

Filed 29 Sept 1887
James K. Kinn
Pro

Rule to take Depositions.

CLEARFIELD COUNTY, SS:

In the matter of
Public Road
in Burnside Twp.
versus
Rodney J. West
vs. T. Grant.

Quoted Simon's
In the Court of Common Pleas of Clearfield County, Pa.

No 17 Sept. M. TERM, 188

And now to wit, the 26 day of Aug., in the year of our
Lord one thousand eight hundred and eighty-
the Petitioners enter a rule to take the Deposi-
tions of ancient, infirm and going witnesses, to be read
in evidence on the Argument of this case.

Ex parte Rule of on 5 days notice

Jas. G. Harris

Prothonotary

To S. D. Brockbank Esq.,

You will please take notice that, in pursuance of the foregoing rule, Depo-
sitions will be taken before W. J. Nugent, or some other
person authorized to administer an oath or affirmation in Pennsylvania, in and

for the county of Clearfield, at the office of W. J. Nugent
Justice of the Peace, in the Twp of Burnside
in the county of Clearfield and State of Pennsylvania, on the
3rd day of Sept., A. D. 1881, between the hours of
9 o'clock P. M. and 10 o'clock P. M., when and where you
may attend and cross-examine.

Clearfield, Pa., Aug 26, 1881.

Quoted G. Harris
Atty for Petitioners

Depositions of witnesses produced, sworn and examined, at the office of Willis V. Nugent, one of the Justices of the Peace, in and for the County of Clatsop, in Burnside Township, in said County, on the 3d day of September A.D. 1881 between the hours of 1 o'clock P.M. and 10 o'clock P.M. of said day, in obedience to the writ of subpoena and notice thereto attached, to be read in a cause depending in said Court, between the Petitioners and Respondents in the matter of a Public Road in Burnside Township leading from Westover to Grant P.O.

John McInnes - affirmed - I live in Burnside Township - I have lived here fifty four years - I own property in Burnside Township - I have located the road from Clatsop to Westover - I would state that there is no one road from Clatsop to Westover - the roads intersect the road and connect with other roads - the roads which branch off from the main Westover road near Beaver Run Mill were not made or intended to run to Westover but to accommodate citizens living off the main road. These are not as direct as the main road to Westover. They run in many places at right angles to the main road - I would not count the main road an easy one to travel on I would count it heavy grade. I am acquainted with the situation of proposed Road and know the nature of the ground from which it is

to the road leading from Somerville to Westover.
I made a timber road in 1845 from the White
House tract to the Somerville and Westover road
at which is on the ground
of the view of the new road. I consider this
the lowest Summit between Cherrytree and Westover
and the best grade for making a road.

From Cherrytree to where the view of the new road
leaves the old road I believe to be in the neigh-
hood of two miles - I think a direct low
grade ^{road} is necessary between Cherrytree and Westover.
I don't think they ^{can} come through from Westover
in a direct course by a lower grade.

In case a new road is made from Westover
to Coal . . . the present proposed road will be
a very important one. It being four miles
nearer by that road to the Mill Road than
any other route. When I cut the timber
road I didn't find the swamps spoken of
by some of the witnesses. The proposed new
road is on higher ground than the timber road.
I think the old road from Somerville will
be down to Westover overflows in the time of high
water in the spring of the year.

I consider the new road passes the lowest
summit of the ridge between East Ridge
and New Washington. John Mahaffey

Benjamin McKee - affirmed - I live in Burnside Township. I own a farm in Burnside Twp. My farm is located on one of the three roads mentioned by the witnesses. There is but one main road leading from Cherry to Westover. The other roads mentioned are poor & a fair road is the same as the one leading to the main road. I served 4 years as Supervisor in Burnside Township. ~~and~~ My first year was in 1879. I am acquainted with the location of the proposed new road - I have been along its whole length of it - From John Ryan to Beaver Run Mill it is about two miles - I don't consider the new road from Cherry to Beaver Run with small exceptions is swampy or rocky - that part of the old road is a good road - Altogether I believe it is a main and a half of absolutely new road to be made on this view. The part of the new road from Westover to Cherry is laid out on the old township roads or close along side to straighten the road. The road from Westover to Cherry is a new ^{one} - which I opened myself by order of Court and from Beaver Run Mill the new road follows the Somerville road or close along side.

I don't think the new road would be more expensive than any other new road - It would be a much better grade and a shorter road than the old road. A low grade ^{road} is needed by the travelling public. There is a good deal of travel between Cherry and

as aforesaid and the grade is a low one. And from Beaver Run to Cherrytree I consider the new road located on the ^{best} ground between these points. This new road from Run to Rivers to Westover is located on or near the present road which is opened - that is the part lying in Burnside Township and the balance lying in Chest Township is partly opened. - I consider the proposed new road from Westover to Cherrytree is on about the lowest grade that can be obtained between those points and also that it is located on the best ground between the said points.

J. M. G. Lewis

Charles N. King - sworn - I live in Burnside Township - I have lived here fifty one years - I was supervisor in 1885. I worked on the road from Run to Rivers to Westover - which is on the line ^{of the} proposed new road. - I consider it one hundred per cent better grade than the old Somerville road - I found no swamps on the new road as far as I worked - that is down to the township line. From Rivers going east the grade is not very heavy ~~until~~ to the summit - There is considerable travel on the Westover road.

C. N. King

John H. Myers - affirmed - I live and
am a property holder in Burnside Township
and have lived here over forty years.

I consider the new ^{road} necessary for the reason
mentioned in foregoing public. It is a
shorter road and much better grade than
the old road. - I was an axe man with the viewers.
About two and a half miles of absolutely new
road would have to be made - I consider
it any easy road to make - I don't think
there is twenty rods of swamps growing on
the whole road. It is not a rocky road
except about a half mile.

The new road be opened from Westover to
Coalport - The new road from Cherrytree to
Westover would be a very important road.

There is only one direct road from Cherrytree
to Westover, that I know of, and it runs over
the highest hills between the two places -
The road from Homer's Hill to Westover is frequently
overflowed in high water.

John H. Myers

Clearfield County Pa.

I certify that the above and foregoing witnesses were duly
qualified and examined at the time and place stated in the
caption, and subscribed their depositions in my presence

Willis J. Nugent J.P.

Burnside Twp, Sept 3, 1887.

Costs.

H. J. Nugent

Cert 1/16/82

\$3.26

Witnesses:

John McHaffey 1 Day 1 Mile

Benj. McKee 1 " 5 "

Wm Hewitt 1 " 5 "

Chas R. King 1 " 1 "

John H. Myers 1 " 5 "

Cert

94

Serving Subpoena:

Cert 1/16/82

John H. Myers - Mileage 60c Service 60c

\$1.20

5 days

5.00

17
6
10 2
12 0
22 2

Filed 29 Sept 1887
James Kerr
Pro