

Exce road from
Michael Sheehan in

VERSUS
White Top to Gerald
Adams Mill in Clear
field Top

In the Court of Quarter Sessions
of the County of Cambria
Of March Term, 1887
No. 2 R. D

DEPOSITION of witness taken before me this Twenty fifth day of
September, A. D. 1888, at Arbitration Room in
Court House in Clearburg

between the hours of 8 o'clock A. M.
and 10 o'clock P. M., by virtue of the agreement of counsel in the case attached
to the opinion of the arbitrators dated before me 25 Sep. 1888
engorsed, for the examination of witnesses in a certain cause there pending, wherein
were read from Michael Sheehan in White Top
to Gerald Adams Mill in Clearfield Top.

Defendant

Luke Durbin being produced, sworn and examined
on the part of the Respondent Exceptants, doth depose and say:
My name is Luke Durbin; am years of age;
I am one of the Supervisors of White Top.
I live about one mile from the proposed
road. I have been over the proposed road.
I measured its distance from Sheehan when
this road comes out to the Fort Hill road. It
One hundred and thirty eight rods we meas-
ured it with a pole. The Fort Hill road is
near the proposed road at Mrs.
Gunn's chain at the point we measured
to on the Glen Cornell road. The Fort Hill
road and the road past Adams Mill inter-
sect at Karlheim. The general direction of
this Fort Hill road is parallel with the
proposed road.

The Fort Well road is north west of the proposed road. I suppose its a mile from Sherman to the Phillipsburg road south of the proposed road. I suppose its half a mile from Gerald Adams Mill to the Phillipsburg road. Its 22 rods from Mrs. Grimes land to the Fort Well road along the line of District and Tract. Its 45 ^{rod} from the line between Tract & Gauntner. A good private road could be made to the Fort Well road over either of these lines. I suppose it would be less ⁶⁰ rods shorter for Mrs. Grimes children to go to school by the 22 rods course than by the prepared road. I dont know that it would be any expense to make a road over the 22 rod course so that the children could go to school. The Genl. & S- would open it so that it could be traveled by wagons, Trucks, Long Gabriel District & myself live in a northwesterly direction from the prepared road. The Burgoines live in a northeasterly direction from it. I dont think that the prepared road would be either a convenience or a necessity to any of these parties named. I believe they all have a nearer road to St. Augustine than the prepared road would be. We have a good road any more than there are some hills. I am serving my second term as supervisor. I had no experience in opening new roads before I was Supervisor. I made an examination - not a very careful one - as to the expense it would be to open this road. The character of the ground is wet, low flat ground

William McManamy (Affirmed)

I live in White Top (Petition for appointment of receivers in this case shown witness and he is asked if he signed it) I signed this petition. Mrs Grimes asked me to sign it. She told me she wanted a road out to the public highway on the line between Michael Sheehan & Jack Sheehans. She said it was for a private road. I would not have signed the petition if I had known it was for a public road. I understood by her conversation that the Sheehans were both agreed to open it out on the line. No one else was present when I signed it. Examined by Mr Kittels

I live between three & four miles from the proposed road. I live East from it. Mrs. Grimes said nothing about the other end towards Gerald Adams. I did not read the petition. I read some of the names on it.

Wm McManamy

John Montgomery (sworn)

I live in Clearfield Top on land adjoining land of Mrs Grimes. I own the farm I live on. I have lived there about eight years. Mr Grimes was living there when I went there. I had been about there for about six years before that. Since I have lived there the Grimes' having always been coming up the bottom to get out to Adams Mill, There has been a kind of a road there that they could come down. When I fenced my ground I left across

enough outside of the fence for a road for them. It's a shorter way of getting down than the proposed road. I never measured it but I think so. I am sure it would be cheaper to make the road where it is than to make the proposed road. Its fence or five years since I made this fence and left her the road outside. I don't know of any lumber being hauled out from Adams Mill over this road up past Sheehans in- side of two years. They never made a business of using it. It has been open in the winter the last two years the same as before; they could have used it if they had wanted to. Except what Grimes used it, I don't know of its being used at all in the last two years. I don't know of any one who would have lumber to haul to Adams Mill over the proposed road. I think that the whole of the proposed road is swampy. There is a swamp above Sheehans & one below and one where it passes through my land. Some places there would be no fall along this road to carry off the water of ditches; some places there would be. There is a place between Sheehans & Grimes that would be hard to drain.

Leaves - examined by Mr Kittell.

I have seen people walk across from Sheehans to Adams Mill going to church. I suppose they have driven through this going to church. I don't know of any

from one end to the other. I dont know whether it is swampy or not. I know ~~xxxx~~ it would be swampy if used. There could not make a business of going over it without its becoming swampy. To make this road fit for travel - in such condition as other two roads - would cost \$1000 - I started over this road with me when I made my examination. I have been over the ground before. I dont know of any one on the White Top side of the Green Corners road who has any log or lumber to haul to or from Adams mill.

Cross-examined by M.S. Kittle &.

I have a public road leading past my place. The road I live on connects with the Philipsburg road and the Fort Hill road. The Philipsburg road drifts bad in the winter time. I dont know that the Fort Hill road does. I dont think that the proposed road would be bad for drifts. Any road can be made less swampy by ditching. There was a portion of the road between me and Sherburne that was low wet ground. It was a different kind of wet ground. The wet ground on the road between me and Sherburne had to be ditched across the stream, and the proposed road would have to be ditched with the stream and there would be no way to carry the water off. There are roads were first laid out & opened it was swampy, by ditching it has been made good since. There are

many public road that when first opened
out are wet & swampy, and in course of time
by working out tax and improving become
better roads. I have opened out public roads,
since I was supervisor, I have opened out
one new road, The: atlin road. I have worked
on some traveled but not entirely opened.
I only got one order to open a new road.
The new road I opened was a ridge - dry
ground. When I say it would cost \$1000
to open this road I mean to ditch it and
make it fit to travel I don't mean to stone
it; to make a pit out of it. It could be
opened so as to be safe for travel at certain
seasons of the year for less than that. I could
not say how much less. Its not over 80 yds
road from Mrs. Ginn's house to the Fort Hill
road. There is a hill between her house and
the Fort Hill road, but I really don't believe
a worse hill than we all have to travel in many
cases.

Re-examined by Mr. Parker.

Mrs. Ginn raises crops on this hill and
hauls them down it to her barn. The
Philipsburg road drifts between Sheehans
and the Fort Hill road. I don't think that
the road course would drift in the winter
season. The road road would not drift so
that the children could not go to school.

Elmer Durbin

one in particular during it. The Philipsburg
road drifts in the winter time some times. Peo-
ple have gone across ^{above} my place & Gories.
I generally follow saw-milling. I have
not been away from home much the last
couple of years. I am sometimes. There is
no public road through, or adjoining, my
place. I have two ways of getting out from
my place. Out past Gaunt's & out past
Measons. They are not roads that have
been confirmed by the Court. I cross over
other people's ground in getting out to the
public road. If my neighbors would refuse
to let me out I would try and get a road.
Re-examined by Mr. Parker. I don't know
of any one that opening this road would
make it any nearer to go to church than
by the present public roads. Except Mrs.
Gories, I don't think I have over a 1/4
of a mile to go over any one else's land
than my own to reach the public road. To
go from my land out past Couplis I would
go over about 5 rods of his land.

Witness: H. H. Myers

John ^{this} + Montgomery
mark

Luke Durbin recalled -

The amount of my tax duplicate is \$24.30
I don't think there is sufficient taxes in our
Twp to warrant the opening and keeping up
of any more roads. The general condition of
the roads in our Twp is middling good.
In my opinion there is that in your opinion

would be the damage to Mr Sheehan's land if this road were opened?

Mr. Kittell objects that the testimony sought is irrelevant and immaterial as there has been no exception filed to the amount of damages as allowed by the jury.

Ans: I think \$300⁰⁰ would not pay the damages.

It would cost \$140- to fence it & keeping it up, I think altogether his damage would be \$300⁰⁰. It of no benefit Mr. Sheehan.

Re-examination by Mr. Kittell.

I believe the amount of the other duplicate is about \$275⁰⁰. I don't know exactly. It is larger than mine. Ten mills has been laid for road tax. I think Mrs. Grimes' road tax is \$7⁰⁰.

Wm H. Durbin

William Lichart (sworn)

I live in White Top. The Fort Hill road is on the line between me & Sheehan. From the Fort Hill road to the proposed road, ^{about 90} 138 rods. I was with Durbin when he made his measurements. It is about one mile from the proposed road to the Philipshury road. The Fort Hill road follows my line ^{about 90} 138 rods.

The bearing of this line is S. 61 1/2 W. The Fort Hill road intersects the road past Adams Mill at Kachinas. The Fort Hill road is a good road for the time its been opened up. From Adams Mill to the Philipshury road is less than one mile. Sylvester J. Luther joins land

with me on the South East, Lanthier lives on
the Glen Connell road. My neighbors - Lanthier
et al attend church at St Augustine. We
go out ^{to} the Philipshury road to church. I
believe the public road we have is ^{considerably} nearer
to church than the proposed road would
be. There is a considerable hill in going from
~~the Philipshury road to Adams Hill~~ ^{Adams Hill to the Philipshury road} but it is
not much steeper than other hills we have.
Gabriel & Long seldom ever come our way
to church, and if they do, come to church neither
of these roads. I don't think I saw either
of them go to church our way but once
in 7 years since I have been there. They
have a public road to go to church that is
at least a mile nearer than the proposed
road would be. I don't know of any one
for whom this road would be either a con-
venience or a necessity. The distance between
the Fort Hill road and the land of Mrs. Grimes
on the line between Paul & me is 22 rods.
It would be better ground over which
to make a road than the one in controversy.
The distance between the Fort Hill road and
the land of Mrs. Grimes along the line be-
tween Lanthier and Paul is 45 rods.
It would be good ground on which to
make a road. The District School is on part
of what was originally my farm. It is
^{about 60} ~~seventy~~ rods from the Fort Hill road.
It would be nearer for the children of Mrs.
Grimes to go to school ~~xxxx~~ over this 22

road cause than by the proposed road
I could not say how much. A winter
that there would be a great deal of snow
~~the proposed road~~ ^{it} would be a better
road for children to go to school. The
Glen Connell road drifts from Sheehan
up past my place. It did the last two
winters. I was along with both the new
and re-newers on this proposed road. I
have been over the ground before it was
laid out and since. It would be a very
expensive road for the length of it. I have
had some experience in opening public
roads I have been supervisor. I don't be-
lieve that this proposed road could be made
what would be called a good public road for
less than \$1000. The difficulty in draining this
land is, that its too flat the water stands
over so much of it. I know where the line
between Grimes & Sheehan is. The fence along
that Mr. Sheehan would have to build would
be \$106. (Mr. Kittell repeats objection formerly
made as to damages) if the road were opened.
Its all ~~unimproved~~ ~~open~~ cultivated and
improved land. It would damage Sheehan
farm aside from his having to build fence.
The people in my neighborhood have been get-
ting some sawing done at Adams, Swans &
Groffs mills. Swans & Groffs mills are
on the East side of the Glen Connell road. Mr.
Luther has hauled logs to Adams' mill, so
have I - some few - and Piergoon did too

It was two years ago I don't know of any logs being taken up the last year. They were hauling this lumber for use on their own farms in building. There is no person now that I know of that would have occasion to haul logs up to Adams Mill. (Draft shown witness and ~~he~~ is asked to say if the draft represents the roads in this section and if he assisted in making it.) It represents the location as near as I can fix it. I did not make the draft or help to make. I saw a part of it drawn and I believe it to be near correct. Mr. Parker took the paper & ruler and made the draft under my direction. (Draft offered in evidence and marked Exhibit "A") (Mr. Kittell objects to the offer because it has not been shown that it was made from an actual survey of the ground being merely a sketch made under the direction of the witness from his idea of the location of the roads.) The damages to Mr. Montgomery's land would be much greater than to Shebaus. Montgomery's land is all improved land. He has no wood land. He would have to buy all materials for making fences.

Cross-examined by Mr. Kittell.

I don't know as the proposed road if opened would be of any advantage to Montgomery considering the expense. Montgomery claims that he can get out without that road

The hill between Mr. Gornie's & this or road
course to Fort Hill road is not as steep
as some we have now on our public
roads. I don't know of Gornie having
any difficulty in hauling over this hill.
I don't think that this proposed road
could be opened fit for travel for less
than \$1000. I mean to make it as
good as our public roads, say the Philips
bury road. I don't think it could be made
as good as ordinary farm roads connecting
public roads for less; It's too low and
wet,
William D. Dewart

James Davis (sworn)

I live on the Glen Connell road nearly
opposite to Michael Sheehans. The road
used by Burgoons to get on the Glenconnell
road is about 10 rods above my house.
I know where Dewart, Long, Luther, Gabriel
and Burgoons live. The proposed road would
be of no more convenience for these people
and for Sheehan & myself than the public
roads we already have. The proposed road
would be of no advantage to any of the
persons named. The reason is because
it would make a further carriage for us
to go. It's two years since any one hauled
any lumber from Adams Mill down
into our neighborhood. Luther has been
getting his lumber from Swans Mill, and
the others have been getting their shingles

from Grafts mill. Each these mills are
on one side of the ^{Glenconnell} ~~proposed~~ road. It
would not pay any one from one
side to haul lumber from Adams Mill.
They could sell their logs and buy lumber
cheaper. Burgoons go to St. Augustine & Church.
They go on the Glen Connell & Phillips long road.
It is nearer than by the proposed road.

This proposed road runs through cultivated
land of Mr. Sheehan. It is about eight
rods from Mr. Sheehans house to his barn.
The proposed road runs between his house
and barn. I was with the receivers. I
dont see how this proposed road would be
any better than any other roads in regard
to drifting. I have lived there about 8 years.
I think the damage done by this proposed
road ~~would be~~ to Mr. Sheehans land would
be about \$200. The damage to Montgomery
land would be about the same probably
a little more. (Mr. Kittell repeats his
objection to the questions on damages)
Cross-examined by Mr. Kittell.

I have hauled lumber over through
Sheehans. We used it in the winter time
we used it because we saved some kiln.
It was no advantage on account of drifts.
I am a son-in-law of Sheehans.

Re-examined by Mr. Parker.
I hauled about 5 or 6 thousand feet this
way through Sheehans. The rest I hauled
the road. I used it to build a house

No lumber was ever hauled from Adams mill to any site for market.

Witness - H. H. Myers,

James Davis & mark

Christian Karlheim (sworn)

I am one of the supervisors of Charfield Town. It takes all the taxes we have in our Town to keep the present roads in repair & more besides. This road is granted would be in my district. I would have no money or taxes ~~or money~~ that I could apply to the opening of this road if granted. I have been over the proposed road. It would take about \$900- to open this road and make it passible. Gabriel & Long go to St. Augustines Church. They go past my place to church. Their present roads is nearer for them to go to church than the proposed road would be. It is about a mile nearer past my place. Christ Karlheim

STATE OF PENNSYLVANIA, }
Camden County. } ss.

I DO HEREBY CERTIFY, That the above witness ~~is~~ ~~was~~ duly qualified and examined at the time and place stated in the above Caption; that the same was reduced to writing by me, in the presence of said witness and having been first read over to ~~them~~ ~~they~~ subscribed ~~their~~ name thereto in my presence and in the presence of M. D. Kittell Esq. Atty for Petitioner and J. V. Barker Esq. Atty for Excepthants.

Witness my hand and ~~Patron's~~ seal.

H. H. Myers.
Notary Public

No. 2. Black Term, 1887
R. R.

James and Joseph Black
Deacons in West Park

to
be sworn

James and Joseph Black
Deacons in West Park
Sworn

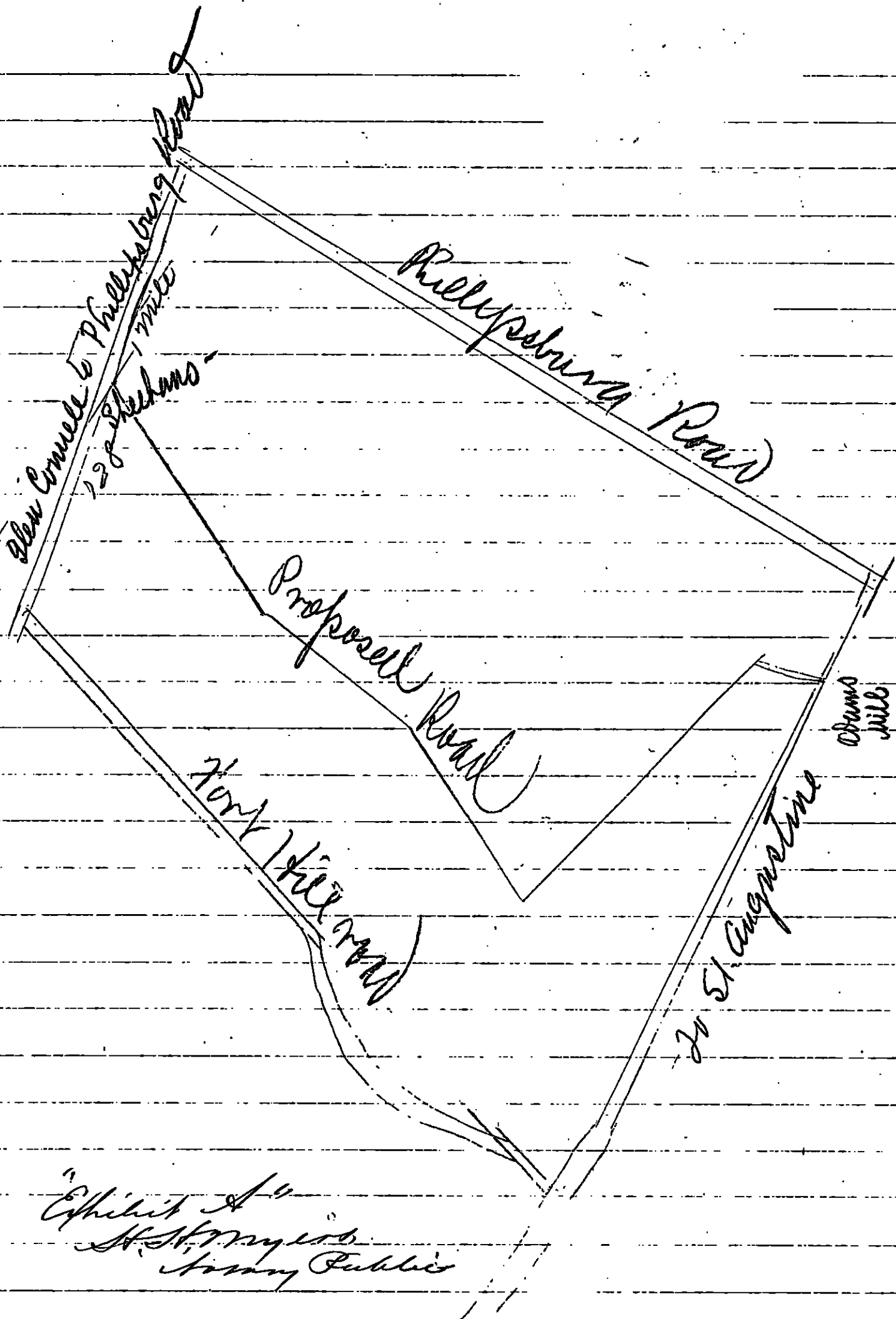
Deposition

of witness on part of *James and Joseph Black*

Fees for taking Deposition, \$ 5.00
R. R. and J. B. Black

Filed 2 October 1887

W. H. Black
Prothonotary.
James
Attorney.



"Exhibit A"
H. H. Myers
Survey Public

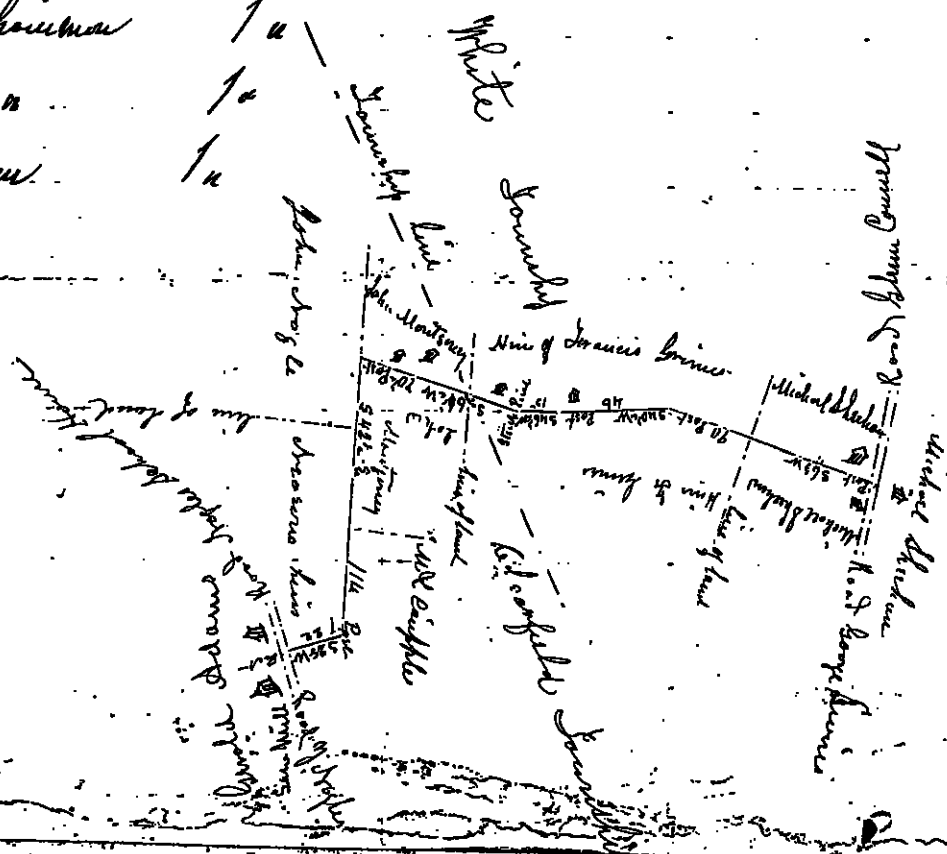
To the Honorable R. E. Johnston President
Judge of Court of Quarter Sessions for the County of Cambria
at June Term A.D. 1887

We the undersigned Jurors do report that we gave due and timely notice of time and place of the meeting of the Jurors by three written notices posted in three public places in the Townships of Clearfield and White a copy of said notice is hereto annexed And we do further report that having met at time and place designated by said notice and after all being first sworn according to law to perform our duties with fidelity Began at a Post on road (Public) leading from farm of George Swine to Glenwauauell near residence of Michael Shreehan in White Township thence through improved land of Michael Shreehan South sixty three degrees west unity perches Post thence South forty and one half degrees west forty six perches Post thence South forty six and three fourth degrees west fifteen perches Pine Stump thence South sixty one and one half degrees west seventy and one half perches to Post in line of land of John Montgomery and John Doyle and others South forty two and one half degrees East one hundred and fourteen perches to Post thence South twenty eight and one half degrees west twenty two perches Post on Public road leading School House at Timothy O'Learys to John Doyle at or near Saw Mill of Gerold Adams in Clearfield Township which said road we have viewed and have laid out for a Public Road or highway being in our opinion necessary for the public travel and to accommodate the public travel we also hereto annex the release

Bridget Grimes as to damages and we do report that the owners and occupiers of land on which road was laid out were all present and along during the view except Gerold Adams and we do further report that we have assessed the following damages to the following persons totting the advantage of said road to the occupiers of improved land
 To Michael Shreehan for fifty three perches of his improved land crossed by said road fifty three dollars \$53.00
 To John Montgomery for forty eight perches of his improved land forty eight dollars. the above damages only payable when the above is opened its full breadth for public use are draft herewith annexed All of which is respectfully submitted

June

Henry Seaulan surgeon	20 miles	2 days
William Burrows driver	3 "	1 "
John Nagle	2 "	1 "
James P. McLane chairman		1 "
Silas Ryan	"	1 "
John Cooper ex Man.		1 "



We turf our hands this 33^d May 1889

Henry Seaulan
 Wm Burrows
 John Nagle

RELEASES.

We, the subscribers, owners of lands through which the road above referred to will pass, hereby release all claims to damages that may arise from the opening of the same.

Witness our hands and seals, the 23^d day of May ... in the year of our Lord one thousand eight hundred and Eighty Seven

Scaled and delivered in

presence of us,

Henry Seaton
John King
John Nye

Bridget Geiss [SEAL]

..... [SEAL]

..... [SEAL]

..... [SEAL]

..... [SEAL]

Notice !!!

Notice is hereby given that the
jurors appointed by the Court of Quarter Sessions to
view the ground for a road to lead from Michael Shreehan
in White Township to Gerald Adams Sawmill in Belvidere
Township will meet at the house of Michael Shreehan
in White Township on Monday 23rd day of May 1887
at 9 o'clock A.M. for the purpose of viewing said ground
May 7th 1887

William Burgoon
John Wolfe
Harry Scanlan
J. J. J.

Commonwealth of Pennsylvania,
County of Cambria, } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria
held at Clemensburg in the said County, on the 4th day of
April A. D. 1887, before the Honorable the Judges of the same
court: Upon the petition of divers inhabitants of the township of White Clearfield
in the said county, setting forth that they labor under inconvenience for want of a
road or highway, to lead from
the road at Michael Sheehans in White Township
to the road at Gerard Adams Saw mill in Clear-
field Township

and therefore praying the court to appoint proper persons to view and lay out the
same according to law. The Court upon due consideration had of the premises, do
order and appoint, Henry Sander SURVEYOR,
and John Taylor and William Tugson

VIEWERS, to view the ground proposed for said
road, and if they view the same, and shall agree that there is occasion for such
road, they shall proceed to lay out the same, having respect to the shortest distance
and the best ground for a road, and in such manner as shall do the least injury to
private property, and also be, as far as practicable, agreeable to the desire of the
petitioners, and that they make a report of their proceedings to the next Court
of Quarter Sessions to be held for said county, stating particularly whether they
judge the same necessary for a public or private road, together with a plot or draft
thereof, and the courses and distances, and references to the improvements through
which it may pass.

BY THE COURT.

Attest:

A. H. H. H. H. H.

Clerk.

NOTE.—"It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: first, who of them were present at the view; second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements, through which it may pass; and whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees, (except at the crossing of ravines and streams) where, by moderate dilling and bridging, the declination of the road may be preserved within that limit."

No. 2

March Term 1887.
R. D.

Order to view a road to lead
from a road at Black
Shepherd in White Town-
ship to the road at Grall
Adams Township in
Chenfield Township.

Viewers: Henry Scarslaw
John Kagle
W. B. Bingham

Filed 9 June 1887

Colk. Shumaker
and 4 others
Killed 1.90

June 28. 1887. Confirmed view and ordered to be
opened thirty feet wide. By the Court
~~Oct. 2. 1888 Confirmed absolutely~~

In the matter of the report of viewers appointed to lay out a public road to lead from a road at Michael Sheehan's in White Township to the road at Gerald Adams Saw Mill in Clarified Township -

To the Honorable R. L. Johnston President Judge of the Court of Quarter Sessions of Cambria County -

The undersigned citizens of White and Clarified Townships in said county do most earnestly remonstrate against the confirmation of the report of viewers in above stated case for the following reasons:

1st The road is entirely unnecessary for the public and if opened will only accommodate one person to wit: Mrs. Bridget Grimes

2^d There are already two public roads running parallel, (or nearly so) with the proposed road, which furnish ample accommodation to the travelling public

3^d The opening of said road would require the outlay of a large sum of money as it is over swampy ground for a long distance.

4th The opening of said road would work a very serious injury to the land of Michael Sheehan that could not be compensated in damages.

5th Many of the undersigned signed the petition for appointment of viewers under the impression that the road was to be a private road for Mrs. Grimes, as she informed them that was the purpose, (and the petition did not state that it was to be a public road) and further represented to them that the road was to run in an entirely different direction through the land of Michael Sheehan

from 1 bar where it was laid out and up to Cornish
with another road.

James Paul
Charles Blinn

Lude Durbin

John Cunn

Samuel Stevens

W Moore

W McKee

Christian Walters

Giles Stephens

John C Warren

Daniel Strayer

Joel A. Yates

M. J. Noel

W. A. Yates

W. C. B. Flemming

W. C. Flemming

Wm. M. Manamy

William Diskart

John Gabriel

James Davis

Joseph A. Mather

~~Abner~~

Thos. Simphy

Bar. Hobart

Charly Eilon

John

~~Samuel Adams~~

John Beke

29 Adams

John Sumner

Jos E. Briggs

Joseph Melzer

Jeremiah Barrohae

Thomas Vito

Nicholas Wyland

L A Krugbon

James Carmels

W J Adams

William Tenetelis

Gas. H. C. C. C.

John H. Cogan

Frank Delozier

Matthias Bester

Michael Pote

John Montgomery

Grant Myle

A. B. Clark

Joseph Dwyer

J O Linn

Michael Hartley

John Smith

Edward Milgale

Patrick Madden

Michl. Farrell

M. L. C. W. C.

J J Swift Sup. Carpenter

Joseph Melzer
Jeremiah Harrahoe
Thomas Wills

Nicholas Wyland.
L A Kirgson
James Garmels
W J Harris
William T. C. Ellis
J M Shelton
Frank L. Sumner

No. 2. Mar. Sec. 1870.

Wm. H. H. H.
of Providence

to the

Confirmation of a Public Road
between the land out from a
road at the old Orchard
in the Township to the road
at the old Adams' saw mill
in the Highland Township

Witness my hand 29. 10. 70.

Wm. H. H.

To the Honorable the Judge of the Court
of Quarter Sessions of Cambridge Co. -

The petition of the undersigned, inhabitants
of the Townships of White and Clearfield
in said county respectfully represents:

That a road has been lately viewed and
laid out by viewers appointed by your
Honorable Court "to lead from a road on
Michael Sheehan's in White Township to the
road at Gerald Adams Saw mill in Clearfield
Township." which road if confirmed by the
Court, will be very injurious to your petitioners
especially those through whose lands it will
pass, and burdensome to the said Townships
through which it will pass.

Your petitioners therefore pray your Honor
to appoint proper persons to review the said
road and facts adjacent, and make report
to the Court, according to Law; and they
will ever pray &c. -

James Noel

Clifton Blair

Leuka Durbin

John Cursel

Samuel Stevens

J. W. Moore

W. M. McRee

Christian Walters

Giles Stephens

John Warner

Daniel Strong

Joel A. Gates

M. J. Noel

H. A. Gates

W. C. B. Flemming

W. H. Thompson

Wm. McManamy

William Dishart

John Gabriel

James Davis

Charly Dixon

B. P. K. K. K.

By Charles J. J.

John Beke
John Sumner
Jas. H. Coogan
John H. Coogan
Frank Delozier
Matthew Beke
Michael Beke

not
in

John Montgomery
Michael Harper

Jos. E. Pennington
John Smith
Edward Kilgus
Patrick Madden
Michael Farrell

Joseph. McGee.
Jeremiah Harrah
Thomas Wilco
Nicholas Wyland
St. Pragon
No. 6. Carl

James Gurney
J. J. Adams
William T. McKelvie

J. M. Sheehan
Frank Bernadine

No. 2 Mass. Sess. 1857 R.D.

Petition

Citizens of White & Clearfield
Townships, to Review, and lay
out a Road "to lead from a
road at Michael Sheehans,
in White Township, to a
road at Gerald Adams
Farm Mill in Clearfield
Township."

And now June 27. 1857

petition read and
L. A. Overmiller

Jos. P. Barker
S. J. Senter

appointed reviewers.
By the Court

Barker

To the Honorable the Judge of the Court of
Quarter Sessions of the Peace in and for the County
of Cambria,

The petition of diverse inhabitants of the townships
of White and Cleargh in the said County respectfully
sheweth, that your petitioners labour under great
inconvenience for want of a road or highway, to
lead from the road at Michael Sheehans in White
Township, to the road at Gerald Adams Sawmill, in
Cleargh Township. Your petitioners, therefore, humbly
pray the Court to appoint proper persons to view and
lay out the same according to law. And they will
prayer.

E. H. Cunningham
J. D. G. B.
John Hoffman
George Harber
Pat. Donahoe
W. Delaney
John B. B.
John A. McKenna
Francis Cooper
S. A. Cooper
James Cooper
E. R. Shaff
Wm. A. Cunningham
Frank Carl
L. K. L.
Joseph Travis
John Cret
Geo. Sopelky
Jes. Trepper
Gerald Adams

John Martin
A. S. Purgason
A. Purgason
George W. Richard
Wm. A. Cunningham
Matthias Hessler
Michael D. O.
Mr. H. Fisher
Philip Cooper
J. S. McConnell
James Noel
Joseph A. Cunningham
J. F. Cooper
Bridget Gimes

No. 2. New Bern 1879 C.D.

Station of citizens of White
and Clearfield Township for
the appointment of surveyors to
run and lay out a road
to lead from a road at Michael
Hagelung in White Township to
the road at Gerald Adams
two miles in Clearfield Co.

And now, 4th April ~~1879~~ 1879, read
and Henry Deaulac, John Nagle
Sr and John Ferguson appointed
surveyors
By the Court

Filed 4 Apr 1879

Stutell

In case now on from
Michael Sheehans vs

VERSUS

White Township to Gerald
Adam's Saw Mill in Clear
field Township.

In the Court of Quarter Sessions
of the County of Cambria
Of March Term, 1887
No. 2. R.D.

DEPOSITION of witnesses taken before me this Twenty-fifth day of
September, A. D. 1888, at Arbitration Room in
Court House in Cambria

between the hours of 5 o'clock A. M.
and 6 o'clock P. M., by virtue of the annexed Rule of Court and notice thereon
endorsed, for the examination of witnesses in a certain cause there pending, wherein

In case now on from Michael Sheehans vs White Township
to Gerald Adam's Saw Mill in Clearfield Township—

Defendant

James P. McCauley being produced, sworn and examined
on the part of the Petitioners for view, doth depose and say:

My name is James P. McCauley years of age;

I am acquainted with the road in controversy. I
was a chain carrier on the first view. Part of
of the ground over which the road passes is
swampy and part muddling dry. I think
a little over the half of it is marshy. I think
the view was made in May. The proposed
road does not pass over any other road, it
just runs from one road to another and is
entirely a new road. Part of the marshy land
over which the road passes belongs to Grimes
and part between Montgomery and bears
the track line passes through the proposed road.
The Grimes' & the children below go to the District
School, the Montgomery children go to the

"The deposition should be in the handwriting of the person before whom it is taken, or the witness, but never in the handwriting of the
attorneys, or parties, or their agents. The person before whom the deposition is taken has no power to adjourn without consent and notice; the
hours between which they are to be taken are generally named, and they cannot legally be taken at any other time except by consent, all of
which must appear. Leading interrogations should be objected to when they are put, otherwise an exception will not in general be sustained."

Cooper School in Clearfield Twp. These children have no public road to go to school. They go through the fields. If the proposed road were open I think it would be a convenience to these children to go to school. It would be an outlet for them. The people from the White Twp end of the road; that is the Desherts, Sheekans and others, would have to go about 2 or 3 miles by public road to get to Adams Mill. The distance for them if the proposed road was open to Adams Mill would be about a mile that is from Sheekans. Chest Springs would be their nearest ^{drift} mill, ~~other than Adams~~. It would be about six miles from Desherts Sheekans et al to go to Chest Springs. The proposed road would be a convenience to the people of the neighborhood to go to church in the winter. I have known them to use it. It does not drift. The present road to St. Augustine drifts a great deal. Part of it don't but a great deal of it they have to go through fields to get through. I don't think that the proposed road will be a drift road. It may drift but from the appearance of the ground I would not take it to be a drift road. Just below where the view has been made is frequently used now in the winter. I think that if the road was opened it would be traveled. I could not say whether it would be necessary. The proposed road would be convenient for public travel in going

to Adams Mill, that is for the people be-
low, I could not say what it would
cost to open this road, but I would not
think it would be expensive. It would
have to be ditched, It is principally open
ground. I reside in Clearfield Twp.
Lenox - examined by, H. B. Barker Esq.
I live now at St. Augustine. From St.
Augustine to Adams Mill would be about
two miles. It was a dry day when ~~it was~~
I was over the proposed road. There might
have been marshy ground there that I did
not see. There is marshy ground most any
place after a wet spell, and it might be there
after a rain. There is a considerable portion of
the marshy ground of Mr. Lenox that lies
between his home and Sheehan's land. Adams
Mill is a saw & shingle mill - not a grist mill.
I know a great many places in our Twp
where children have no public road to go to
school. I would not say whether it would
be necessary to build ^{of two families} a road as long as
this just for children, to go to school over or
not. It would depend on whether they could
get out without it. For my part I would
want a road and then I could see it is
not as I had a mind to. Montgomery has
no children now to send ~~to school~~ to school.
Lishons, Sheehans, Loushens and others living
below who have lumber to take to ^{away} that mill
would find the proposed road convenient.
I base my opinion of its being convenient

for these people on their using it to take lumber to and from Adams Mill. It has been a couple of years since I have passed through near where this proposed road is to Adams Mill. The present road drifts along by Mr. Miltz, and long down by Sheehans and there is more on. around, then you have to turn out at Tagles. Sheehan & Miltz are on the road before you come to the Philipsburg road. The road from Adams Mill to the Philipsburg road at Tagles drifts. If the new road was fenced and opened it might drift, but most of our bottom roads do not. You cant tell how it would be until its fenced. I dont think that the new road where it passes along by Grimes & Sheehans on the hill would drift, because it runs west. The principal use they made of this road through the proposed road when open in winter time was to haul to Adams Mill. I have known them to haul coal over it. The road I have traveled was down below the proposed road along the river. Sometimes it would come out on Mr. Sheehans fields where the proposed road is laid out, and sometimes comes out ahead Miltz. Its about a mile from Adams Mill to Tagles on the Philipsburg road. It may be more. I made no measurements to see how far it would be from Sheehans road to Adams Mill. When I say it would be 3 or 4 miles for Sheehans to go to

Adam's Mill I am carrying on there
going round by Mills. I have known
the road out past Sheehans & Mills for I
suppose 20 years. When I say that the pro-
posed road would be convenient for the
people in going to church I mean for them
to go up the bottom to Adam's Mill and
then up to Carol's Mill to near St. Augustine.
It is not a public road, part of it probably
a half a mile is. John Graydon has cleared
this bottom and put a fence across it, but
they open it and use it in winter, they did
last winter. The proposed public road does
not run through Graydon's farm.

James, Dec 16, 1869

Thomas Mills (sworn)

I reside in Clearforks Twp. I live one half mile
from the proposed road. I am acquainted with
the land over which the proposed road passes.
The route of the road is as suitable as any
ground they can get there as far as I know.
To make the proposed road as good as ordinary
public roads would cost about \$500. I could
not tell any thing about its drifting. It has been
hemmed up with timber and I don't know
what it would do if open. It never has
drifted. There is at present now neither a
public or private road through the farms
of Lewis or Montgomery. The Lewis asked
our permission to go through my land to
get out to mill and other places and I

gave it to them, or they would have had to stay there. Frank Grimes widow and three children are living on the Grimes estate. Montgomery goes out through Adams & Adams land as near as I can guess.

I don't know if any particular travel across these farms from Sheehans to Adams Mill except on foot. There is no way for vehicles to go. There has been no travel there by vehicle except in winter time. The travel I speak of in the winter time was hauling saw logs through both & lumber. They hauled this way because it was the most convenient way to get to the mill.

Cross - examined by Mr. Barker.

Laucher - (DeLue) & Surgeon & Jim Davis & Jack Sheehans hauled lumber through there. I don't remember any other parties particularly. It probably 30 or 4 years ago since these people hauled through there. Since then they have got some sawing done at Swans and other mills on the other side. I do not know of any one who will have much lumber to haul to Adams Mill from that side in the future.

Mr. Grimes in going through my lands comes out on the ^{road that enters the} Philipshury road at Davies'. I suppose there are other peoples land over which she could go to reach the Philipsburg road. At least she has to cross; get some place. Montgomery has a road to go out to the public road but it is not a public road. Mrs. Grimes has lived on this place 6 or 7 years. These people

who hauled log through there before could
have hauled since if they had wanted
to. That is in the winter time.

Thomas M. W.

John H. Douglass (sworn)

I live in Clearfield Twp. I am some acquainted
with the ground over which the road passes.
I seen a part of it within the ^{or} few days.
I am acquainted with the farms and neighbor-
hood there. Like most of our road the pro-
posed road is swampy and wet in the
spring - perhaps a little more so. To a certain
extent I think it would be convenient for
the traveling public. The folks from be-
low there would use it I suppose. I believe
I could open the road and make it so it
could be traveled for \$400. I am not a
road builder and made no estimate. It
impossible to say just what it would cost.
Examined by Mr. Parker

I live not over three miles from one end
of the proposed road. I drove in through
Mr. With place to Mrs. Ginn's and from
there I could see up nearly to Adams
Mills and across to Mr. Sheehans. I could
see nearly the whole road. Mrs. Ginn's point-
ed out the road as laid out by the viewers.
I did not travel over the exact ground in
which the road is laid out I suppose I
crossed it. I did not walk across the
marshy ground between Sheehans and

Mr. Ginnis, I merely went to the fence and
looked across I could not see that portion
of the road that is on the line between Krasn
and Montgomery from Mr. Ginnis. I could
~~not~~ see the ground clear through to the
Krasn line but I could not tell on just
what particular part of the road was laid
out. I suppose Durbin, Long, Gabriel, Luther
& Deshart & the other Burgoons, Mr. Sheehan
McLanin and others would use this road
Long and Durbin would it in going to our
church. I see them frequently there. There
is a trap road from Long's to St. Augustine
but I am not able to say whether it would
be nearer or not. Gabriel lives not far
from this ^{Long} road. I have never been down
at his house. I have not had occasion
to be ^{much} in the neighborhood of Long - for some
two years. I can not say whether the road
in controversy would be nearer for them or not.
The other road to St. Augustine would be better.
St. Augustine is between my plan and the
proposed road.

J. H. Douglass

Luke Pike (sworn)

I live in Clearfield Twp - $3/4$ of a mile from
St. Augustine. I am pretty familiar with
the ground over which the proposed road
runs. The road bed of this road in controversy
lies ^{along} the burnt dam near the furthest point
of the road from the burnt dam across the

the first need would be 25 or 30 yards.
The country between the two points - Gerald
Adams Mill and Sheehans road - is al-
most flat, except a portion of Mrs Grimes
and a portion of Montgomerys and the
lower end at Michael Sheehans. There
is a portion of it wet, and there is a small
portion - about 20 rods - that is swampy.
To open this road as other roads have been
opened in Clearfield Twp would cost
about \$2000. I am one of the Executors of
the Grimes Estate. There is no road now
leading from the Grimes property to any
public road. There was one but it has been
washed away - gone down the creek. It
was a private road that Mr. Montgomery
fenced out for the use of Grimes' before Mr.
Grimes died. There had been a road used
in winter time from above Sheehans where
the proposed road starts through Michael
Sheehans fields for about 60 rods, then
through the pasture fields of Thos. Hiltz,
then through lands of Mark Campbell almost
to Adams Mill. There is no road there
now. It has been washed - that is a
portion of it - to within a few feet of
the fence some five feet deep. It was
not a public road. It was not a
private road. My first knowledge
of its being used as a road was the
spring of 1867, and to the best of my
knowledge it has been used ever

send in the winter time at at any other
time when they could get through. When
the farmers would let them use it.
This road I speak of in 1867 passed through
a portion of Montgomery's land. There were
gates up on the road. Montgomery closed
the gates. Then there was a portion of the
time I can't tell how they did get out.
Then Montgomery fixed a kind of a road
for them along the bank of the creek.
They used it until the water washed it
away and then now they pass in and
out through Mr. Hilt's pasture field.

Montgomerys in getting out travel over
a piece of Woodland belonging to John
Boyle, then through woodland of the Adams
estate to the road above Gerald Adams Mill.
This proposed road would furnish both
these families with an outlet to the pub-
lic roads. I don't think a ^{better} road could
be laid out between the points of the
proposed road than the ~~proposed~~ one laid
out. I regard this proposed road as neces-
sary for the convenience of the traveling pub-
lic. I think its four miles to the nearest
coal bank by public road from these
farms. So far as I am able to state if this
proposed road were opened it would give
these people an outlet for coal under the
Govies fence.

Cross-examined by the Parker
I prepared the petition for Mrs. Annie in

this case, I did not circulate the petition
the first I believe. It lies about a mile and
 $\frac{3}{4}$ from the upper end of this proposed road.
The 20 rods of swamp I speak of on the road
is on the Gornies estate between Sheehans &
Gornies - I mean by opening it as some
of the roads in the Park to open it as much
of the side roads are opened other than
the main roads. I have never been
Superintendent. I have not had much ex-
perience in opening public roads or build-
ing them. I was not along with either
views, but I know the ground. I judge from
my previous knowledge of the ground I
have not made any particular examination
of it. There is one place on this Gornies road
that has been washed away about three
or four rods, the other place is some what
shorter. There is no road left. It could
have been fixed with cobbling so that it
could not have washed away but there
were no stones in the country. I have
seen people use the road from Sheehans
down to Adams Mill at other times than
winter. I saw a team go over the road
in the spring of 1855 or 6. There is no coal
bank open on the Gornies property. James
Mellons bank is the nearest coal bank
for these people that I know of. If this
Gornies had a private road out between
Gaunttins & Noel, it would be nearer to
the bank than the proposed road but

would be very difficult to travel. This proposed road runs between Mr. Sheehans house and barn. I cant say whether it would be less injury to Sheehans to have the road go above his barn or not. I might say that above the barn would interfere with his apple trees. The only part of the proposed ^{road} that lays on the bed of the private road of Mr. Sheehans Grains spoken of is best course shown on the draft attached to run about 22 rods.

Re-examined by Mr. Kittell.

I would say that the mean distance between this old road and the proposed road is about 160 yards. It might be more and probably less in some places. I dont think that there would be any probability of this proposed road drifting.

Re-cross examined by Mr. Parkers

I never saw any drifts along this stream. Possibly if opened and fenced it might have an effect on its drifting but I dont think it would ever drift shut with snow. I dont know of any road in that country that runs along a stream where the land is cleared. From the proposed road to the South East line of the Grains land is about ^{16 or 17} ~~75~~ rods. This private road was still further South East of the Grains line about 30 or 40 rods. The Grains private road runs about 80 rods in the same course as the 22 rods course I have mentioned.

L. R. Behr

Quarter Term

*In a read from
Michael Sheehan
in White Township to
Gerald Adams' Saw
Mill in Clearfield
Twp*

In the Court of ~~Common Pleas~~ of
Cambria County, Pa.:

Of *Mar* Term, A. D. 1887, No. *2 (Ral)*

And now to-wit, the *24th* day of *March* A. D. 188*8*:

Rule on part of *Petitioners* to take depositions of
witnesses to be read on the hearing of the above stated case.

Cambria County, ss.

Extract from the Record of said Court. Certified

the *24* of *Mar* 188*8*

H. H. Shumaker Prothonotary.



To

Take Notice, That in pursuance of the above Rule the depositions of witnesses
to be read in evidence on the _____ of the above stated _____ on part of
the _____ will be taken at the office of _____
_____ on _____
the _____ day of _____ A. D. 188 , between the hours
of _____ o'clock, A. M., and _____ o'clock P. M., before _____
_____ in and for said _____
or before some other person of competent authority, at the time and place aforesaid, when
and where you may attend if you think proper.

No. 2111 Jan 1887. Ed.

1407
15.6

In re road in Office
of the Engineer of the

Petitioners for View

Case in front of
Petitioners to take
view.

Attices

It is hereby agreed that depositions may be taken on the part of the petitioners for view and also for review on the within rule, at any time on Tuesday and Wednesday 25th and 26th September 1885.

M. D. Kuttell
Att'y for View

A. W. Barker
Att'y for Review
and respondents.

STATE OF PENNSYLVANIA, }
Camden County. } ss.

I DO HEREBY CERTIFY, That the above witnesses were duly qualified and examined at the time and place stated in the above Caption; that the same was reduced to writing by me, in the presence of said witness and having been first read over to them they subscribed their names thereto in my presence and in the presence of Mr. Barker & Counsel for Defendants and Mr. Kettles & Counsel for Prosecution.

Witness my hand and Notarial seal.

H. H. Myers
Notary Public.

No. 2. March Term, 1887

A. 187

have read former Michael
Machum in West Hamlet
to find edham's Will

in
verdict

Edward J. Smith

Deposition

of witness on part of Edham

Fees for taking Deposition, \$4.00

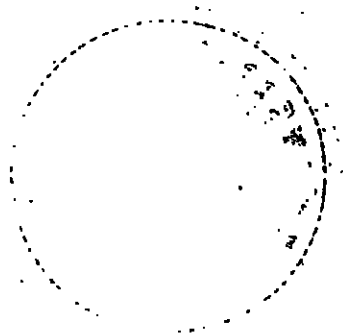
Atty. Westham, S. W. W. W.

Filed 2. 20. 1887

W. W. W. W.

Prothonotary.

W. W. W. W.
Attorney.



To The Honorable, The Judge of The
Court of Quarter Sessions of The Peace
in and for The County of Cambria -

We the undersigned reviewers appointed
by your Honor in the annexed order
to review a road laid out on the
23rd day of May 1887 - to lead from
a road at Michael Sheehans in
White Township to a saw mill at
Gerald Adams in Clearfield Township.
No report; that due notice of the
time and place of meeting having been
given - We met according to appoint-
ment and first, having been sworn
we viewed the road as laid out
starting at a post along side of Township
road near residence of Michael Sheehan
ran South $63^{\circ} 14'$ 90 fms, thence S. $40\frac{1}{2}^{\circ}$ W
46 fms. thence S $46\frac{3}{4}^{\circ}$ W 15 fms. thence S $61\frac{1}{2}^{\circ}$ W
seventy and one half fms. thence S. $42\frac{1}{2}^{\circ}$ East
114 fms. thence S $28\frac{1}{2}^{\circ}$ West 22 fms to a point
on public road near saw mill of Gerald Adams.
The said road in our opinions being
laid out on very unfavorable ground
and doing great damage to private prop-
erty - We further believe there is not the
least necessity for a public road at this
place as there is a public road running
nearly parallel with this proposed road

within a half mile distance on the North side and one within a mile on the South side. We therefore recommend the vacating of this said road as laid out.

Witness our hands this 18th day of August A.D. 1887

J. A. Shoemaker
Joseph A. Baker
S. J. Luther

J. A. Shoemaker 2 d 36 m

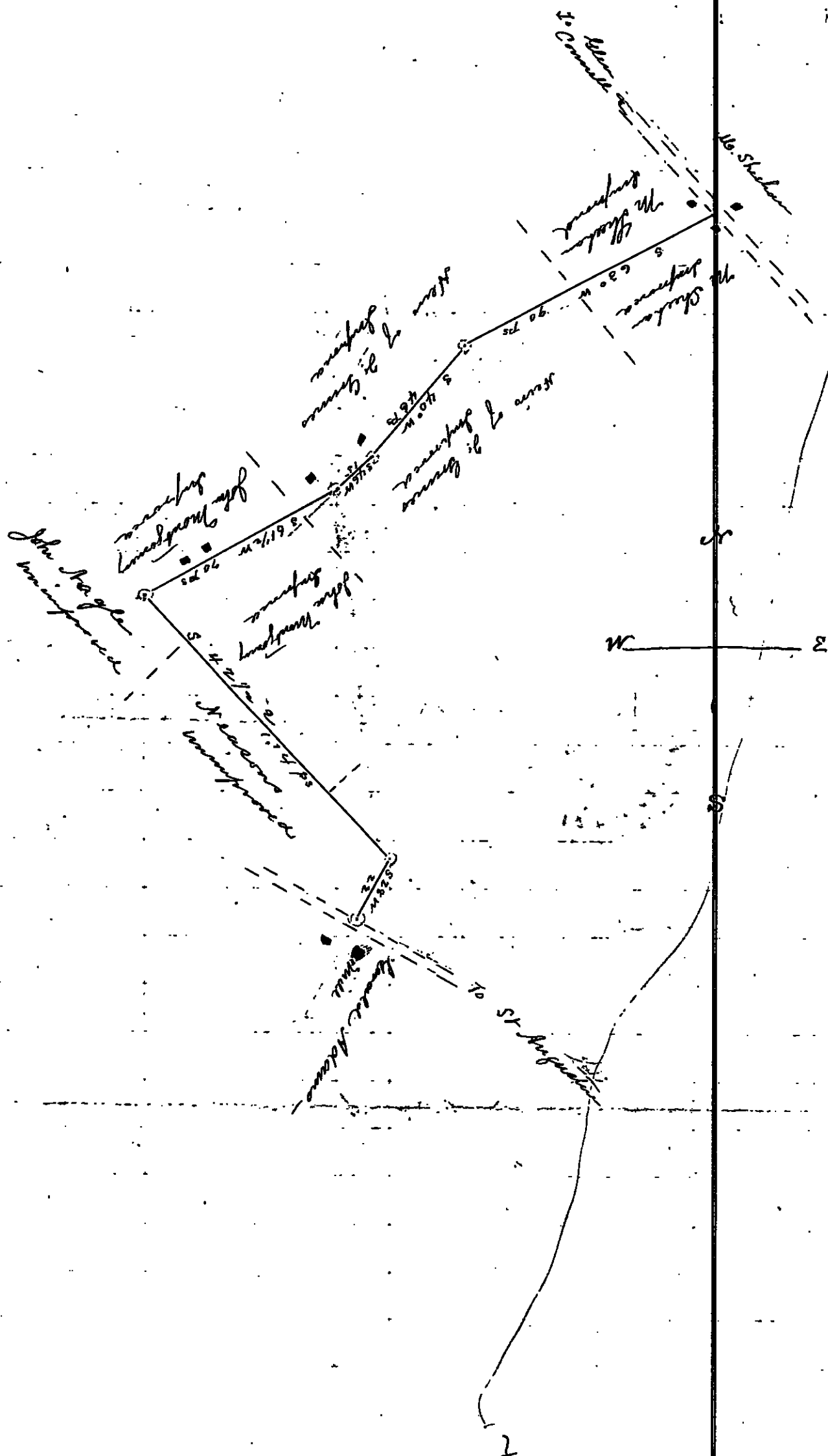
Jos P. Baker 1 d 4 m

S. J. Luther 1 d 2 m

Wm Dishart 1 d Chain

Ed Shoemaker 1 d 2 m

King



Commonwealth of Pennsylvania,
County of Cambria, } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria
held at Chesburg in the said County, on the 27th day of
June A. D. 1887, before the Honorable the Judges of the same
court: Upon the petition of divers inhabitants of the township of White & Clearfield
in the said county, setting forth that they labor under inconvenience for want of a

~~road or highway, to lead from~~
a road has been lately viewed and laid out by
viewers appointed by your Honorable Court "to lead
from a road at Michael Sheehans in White Township
to the road at Gerald Adams Sawmill in Clearfield
Township" which road if confirmed by the Court will
be very injurious to your petitioners, especially
those through whose lands it will pass and
burdensome to the said townships through which
it will pass.

and therefore praying the court to appoint proper persons to re-view and lay out the
same according to law. The Court upon due consideration had of the premises, do
order and appoint, J. A. Shoemaker SURVEYOR,
and Jos. P. Baker and S. J. Luther

VIEWERS, to re-view the ground proposed for said
road, and if they re-view the same, and shall agree that there is occasion for such
road, they shall proceed to lay out the same, having respect to the shortest distance
and the best ground for a road, and in such manner as shall do the least injury to
private property, and also be, as far as practicable, agreeable to the desire of the
petitioners, and that they make a report of their proceedings to the next Court
of Quarter Sessions to be held for said county, stating particularly whether they
judge the same necessary for a public or private road, together with a plot or draft
thereof, and the courses and distances, and references to the improvements through
which it may pass.

BY THE COURT.

Attest:

N. A. Shoemaker,
Clerk.

NOTE.—"It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report, at the next term of said Court, and in the said report shall state particularly: first, who of them were present at the view; second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements, through which it may pass: and whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees, (except at the crossing of ravines and streams) where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

No. 2
March Sessions 1887

Order to re view a road to lead
from a road at Michael
Sheehans in White Township
to a road at Gerald Adams
Sawmill in Clearfield Town-
ship

Re-Viewers
J. A. Shormaker
Jos. P. Barker
S. J. Lutter

Filed Sept 1887

Aug 10 - 11 1/2 at 7 M. 6.
toll Shormaker
for act 13

90
Barker

Sept. 27. 1887. Confirmed rise; ~~and ordered to~~
October 2. 1888 By the Court
Confirmed Absolutely.