirmation ?

A. It was filed.

Q. Were there any exceptions filed ?

A. I never heard of any exceptions being made; it was confirmed absolutely.

Q. Did any of the parties you spoke to about the meeting in November 19, 03, ever object to this road ?

A. ~~XXXXXXXXX~~ No one that I spoke to objected. I believe Mr. Gillingham stated they spent a good deal of money on the road.
Cross examined by Mr. Hartswick.

Q. When did you receive the order to view from the Clerk of Court ?

A. I do not know what date it was.

Q. When did you send out the notices that the view would be held?

A. It was the 16th of November; think they were mailed that day.

Q. Do you know who posted them ?

A. In part, Mr. Billotte I understood posted the one at Gillingham.

Q. How many did you post ?

A. There were three posted and one for service on the Supervisor.

date

Q. What/did you hold the view ?

A. On the 24th and 25th of November.

Q. Where did the viewers meet ?

A. At the Boarding House.

Q. Whose ?

A. The Surveyor Run Lumber Company's Boarding House.

Q. In the house ?

A. Yes, I guess they went in the house and talked over the matter and discussed what places to begin.

Q. Did you meet before you went over the ground ?

A. Yes.

Q. When did you meet to discuss the question of damage ?

A. The question of damage was discussed and considered during our session there; it was sometime during the two days, I think.

Q. Who was at the Boarding house ?

A. A number of people were in the room; Mr. Jury was there and a crippled man, I don't just remember his name, and another Supervisor was there.

Q. Was there anybody there representing the Surveyor Run Lumber Company?

A. I believe not except Mr. Kratzer, not as a witness, he was there.

Q. Were any witnesses called ?

A. No witnesses was called, but any one there was questioned as to the necessity of the road.

Q. Did you make your Headquarters at the Boarding House ?

A. Yes, and stayed there over night and took my meals there.

Q. Mr. Kratzer boarded there, did he ?

A. Yes.

Q. Do you know what position he held with the Surveyor Run Lumber Company ?

A. He seemed to be in full charge of themill there, as foreman.

Q. Who swore the viewers before the view ?

A. I think Squire Nelson swore me and I swore Squire Nelson and Mr. Wheeler. That is my recollection.

Q. That is not indicated on the report, is it?

A. No sir.

Q. What part of the ground did you begin on?

A. On the lower end of Surveyor Run. I do not recall how much we went over before we located it, possibly we went clear through to the other road.

Q. Was any inquiry made by the Board of Viewers as to what part of the lands through which the proposed road is to pass, was ~~MAX~~ seated land?

A. I don't believe there was any inquiry made as to whether it was seated or unseated. I

Q. Did you make any effort to ascertain what part was seated or unseated?

A. No; All improvements were noted on the draft.

Q. You noted the improvements?

A. Yes, noted them on the draft.

Q. Is the boarding house noted on the draft?

A. Yes.

Q. Right where the road comes along?

A. Yes, two or three are shown on the draft.

Q. The terminus of the road at the Surveyor Run end of it is nearer the boarding house, is it not, than the mouth of Surveyor Run?

A. Yes, it is nearer the boarding house than the Run.

Q. What is your estimate of the distance from the place of the terminus of the road to the mouth of the Surveyor Run?

A. It might be three-eighth of a mile to the Mouth of the Run; there is no township road to the mouth of the Run.

Q. Is that as near to the terminus as called for in the order to view, as you deemed it practicable?

A. Yes, if it was located elsewhere it would make more road than necessary.

Q. Could the terminus be located nearer to the mouth of Surveyor Run?

A. It could be located at the mouth of the Run, but such location

would require a road parallel with the present road and unnecessary.

Q. How much land of the Surveyor Run Lumber Co. would be taken by this proposed road?

A. Close to five acres if open, it would be 33 feet wide; most of it is side hill cut.

Q. Were you pretty well over that land of theirs?

A. Yes, pretty well over it.

Q. Is or is not the location of this road about the only location for a railroad or tramroad to develop that tract of land?

A. The railroad might be built lower down. The Township road location is generally some distance up the side hill and on the East side of the Run; the railroad might be located on the West side, although I have not examined it with the intention of locating a railroad and could not say exactly.

Q. Does this road near the Surveyor Run terminus run alongside or cross the Run?

A. It starts at the railroad crossing and then climbs the side hill leaving the Railroad.

Q. How far from the Railroad?

A. I do not know exactly.

Q. Do you as a Engineer consider that this road, if opened, would be a detriment to the development of that land if railroads were necessary to be put in, for such developments?

A. I am hardly prepared to answer that; the best location was found on the west side and this road should not interfere, but if opened and the railroads are to be built on the East side of the run it would interfere.

Q. Do you know where the coal operations are?

A. I know there are one or two on the west side of the Run.

Q. Were there any on the east side of the Run?

A. I do not know any East of the Run; I understood there were some on Bald Hill Run.

Q. What is the approximate distance between the timber road now open and the railroad?

A. I cannot tell. The township road as laid out climbs the hill at about 5° grade, approaching the old timber road.

Q. Did you as Engineer of this view ever serve formal notice on the Surveyor Run Lumber Co. of this proposed view?

A. No. No notice was given except the posted notice.

Q. Does the road pass through any other lands?

A. Yes.

Q. Was the question of damage discussed by the Viewers on either day of this view?

A. Yes, it was discussed before we adjourned.

Q. Were the Viewers unanimous on the report of no damage?

A. Yes.

Q. How did you reach that conclusion?

Question objected to because it was not properly crossed and it is argumented.

A. There was no claim made for damage and the viewers considered that the road would be equal in developing the upper end of this tract and it that way the disadvantages was compared with the advantages to the property.

Q. Was there any more lumbering to be done on that tract?

A. Yes there was lumbering there after we were there.

Q. Is there any now there?

Question objected to as it is two years after the view.

A. I presume there is not, but do not know.
Cross examined by Mr. Swoope.

Q. At the time you held this view, how much of the railroad was built up to the mill?

A. From the New York Central to the Mill, about one-half mile.

Q. Do you know of any more railroad being built since?

A. I do not know.

Q. At the time you held the view, was there anything to indicate that the railroad was to be extended further?

A. No, it ended at the mill.

Q. When you spoke to Mr. Graham, as you stated before, about the proposed road, did he say anything about it interfering with the railroad or with the prospective railroad?

A. No, he did not.

Clearfield County, SS.

I do hereby certify that the foregoing testimony was taken before me by virtue of annexed rule by agreement of Counsel, on Saturday, ~~June~~ 17, 1905, at the office of W. I. Swoope, by stenographic notes, and that the typewritten copy hereto attached is correct.

Witness my hand and Notarial seal this 19th day of June, A.D., 19 05.

Notary Public.

Ira Jury being duly called and sworn, testified as follows:

By Mr. Swoope.

Q. You live in Girard Township ?

A. Yes.

Q. Do you own land down there ?

A. Yes.

Q. Are you a tax payer ?

A. Yes.

Q. Did you circulate this petition for the opening of this road in Girard Township ?

A. Yes, I think that is the one.

Q. Your name is signed to this petition ?

A. Yes.

Q. I see there are twenty-two names signed here; please state if these persons whose names are signed to this petition are residents and tax payers in Girard Township ?

A. They all were at that time.

Q. Please state why you and your fellow petitioners wanted this road laid out.

A. Because we had a bad outlet in the winter and a bad road to travel in the ~~winter~~ summer and we have talked about a new road for a great many years. We thought that would be the proper place to locate the road, as in the winter time the petitioners had no good outlet from their residents ~~and~~ farms.

Q. Only by this road ?

A. Yes, only by this road.

Q. Please state Mr. Jury if before this view was made there had been an old road that had been used by these petitioners.

A. Yes, it had been there for many years.

Q. Was it a private road kept up by owners of land ?

A. Yes, and the jobbers.

Q. State if your purpose was chiefly to make a public road of this old private road that had been used a good many years ?

A. Yes.

Q. State is in the winter time there was any other outlet at the end of the Township that could be taken except this road ?

A. Not when there is much travel. That is the main outlet in the winter.

Q. How many people would be benefited by the opening of this road ?

A. Very near one-half the township in the Winter. They use it in different directions.

Q. In the year 1903 previous to the time of this view, did you have any conversation with Albert Graham about the new road ?

A. Yes, I was Supervisor of the year, 1903.

Q. State what conversation you had ?

A. Well, we were speaking about the Surveyor Run Hill and talking about getting a road around the hill, and he proposed to get a road in some way; do not remember any point mentioned in particular, but he told me to put him on as one of the Viewers if the petition was gotten up.

Q. Did he say anything to you about wanting such a road himself, if so, what did he say?

A. He said they could go through the Company's ground free of charge.

Q. Is this road as laid out such a road as you wanted and you spoke to him about ?

A. Yes, it is.

Q. Is this road as laid out such a road as Mr. Graham wanted ?

A. Yes, I think it is.

Q. Did you see these notices posted up anywhere ?

A. Yes, I saw one at Surveyor Run on the blacksmith shop and the other at Odessa.

Q. Did you see them more than five days before the view?

A. Yes, it was more than that.

Q. Did you send Mr. Graham's name in as a Viewer?

A. Yes.

Q. To whom?

A. To Mr. Hagerty.

Q. Was he appointed as a viewer?

A. No.

of

Q. At the time/this road proceeding was there still considerable lumber to be removed along the road?

A. Quite a bit, but nothing like it used to be. The most of it had been cut but there was still a good bit there. No lumber would have to be removed to have this road laid out.

Q. How far was the railroad Mr. Graham spoke of, built?

A. To the mill.

Q. How far to the N. Y. C. R.R.?

A. I suppose it would be about one-fourth mile.

Q. Since the time of this view, has that road been extended by the Surveyor Run Lumber Co.?

A. No, not that I know of.

Q. After the time this road was laid out, was it of advantage to the Surveyor Run Lumber Co.

Objection made to form of question.

A. It was.

Q. How much of this proposed road has been in use?

A. About two-thirds of it has actually been in use.

Cross examined by Mr. Hartwick.

Q. Did you drive up today?

A. Yes.

Q. Did you use this road today coming to town?

A. No, I came on the other road.

Q. This timber road was really only used in the Winter time, was it?

A. Yes, mostly on account of the drifts, but at other times of the year the old road was used.

Q. How much would this new proposed road save in distance?

A. I think possibly one and a half mile; it would be at least that much nearer.

Q. Who maintained this timber road through the ~~woods~~ & woods?

A. The Company mostly kept up that road.

Q. Are they through with their timber operations now?

A. Yes, so far as I know.

Q. In your judgment, if this judgment was opened, would it interfere with the developement of the mineral of the land of theirs?

A. I do not know exactly, of course it might in places, where they would want to cross it.

Q. Were you present at the view?

A. Yes.

Q. Were you a witness?

A. I was a Supervisor, and was notified to attend.

Q. Did you testify before the viewers?

A. No, I was not one of the viewers, understand.

Q. You were there in your official capacity, were you?

A. Yes, I got notice to attend and I went.

Q. If this proposed road was opened, would it work hardship to the Township people?

A. I think it would.

Q. If the Company were to develope the land by the railroad, would this proposed road be useful?

A. I think more useful to the railroad than the Township.

Cross examined by Mr. Swoope.

Q. I asked you about the private road; that was never opened by any proceeding in Court, was it?

A. No.

Q. Has it always been kept up by the Surveyor Run Lumber Co.?

A. Yes, and by the different people who was taking the timber.

Q. Then the road was always maintained by those operating the timber on it, was it ?

A. Yes.

1 day, 15 miles.

Clearfield County, SS.

I do hereby certify that the foregoing testimony was taken before me by virtue of annexed rule by agreement of Counsel, on Saturday, June 17, 1905, at the office of W. I. Swoope, by stenographic notes, and that the typewritten copy hereto attached is correct.

Witness my hand and Notarial seal this 19th day of June, A.D., 1905.

Notary Public.

In re- PUBLIC ROAD in Girard Township.

W. F. Krise being duly called and sworn, testified as follows:-

By Mr. Swoope.

Q. Where do you live ?

A. In Girard Township.

Q. Are you a tax payer ?

A. Yes sir.

Q. Are you one of the petitioners of this road ?

A. I believe so, I put my name down.

Q. State why you and your fellow petitioners wish this road laid out in this petition?

A. One reason was because it was a winter road and was always drifted in the Winter, and thought it would make a good summer hill because there was less hill.

Q. How many families would be benefited by the opening of this proposed road ?

A. I can hardly tell, but suppose between twenty-five and thirty, but to hear them talk, do not think they knew.

By Mr. Hartwick.

Q. You say "but to hear them talk you do not think they knew"; what do you mean by this ?

A. Well, some think it is not a benefit.

Q. Then there are some citizens there who are opposed to this road, are there ?

A. Yes, it looks like it.

Q. Who are they and how many do you think there are?

A. I would not know just how many.

Q. Were there a dozen, or fifteen or more ?

A. There must have been a dozen.

Q. Do you think this proposed road would interfere with the developments of that land by the owners of the Surveyor Run Lumber Co.?

A. It might a little.

Q. If that land was actively developed in your opinion, would it interfere with this new road?

A. I hardly think it would.

By Mr. Swoope.

Q. You stated some people were opposed; where do they live?

A. They live at the end of the road, at Gillingham.

Q. Were any of them the signers of this petition?

A. I can hardly tell.

Q. What are the names of some of them?

A. Well, Lukins, for one.

Q. Where does he live?

A. He lives near there. He can get out the other way.

Q. Who else is opposing?

A. A man by the name of Flood who lives at the end of the road near Gillingham. He can get out the other way, but can get out this way the best where we want to get out.

By Mr. Hartwick.

Q. How long have you lives in the Township?

A. All my life.

Q. Do you know if there was ever a private road laid out prior to the occupancy of this land by the Surveyor Run Lumber Co.?

Q. ~~XXXXXXKXXXXXXX XXX XXXXXXX~~

A. I think there were taxes worked out on this road.

Q. Do you know if the private road was laid out by order of the Court?

A. I could not say, but there were taxes worked on that road years before.

Q. How much of that road would that be ?

A. About one mile of it the taxes were worked.

Q. Who owned the land prior to the Surfeyor Run Lumber Co.?

A. Robert Stewart, I think.

Q. Were you ever Supervisor of the Township?

A. No.

In re PUBLIC ROAD in Girard Township.

Harry T. Smith being duly called and sworn, testifies as follows:--

By Mr. Swoope.

Q. Do you live in Girard Township ?

A. Yes.

Q. Do you own property there ?

A. No sir.

Q. Are you a tax payer ?

A. Yes sir.

Q. What is your business ?

A. My business is a teamster, etc., working in the woods.

Q. In your business do you have to travel over the roads in Girard Township ?

A. Yes sir, I am on them almost continuously.

Q. State Mr. Smith is this proposed road would be a benefit to a number of citizens in Girard Township .

A. It would be a benefit in order for us to get home. I have to climb a 15 degree hill and have to take lighter loads on the wagon to get home.

Q. State if in Winter time a number of the citizens in Girard Township have no other outlet except the old road or the proposed new road ?

A. Last winter when it drifted everybody had to travel down the Run because the other road was blackaded, and I do not think the road around Surveyor Run was opened from January until March. They all went down the run, and all had to go because the other road was not cut.

Q. How many citizens had to take this route in Girard Township ?

In other were thirty families had to use the road down the road in order to get to Clearfield.

Q. State how much of this proposed new road is now in use.

A. I do not know exactly, but suppose one mile of it, from what I have travelled.

Q. Did you see this notice posted up at the Blacksmith Shop ?

A. Yes, it was after the view. Do not know exactly where it was, but I saw it.

By Mr. Hartswick.

Q. Did you attend the view ?

A. No, I was not at home.

Q. What do you know in relation to the terminus?

A. I know where they are. A man showed me by a post, who was acquainted with the management of the Surveyor Run Lumber Company.

I know they have been in there for a number of years.

Q. Did you know their representative?

A. I knew they had Kratzer working for them.

Q. Did he look after their ~~maxx~~ property in the vicinity of this road ?

A. He did the renting of the houses, etc.

Q. Would the people of the Township ever need a public road there as long as this other road was kept up by the Surveyor Run Lumber Co.?

A. I think they would because the hill was so steep.

Q. How long has the other road been in use ?

A. I do not know.

Q. Does this road run at all through the Surveyor Run Lumber Co. land ?

A. Yes, about one mile at the upper end.

Q. How often are you on the road during a week ?

A. I am on it every week and quite often twice. I am in Clearfield every week nearly.

IN RE Public Road in Girard Township'

Bowman Smith being duly called and sworn testifies as follows:-

By Mr. Swoope.

Q. Where do you live ?

A. In Girard Township.

Q. State your knowledge of the condition down there and how many families would be benefited by this road ?

A. About thirty one families would be bededited at the upper end of the road and there are now thirteen families at the Gillingham end of the road who would be benefited, making a total of 43 families.

Q. State if to a number of families it is the only way to get out from their residences in the Winter time ?

A. Yes, a large number of families it is about the only way to get during the winter months.

By Mr. Hartwick.

Q. About two months of the year the old road is not used, is it ?

A. Yes sir.

Q. Does the Supervisor of the Township endeavor to keep the old road open in Winter time ?

A. I can not say that they do.

Q. Were you present at the view ?

A. No, I knew nothing about it from being present and know nothing about the terminus being located in accordance with the petition, but think it was in the most suitable place.

Q. You think it was the most suitable place, do you ?

A. Yes, to make it parallel, and to reach the point called for in the petition, Gillingham, it was the most practicable way of getting there, otherwise you would have to travel over considerable ground.

Q. Did you sign the petition ?

A. No sir.

Q. Do you own any property ?

A. No.

Q. Whose son are you ?

A. Isaac Smith is my father and was one of the petitioners.

Q. Did you say there were thirty-one families who have no other way of getting out in Winter time except to use this old road ?

A.. Yes, it is the most convenient way for the thirty families at the upper end of the road. Last year it was not opened up from January until April ?

Q. Why ?

A. Because it was drifted up and people all travelled on the Run.

Clearfield County SS.

I do hereby certify that the foregoing testimony was taken before me by virtue of annexed Rule by agreement of Counsel, on Saturday, June, 17, A.D., 1905, at the office of W. I. Swoope by stenographic notes, and that the typewritten copy hereto attached is correct.

Witness my hand and Notarial seal this 19th day of June, A.D., 1905..

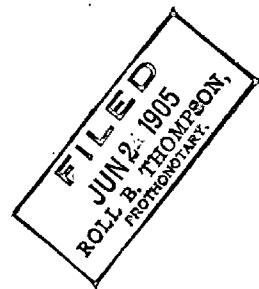
Benjamin Chase
Notary Public
My Commission Expires Jan. 26-1907

126 Dec. 200, 1905

In re
PUBLIC ROAD in
Girard Township

Testimony of Petitioners.

Books of deposition 600



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

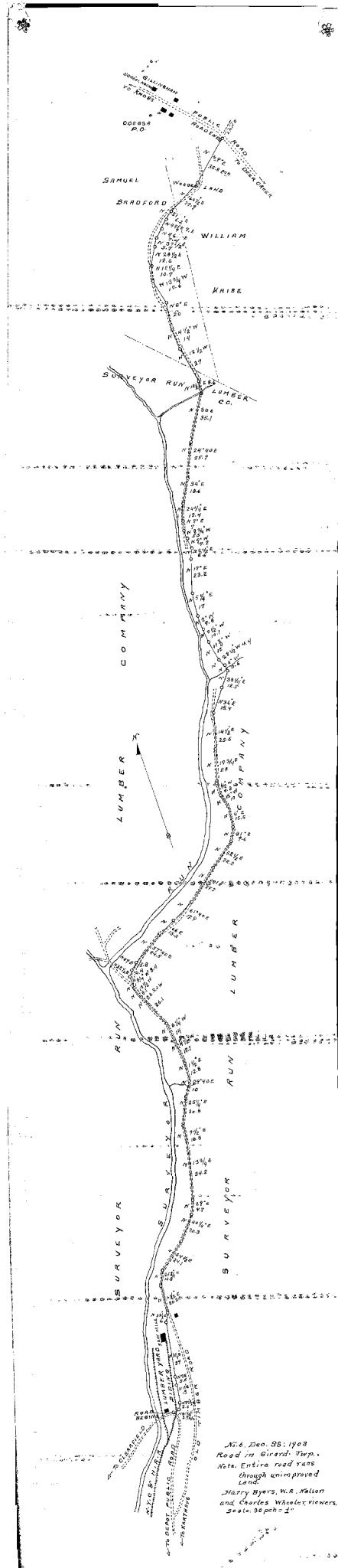
SMITH CO., HERZILLE, PA

TO THE HONORABLE CYRUS GORDON, PRESIDENT JUDGE OF THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.

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 six days' notice to the County Commissioners of Clearfield County, and the Supervisors of Girard Township, and met agreeable to said notices, and having been severally sworn or affirmed, we have laid out and do return for public use the following road, to wit: Beginning at a point on the public road leading from Clearfield to Karthaus near the mouth of Surveyor Run, to wit, at the lower end of the Surveyor Run Lumber Co. lumber-yard, thence through unimproved land of the said lumber company, North $81\frac{1}{2}$ degrees East 3.9 perches to a hemlock sapling; thence continuing through the same North $27\frac{1}{2}$ degrees East 3.6 perches to a Hemlock; thence North 11 degrees East 13 perches to a post; thence N. seven degrees East 5.6 perches to a Horn Beam; thence North $11\frac{1}{4}$ deg. East 39 perches to post; thence North $33\frac{1}{2}$ deg. East 6 perches to a point in Timber road at south end of a bridge; thence continuing in said timber road North $3\frac{1}{2}$ deg. East 20.2 perches; thence North $25\frac{3}{4}$ deg. East 10.8 perches; thence North $54\frac{1}{2}$ deg. East 24.1 perches; thence North $40\frac{1}{4}$ deg. East 20.3 perches; thence North 29 deg. East 9.7 perches; thence North $13\frac{3}{4}$ degrees East 34.2 perches; thence N. 9 $\frac{1}{2}$ degrees East 18.8 perches; thence North $25\frac{1}{4}$ degrees East 20.8 perches; thence North 29 deg. 40 minutes East 10 perches; thence North 1 $\frac{1}{2}$ deg. East 12.8 perches, passing close along lower side of road; thence North $41\frac{1}{2}$ deg. West 17.1 perches; North $6\frac{1}{4}$ deg. West 14 perches; thence North 26 deg. 20 minutes West 26.1 perches; thence N. 17 $\frac{1}{2}$ deg., West leaving said road, 8.1 perches to a Hemlock Sapling near forks of said road; thence up the East branch of Surveyor Run North $3\frac{3}{4}$ of a degree West 8.4 perches to a Beech; thence North $32\frac{1}{2}$ degrees East 4.4 perches to a Hemlock; thence North 49 degrees East 5.8 perches to a Hemlock Sapling; thence North 57 degrees 40 minutes East 24.5 perches to a point in a branch of the timber road aforesaid; thence in said timber road North 66 degrees East 15.2 perches to a Hemlock at road-side; thence along said road North 61 degrees 40 minutes East 17.9 perches; thence North 52 degrees East 27.7 perches; thence North $52\frac{1}{2}$ degrees East 22.2 perches; thence North 31 degrees East 9.6 perches; North 6 degrees East 15.5 perches; North 15 degrees West 10 perches; North $1\frac{1}{2}$ degree West 9.2 perches; North $7\frac{3}{4}$ deg. East 24 perches; North $14\frac{1}{2}$ degrees East 25.6 perches to a Pine Stump at side of said road; thence leaving the road North 36 degrees East through unimproved land of said Lumber Co. 18.4 perches to a Hemlock; thence North $38\frac{1}{4}$ degrees East 12.5 perches to a post; thence North 6 deg. West 3.6 perches to a Hemlock Stump; thence North $28\frac{1}{2}$ degrees West 4.4 perches to a Hemlock Stump; thence North $11\frac{3}{4}$ degrees West 15 perches to a Hemlock Sapling; thence North $7\frac{1}{2}$ degrees West 10.1 perches to a Hemlock; thence North 2 degrees West 9.6 perches to a Maple bush; thence North $5\frac{1}{4}$ degrees East 17 perches to a post in timber road; thence in said timber road North 17 degrees East 23.2 perches to a Chestnut; thence North $22\frac{1}{2}$ degrees East through unimproved land 8.6 perches to a Hemlock Sapling cut; thence North 9 degrees West 7.2 perches to a Birch Sapling; thence North $2\frac{3}{4}$ degrees West 5.5 perches to post in timber road; thence in said road North 7 degrees East 7 perches; thence North $24\frac{1}{4}$ degrees East 12.4 perches; thence North 34 deg. East 18.6 perches; thence North 24 deg. and 40 minutes East 25.9 perches thence North 30 deg. east 35.1 perches to South end of bridge across Clayton Smith Run; thence North $12\frac{1}{2}$ degrees East 8.6 perches to a post; thence North $12\frac{1}{2}$ degrees West 27 perches to a post by Hemlock; this course passing at South side of said road on land of said Surveyor Run Lumber Co. (as it has been from starting point) and unimproved land of Samuel Bradford; thence continuing through unimproved land of Samuel Bradford North $4\frac{1}{2}$ degrees West 14 perches to a post; thence North 8 degrees East 20 perches to a post; thence North $13\frac{3}{4}$ degrees West 17.6 perches to a post; thence North $12\frac{1}{4}$ degrees East 10.7 per-

ches to post; thence north 28 1/2 degrees East 12.6 perches to a White Pine; thence North 37 1/2 degrees East 5.7 perches to a Red Oak; thence North 46 degrees east 7.4 perches to a White Pine; thence North 47 1/4 degrees East 7.1 perches to a White Oak Sapling; thence North 51 deg. East 6.2 perches to a Quaking Asp; thence North 60 1/2 degrees East 27.9 perches to a White Pine Sapling, (passing through unimproved land of said Samuel Bradford and William Krise), thence through unimproved land of said William Krise North forty-nine degrees East thirty-five and eight-tenth perches to a post opposite the end of William Krise' lane on road leading from Deer Creek to the knobs near the Gillingham School house, - a plot or draft of the road as laid out aforesaid is hereunto annexed showing courses distances and improvements, which road is necessary for a public road. Witness our hands this third day of December A.D. 1903.

Harry Byers
W A Nelson
Charles Mueller



Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the under-signed Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to

view Public Road leading from
a point on public road leading
from Clearfield to Karchans
at or near the mouth of Sur-
veyor Run

in Girard Township, to Public
road leading from Deer Creek
to The knobs at point at or near
the Gillingham School House

Served on us this
17th day of Nov 1903

Co. Commissioners
By A. St. John ex

Swindell

in Girard Township, in the county
aforesaid, will meet at the ^{Boarding} house of Surveyor
Burn Lumber Company, in Girard
Township, on Tuesday, the 24th
day of November, A. D. 1903, 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
W. A. Nelson
Charles Wheeler
Viewers.

Clearfield, Pa Nov 16, 1903.

11-8-'01. 500-H.

Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the under-signed Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view public Road leading from a point on public road leading from Clearfield to Karthaus at or near the mouth of Surveyor Run

in Girard Township, to public road leading from Deer Creek to The Kuds at point at or near the Billingham School House

in Girard Township, in the county aforesaid, will meet at the ^{Boarding} house of Surveyor Run Lumber Company, in Girard Township, on Tuesday, the 24th day of November, A. D. 1903, 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
W. G. Nelson
Charles Wheeler

Viewers.

Clearfield Pa Nov 16, 1903.

11-8-'01. 500-H.

Served on me this
18th day of November
A.D. 1903

Supervisors } Ira D. Tracy
of Girard } Leon Shultz
Twp.

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 16
day of Sept., A. D. 1903, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Lizard,

in said county, setting forth that they labor under great inconvenience for want of a public road to lead from a point on a public road leading from Clearfield to Hartman's at or near the mouth of Surveyor Run to connect with a public road leading from Deer Creek to the Knobs at or near Gillingham School House. -

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers, W. Nelson and Chas. Wheeler 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 A. 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 at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed; and do hereby remise, release and forever quit-claim to the said all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this day of
A. D. 190.....

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 Wm Kruze the sum of forty Dollars
To Samuel Bradford the sum of forty Dollars
To Surveyor Run Lumber Co the sum of No dollars

Witness our hands this 3rd day of December A. D. 1903.

Charles Wheeler

Harry Byers

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 point 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.

No. 6 Dec, Sessions, 1903

ORDER

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

1. 2 miles ~~90~~ read and confirmed Ni. Si. Road to be opened 33 feet wide, except where ~~the~~ is side hill cutting or embankment and bridging, there to be 16 feet wide.

By the Clerk
Capus George M.

	AMOUNT
Harry Byers } Days 5-	Miles 11 \$ 21.10
Charles Wheller } Days 5-	Miles 31 \$ 13.10
W. A. Melton } Days 2	Miles 2 \$ 4.20
John Longair } Days 2	Miles 8 300
Fraulding or chain claimer } Days 1	Miles 1.50
Knob and river claimer days 2	Miles 2 \$ 3.00
Joe Hartman 1 day	\$ 1.50

Filed	190
Pees	\$ 1.25 paid by D
	DEC 5 1903
A. B. Thompson, pro tem.	