

June 1870

Term, 190

Public Road in Ferguson Township

versus

R. d. #1 - Page 275

Part Twp Bd 179 30

Foster Davis being duly Affired Says

I reside in Ferguson Township and 41 years
old I know the location of the public road tolerably
well James Wiley & Nelson Young have no land near
said road and have no interest that I know of
I do not consider it any damage to private property
which it passes through I think it will not be more
expensive than any other ordinary road in the country
I do not know of any way for Thomas Lewis to get
out without a road there The road round from
Lewis is not less than five miles from Campbell's barn
a cross by this survey is not over 2 miles at the outside
I consider it an advantage to the citizens of the Township

Foster Davis

I hereby certify that the foregoing witnesses were
duly qualified and examined at the time and place
stated in the caption and subscribed their depositions
in my presence before Wm. M. Henry J. P.
Lumberville June 2^d 1871

Justice Wm. M. Henry	Costs
Depositions	\$ 2.50
Administering 10 Oaths	1.00
	<u>\$ 3.50</u>

Depositions of witness produced, sworn and examined at
the office of the M. Henry one of the justices of the peace in and for
Clearfield Co. on the 2^d day of June A.D. 1871 between the hours
of 8 O'clock A.M. & 8 O'clock P.M. of said day in obedience
to the rule of court, and notice thereto attached, to be read
in matter of Petition for road in Ferguson Township

1st John F. Wiley affirmed being duly sworn. Says
I reside in Ferguson Township and 47 years of age

2nd James Wiley's Nelson Young have in land near the road
3 I pass through Thomas Lewis Edward Shafers
John A Rowles I can ^{not} tell how many rods it pass
through the Campbell place

3rd I saw a notice at John Rowles
to the best of my knowledge they all knew of
the petition

4th The Old road Surveyed January 13th 1864 now was
opened.

5 I don't think the last Survey will cost as much to make
as the first after the road is made it is not going to be
^{hard} to keep in repair it will be no damage to private
property as I know of

^{question}
6th by Mr. ~~Thomas~~ Lewis were the Old road opened ~~to~~ ^{to} ~~it~~
it let ~~me~~ out? It would not

The Old Survey gave Thomas Lewis no out let to school
the new one does, to the best of my knowledge it was
Spite work of Christian Straw in filing objections
I believe it a useful road to the community at large
John F. Wiley

Albert Young Sworn

I reside in Sherguson Township am 61 Years of age
I know pretty near where the road runs have been through there
different times I cannot see as James Wiley and Nelson
Young can have any interest in the road I consider it
a benefit to the citizens of Sherguson T.P. and others
There can be no damage to private property I consider,
I consider Thomas Lewis & Edward Shaffer have no
public road to send their children to school

Albert Young

Reuben Lewis being duly Sworn Says

I reside in Sherguson Township am 54 Years old
I am acquainted with the location of both ~~the~~ the surveys
the first and the last I cannot see what interest Nelson
Young & James Wiley can have in the road the later view
is altogether the best grade the new view is an advantage
instead of a damage it looks to me so, Thomas Lewis &
E. D. Shaffer have no other way to get out without going
up a hill so steep that he could not haul half a load
The old road view is considerable damage to me,
I consider the late review the easier made and wider
and no harder to keep in repair and I think not so hard
and will be the most convenient for Thomas & Lewis &
Edward Shaffer to get to school

It is a benefit to the community on both ends of the road
it is about five miles round by the public road now in
use and about a mile and half by the late survey
~~the survey of January 1884 by the late survey of about a mile~~
and

Reuben Lewis

Wm S. Wiley duly sworn

I reside in Sturgison Township Am 41 years of age I know the location of the Road I dont consider James Wiley & Nelson Young have any interest in the Road & they own no lands that the road passes through I consider the last survey is the easier made then the Survey of January 1864 from John A. Rivoles to Reuben Lewis to the best of my Knowledge. There never was any work done on that road by the township Thomas Lewis & Edward Shafer have no Road either to School or any other purpose whatever I consider the road a benefit to the Citizens of the said Township and no damage to private property

W. S. Wiley

R. C. Hamilton duly sworn

I reside in Sturgison Township Am 43 years of age James Wiley & Nelson Young have no interest in the road have no lands near the survey as far as I know John Rivoles & Lewis Edward Shafer S. H. Lewis John Campbell I saw one notice put up on a tree 40 or 50 rods from one end of the road the notice which I saw was convenient enough for 3 of the parties whose lands the road goes through to see ~~it~~ I do not know of any property which the road goes through that can be damaged I believe it can be made with less expence then the other review and will not be any more expensive to keep in repair it is necessary for Thomas Lewis & Edward Shafer to get to school

R C Hamilton

George Williams duly Sworn Says

I reside in Sherguson Township am 54 Years Old I know the ground where the road goes along I have traveled it several times do not know that James Wiley & A. C. Young have any land near the road or have any interest in it whatever I do not think it any damage to land which it goes through but an advantage, I think it an advantage to the Campbell place I do not know of any way of Shos H. Lewis to get out, where it is viewed is the best place for it that I know of, I consider the late Survey the line made I consider it a benefit to the community

George Williams

Emoch Straw being duly Sworn

I reside in Sherguson Township am 35 Years Old am acquainted with about half the distance of the view I do not know of any way for Thomas Lewis to get out, there is no road at all a cross there, I would not consider it any damage to the land it passes through, but an advantage, if I owned the Campbell property I would want that road made where it is laid out

I consider it a advantage to the citizens of the Township a both ends of the road

Emoch Straw

Rule to take Depositions.

CLEARFIELD COUNTY, SS:

In matter of Petition
for Road in
Hershey Township

Quarter Sessions

In the Court of ~~Common Pleas~~ of Clearfield County, Pa.
Sitting from the New Washington
Road to intersect the Susquehanna
River Road near John H. Bales
residence in Hershey Twp. Term 187

And now, to wit, the 24 day of May, in the year of our Lord,
one thousand eight hundred and seventy one,
the ~~same for the~~ enter a rule to take the Depositions of
ancient, infirm and going witnesses, to be read in evidence on
the ~~Argument~~ of this cause.

Ex parte rule of five days notice.

A. E. Bato
Prothonotary.

To D. J. McLaughlin Esq.

You will please take notice, that in the pursuance of the foregoing rule, Depositions
will be taken before William Henry a Justice of the Peace

in and for the county of Clearfield, at his office, in the Borough
of Smelter City; in the county of Clearfield, and State of
Pennsylvania, on the 22nd day of June, A. D. 1871,
between the hours of 8 o'clock, A. M., and 6 o'clock, P. M., when
and where you may attend and cross-examine.

CLEARFIELD, PA., 24 May, 1871.

Wallace & Mearns
att for Road

Now May 24th 1871 service accepted on within
rule

Thos J. McCullough Esq.

June 25 1872
June 1872

and matter of
Road in Florida
Sundown

Rule in Florida
Sundown
Sundown.

Filed 22 Aug 1872
Entered in Road Book
page 2788-279

204

Martin Watts being duly affirmed says

I reside in Ferguson Township 53 years of age
I do think it would be a useful Road there is a large
Scope of Country that have no ^{road to} take them in that direction
Thomas H. Lewis & Edward Shafer have no road to get
out without that one I ~~sup~~ think James Wiley live
one mile from the road Nelson Young lives two miles
neither live in the township I do not think they can be
interested in it

Martin Watts

John A Rowles affirmed according to law says

I reside in Ferguson Township am 44 Years Old
I am well acquainted with ^{the} Location of the Road
the Starting point is at my place it runs clear
through my place, it runs through Martin C. Starks land
(vacant land) it runs through a piece of land owned by Charles
& Lewis & E. A. Shafer, Thomas H. Lewis, The Campbell
property between forty and fifty rods to the last point,
I do not consider it does ~~any~~ damage to any land that it
runs through all the Owners of land that the road goes
through knew of the day of the Survey I saw two notices
(printed notices) ~~I think~~ this road will not cost as much to make
as the Old one it will not be as hard to keep in repair as the other
I consider it as much benefit to the public as any road in
the Township Thomas Lewis and Edward Shafer have no way to
get out, this road is a better grade than the other it will be a mile
nearer to School house for Shafer & Lewis, &c. the best of my
knowledge it is nothing but spite work of Christ Straw
in filing objections I do not consider James Wiley and Nelson
Young can have any interest in the road, neither live in the
township

John A Rowles

Exceptions to the within report &c.

First. Two of the viewers being, Nelson Young and James Bailey were interested in having the road laid out and opened consequently under the law, were not competent to report

Second. The act of Assembly of 1843 R.L. 177. makes it a part of the duty of the viewers to obtain release from the owners of land through which the proposed road runs and upon the refusal of the owner, then to assess the damage if any, and report the facts. This act is made applicable to the Co by Act of 1844, P.L. 570. The viewers must apply to the owners of land through which the road passes for release and must state the facts otherwise the report is defective, and must be rejected by the Court at the time of application for absolute Confirmation

Third. That the act of 1843, makes it the duty also of the persons interested in the road, to give ten days public notice by written or printed advertisements of the time and places where the said viewers shall meet for the purpose of locating said road. Said notice was not given, nor did the viewers give legal notice, and this report is defective

Fourth. That a road leading from Chas. Smiths to intersect the public road at Reuben Lewis' was granted laid out and opened, under order dated the 13th day of January 1847 and that the proposed new road starts at or very near the same point and runs parallel with the road already laid out

Fifth. That the said road will cost a vast amount of money, will be burdensome to the Citizens of said Township will do great damage to private property, and it is unnecessary for the convenience of the public

Sixth. The viewers did not note the improvements through which the road passes

J. J. McCullough & Bro.
Attys for Petitioners

- Conding to the Act of Assembly. And having all been present at the view of the ground proposed for such Road. And having all been first severally sworn or Affirmed the puseuance of said Order, We have viewed, and laid out, and do return the following Road viz - Beginning at the public Road near John Rowles Thence through his land, North fifty seven Degrees, East - Sixteen perches. North fifty three and a half Degrees East - One hundred and twenty Eight perches - to a post - Thence still through Rowles' land belonging to Martin O Stirk, Eleven and three tenth perches to a Hemlock, Thence through Stirk's Land North seventy five Degrees East, Thirty seven and three tenths perches - to a post - Thence South fifty Degrees East, Ten and two tenths perches. South thirty six Degrees East Twenty six perches - South fifty One Degrees East Twenty six and four tenths perches - South thirty five Degrees East, Eleven and six tenth perches. South Eighty nine and one half Degrees East - On line of M. O Stirk & Reuben Lewis Fourteen perches - Thence Reuben Lewis' South forty seven Degrees, East Twenty four, and three tenths perches - North Eighty seven East ^{at} twenty nine perches - X the line of Lewis and into Edward Shaffers Land - Thirty four perches to a Maple, Thence South Eighty One Degrees East - Sixteen perches South fifty four and a half Degrees East - Thirty Eight perches. South Twenty six and a half Degrees East, Thirty nine and two tenth perches - Thence through Land of Thomas Lewis, South Twenty five Degrees West, Twenty five and five tenths perches. South forty nine East - Forty four perches to the line of John Campbell, Thence through his Land, South fifty Eight and a quarter Degrees East - Fifty seven perches to the public Road at John Campbell's Barn - which said Road we are of Opinion is necessary for a public Road. A Plot whereof is hereunto Annexed - -

Witness our hands this 1st Day of August A.D. 1870

We also report that no damage is sustained by any of the parties through whose land it passes.

S. J. M. Cloaky
 Nelson Young
 James Wiley

}

Viewers

June 1878
January 1872

Order to view and
lay out Public Road

in
Fergusson Township

Exceptions filed 13 Jan 1878

Entered in road docket
pages 278 & 279

fees \$1.25 Paid by Thos H Lewis
18 June 1878
A. G. Bates

Sept 9/7/70
Confirmed to M. S.
the Road to be 33 feet
Wide except Side
hill Digging and
unnecessary there to
be 16 feet Wide
By the Court

Jan 13 1871
Confirmed absolutely
to M. S. and J. 13, 10 Court
1871

Jan 13. 1871. Continued to March Term 1871

By the Court

Jan 8, 1872. Exceptions overruled.

absolutely confirmed absolutely.

By the Court
C. A. W. P. J.

ROAD VIEWER'S REPORT.

CLEARFIELD COUNTY, SS:

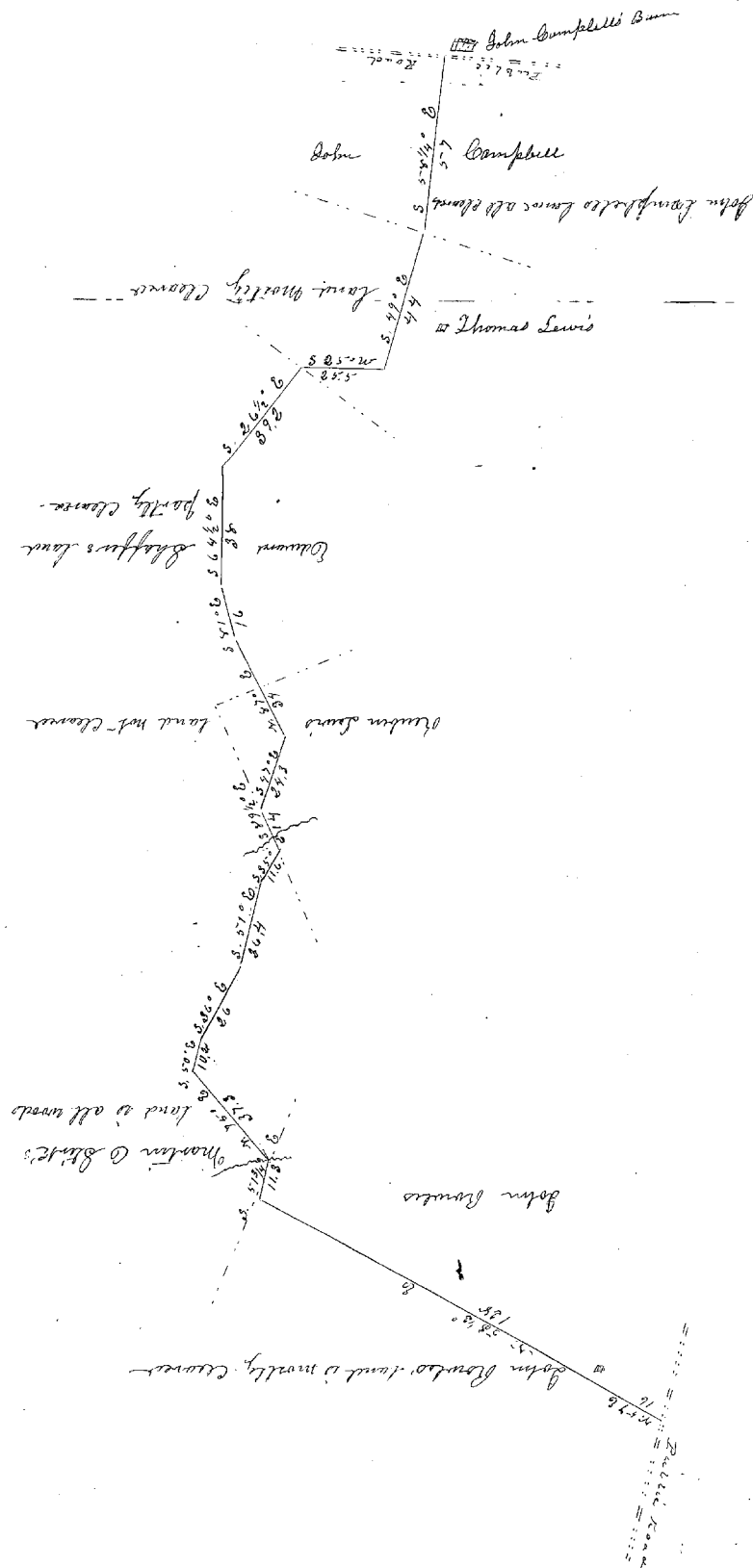
At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, in and for said county, on the Sixth day of June, A. D., 1870, before the Judges of the said Court, upon the petition of sundry inhabitants of the township of Ferguson, in the said county, setting forth that they labor under great inconvenience for the want of a road or highway, leading from at or near the Barn of John Campbells on the New Washington Road to intersect the Susquehanna River Road at or near the residence of John Cowles—

"Report as to damages?"

And therefore praying the Court to appoint proper persons to view and lay out the same, according to law. Whereupon, the Court, upon due consideration had of the premises, do order and appoint S. F. McCloskey, Nelson Young and James Wiley who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the ground proposed for said road; and if any two of them agree that there is occasion for such road they shall proceed to lay out the same, as agreeably to the desire of the petitioners as may be, having respect for the best ground for a road, and the

Viewers Bill

S. F. McCloskey 3 1/2 days
Nelson Young 1 do
James Wiley 1 "



To the Hon The Judges within named
 We the undersigned persons Appointed by the within Order of
 Court, to view and lay out the Road therein mentioned: Respectfully report
 that after having given notice of the time and place of the view to the owners of the land therein mentioned

Wm. J. Wiley
John J. Read
T. B. Davis
Nicholas Finkler
Isaac Moore
Daniel, M. Craiken
Reuben Lewis
J. R. Read
Mm. Read
J. W. Read
G. W. Michael
E. D. Shaffer
E. S. Shaffer
K. J. Straw
H. M. Thuston

John F. Wiley
John A. Pough
Baker Hurlihen
Mathias Hurlihen
Conrad Hurlihen
Paul White
Friedrich Brass
David Woods
Cornelius D. Hille
Guthrie Barnett
Miss F. Witheright
Washington Barrett
M. Bloom
E. K. Williams
Joseph Straw

June Dec 1870.

Delation of citizens of
 Massachusetts, for a pair
 we now to lead from
 John Barnstable Adam in
 the Massachusetts to in
 least the Massachusetts
 River Road, at a near
 residence of John Bond
 in said township

Then find $\frac{1}{m} 1826$, put the
needle and crease of
pointed, viz.

~~I have been thinking, since~~
~~Victims of slavery,~~
~~furnish money,~~
~~My wife & I would~~

7/11/19

June 14/70
Messrs. Apantol
vs
J. H. McCloskey
vs
John Young
James Wiley.
By the Court

To the Honorable the Judges of the Court
of Quarter Sessions of Cleanfired
County.

The petition of the under-
signed citizens of Ferguson township
respectfully represent, That they labor
under great inconvenience for want of
a public road to lead from John
Campbells barn on the New Washington
road, to intersect the public road
leading from Susquehanna River to the
New Washington road, at or near the
residence of John Roules, in said town-
ship - they therefore pray the Court to
appoint suitable persons to view and
lay out said road and report to
the Court at next term.

And they will ever pray,

John C. Ferguson
Henry Owens
J. H. Jamison
W. J. Moore
J. H. Ferguson
Brampton McCracken
R. C. Hammit
George Williams
Lance S. Strawn
Albert Young
James H. Austin
Joseph Davis
C. W. Black

Joseph Henry
John Henry
Martin Watts
Ellis Michaels
Geo. W. Curry
Foster S. Williams
J. D. Corcoran
David S. McCracken
H. M. Hildreth
H. J. Ferguson
George Ross
H. H. Canfield
William H. Smyler

Deposition of Witnesses produced & sworn or affirmed and examined by me the 6th day June A. D. 1891 between the Hours of 8 and 10 O'clock A. M. of said day at the Office of J. J. McCullough J. B. W. in the Borough of Cheshire by virtue of the annexed rule of Court of Cheshire County, and a notice hereto attached for the examination of witnesses in the Matter of the Public Road leading from John Campbells Barn ^{on} to the New Washington Road to intersect the Squigheanna river road near John Rowles residence in Ferguson Township in said County,

Christian Straw, - Affirmed, I am 40 years of age, & reside in Ferguson township, I am acquainted with the route of the proposed road leading from Campbells Barn to John Rowles in Ferguson Sp., there was a public road laid out by order of Court leading from Charles Smiths in Bell Sp. to intersect the public road at Reuben Lewis in Ferguson Sp., This road runs past John Rowles and intersects the New Washington road less than 100 rods from John Campbells Barn, the proposed starting point of the new road in question, there was a considerable portion of the first road opened by the Supervisor, and Martin V. Briggs worked his taxes out on said road, There is a portion of said road now opened and travelled by the public from John Rowles through towards Charles Smiths, The two roads run parallel to each other, or

nearly so, The first road in my opinion
could be opened with less expense than the one
now proposed, and it would be on drier ground
It is a little over one mile from John Rowles
to the New Washington road, I don't think
there is much, if any difference in the two
roads, - and further deponent saith not.

Christian - Straus

Daniel McCracken, Affirmed,

I am 28 years
of age, I reside in Ferguson Twp. - I am
acquainted with the route of the two roads in
question, There was a portion of the first road
opened from Holligans Settlement to the public
road at John Rowles, ~~There was~~ The distance
opened was something over half a mile,

I think the distance on the first road laid
out from John Rowles to Campbell's Barn
on the New Washington road is about one
mile and a half, John Rowles & Campbell's
Barn are the two extreme points of the pro-
posed new road, or the one now in question,
as they run nearly parallel to each other ^{there}
(can not be much difference if any in ^{distance} the two
roads, There would not be any difference
in my opinion in the expense of opening
the two roads, The first road would be on
the drier ground, but would probably be
a little more hilly,

and further deponent saith not

Daniel McCracken

Bolser Hurligan, Affirmed,

I am 31 years of age, I reside in Ferguson Sp, I am acquainted with the first road laid out, I know the two extreme points of the second road, but have never been over the route,

There ~~was~~^{is} about $\frac{3}{4}$ of a mile of the first road opened from my place to John Rowles, I Cant tell what the distance is from Rowles to Campbells, I Cant tell what the comparative Expense would be of opening the two roads between those two points, or which would be the best route, or which the shortest,
and further deponent saith not,

Bolser Hurligan

I hereby Certify that the above witnesses were duly qualified and examined before the time and place stated in the above Caption, and subscribed their depositions in my presence,

Wm. Radebaugh, N.P.

Rule to take Depositions.

CLEARFIELD COUNTY, SS:

In the matter of Public road leading
from John Campbell's place to the
New Washington road, to intersect
the Susquehanna river road near
John Rozelle's residence in
Torguism Township.

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

No. _____, Term, 187 .

And now, to wit, the 5th day of June, in the year of our Lord,
one thousand eight hundred and seventy two,
the Plaintiffs enter a rule to take the Depositions of
ancient, infirm and going witnesses, to be read in evidence ~~on~~
~~the~~ to finish the road of this cause.

Ex parte rule of 5 Hours notice.

W. E. Tate,
Prothonotary.

To Wallace & Fiddling, Esq.:

You will please take notice, that in the pursuance of the foregoing rule, Depositions
will be taken before Am Radbach a Notary Public at
the office
in and for the county of Clearfield, at his office, in the neighborhood
of Clearfield, in the county of Clearfield, and State of
Pennsylvania, on the 6th day of June, A. D. 1871,
between the hours of 8 o'clock, 4 M., and 10 o'clock, 6 M., when
and where you may attend and cross-examine.

CLEARFIELD, PA., _____, 187 .

J. M. Cullum & Sons
Attys against road

June 1870
Jan'y 28, 1872

Alfred's 22 Jan'y 1872

both these
on the ground,

1871

Peace Street

Alfred's

Entered in Road Book
page 278 & 279
June 1871