

Filed 29 Sept 1881
James Kerr
Pro

Rule to take Depositions.

CLEARFIELD COUNTY, SS:

In the Matter of Public
Road in Burnside
leading from
Westover to
Grant R.R.
versus
Quaker Lanes
In the Court of Common Pleas of Clearfield County, Pa.
No 17 Sept. Term, 1888

And now to wit, the 22nd day of August, in the year of our
Lord one thousand eight hundred and eighty-one
the Court 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 10 day's notice

Jas Keitt
Prothonotary

To Frank J. Morris, Esq.,
Att. for Petitioner

You will please take notice that, in pursuance of the foregoing rule, Depo-
sitions will be taken before E. 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-
Jr., in the Township of Burnside
in the county of Clearfield and State of Pennsylvania, on the
Third day of September, A. D. 1888, between the hours of
9 o'clock A. M. and 9 o'clock P. M., when and where you
may attend and cross-examine.

Clearfield, Pa., Aug 24, 1888.

S. T. Brookbanks
for Remonstrators

No 17 Sept 1880

In the matter of a
Public Road in Boro-
nele Hf

And now August-
24th 1881 Service
Accepted

Harriet G. Jones
Atty for Boro-

Birk!

Depositions of witnesses produced, sworn and examined, at the office of William Nugent, one of the Justices of the peace in and for the County of Georgia, in Burnside Township, in said County, on the 3d day of September, A.D. 1881, between the hours of 9 o'clock A.M. and 9 o'clock P.M. of said day, in obedience to the rule of Court, and notice hereto 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 Waverly to Grant P.O.

Wm. Turner produced and being duly sworn said to live in Burnside Township, there is a public road past my place. Said road intersects another which runs from the north to the south. It is a "muddling" straight road. I saw no injury to the road because there is no meeting place. The three roads all come in one road.

William Turner
I did sign the remonstrance against said road - I didn't want the remonstrance but it don't run through my place. It is a "muddling" straight road. I saw no injury to the road because there is no meeting place. The three roads all come in one road.

Jose V. Harris, affirmed -

Says: - I have some land in Burnside Township and pay taxes there and travel on the road of said township - I have traveled on the road Westover to Cherrytree by the way of Somerville Mills.

It is a good solid road but a little rutty. I don't know where the proposed new has been located - I never saw any marks on the ground. I am not in favor of said new road because there are now too many roads - The roads at the place I used to own are about 200 rods apart. There is another road coming from East Edge to Burnside - One from Burnside to Cherrytree and another from Cherrytree to Westover. There are four roads within a mile from the north side of the property I am in to Westover.

Examiner inquired, says: I live in Cherrytree, Audrain County. I don't know how many roads lead from Cherrytree to Westover - One of the four roads I spoke of runs from Westover to Cherrytree by the way of Somerville Mills, which is the main road, one from Cherrytree to Harrison, one from Harrison to Cherrytree, one from Somerville Mills to Cherrytree which is the main road and the fourth one from East Edge to Cherrytree.

Three of said roads come together near Beaver Run Mill about three miles from Cherrytree.

Being East one traveled of it from Clinton
one to Philadelphia and the third road is to
Main road to West. I am now
not here more than one main road
but runs from Westover to Westover.
I am now sure the new road is to be
the main road in the road to Westover.
I don't know whether the new road is crossing
of the new road is one several miles
are to make considerable canes. Politics to be
to bring and others will have to make canes.
By doing on any of the said roads except the main
one the new road will be about here's only.
The road that runs out of at Westover
will run about a mile and a half before they
to an open road. I McWister

Therrell & Co. and Co. and Co. and Co. and Co.
I live in Bainside Township, Lincoln County since
1822. I am a main owner, and I am
now. The road from the new road goes to
Westover and Westover - it runs out on the main
Washington road from Mrs Scotts and from Westover
and from the Washington road to Union I
am and there runs off to the West. I am
as far as the road as by some of the
the road. I have said road, and I am
now to the West. I have said road west in com-
ing to Westover. From the West of the road

the Ainsworth property one goes out east to
"Harris" "Harris" "Harris", and out to "East"
"Harris" and then on to Homerilles and Hestover
and the left hand goes by my place to Hestover
and the main road goes up west to
out to Cross Roads at East Ridge to Homerilles
and Hestover. I don't ^{know} anything about a public
road. I know that there is a point on the farm
road ^{road} near Hestover. The roads before men-
tioned are not more than a mile apart at
the worst place. I saw the viewers on the
new road. I suppose ^{road} I did, comes within a few
miles of my lands - It is a straight
road and is a long road. Peter Bert's
is not in favor of the new road - It won't
benefit me any. I don't know who it
would benefit except Whisen and perhaps Ainsworth
and Daniel Reim. I believe the road if made
as laid out would injure the property of the Hestover
Brothers as there is a road, like Public Roads through
her land.

Crossexamined he says: There is but one direct
road from Hestover to Hestover. This road is to east-
Homerilles Hill - In going to Hestover from Cherry
tree I think I would go by my place.
I think the main road to Homerilles Hill is
a half mile nearer than any other.
It is about two and half miles from
Hestover to where the roads branch off

at Beaver Run Mills - It's about a mile
and a quarter where they come together
again on the Emmett Road. Between Emmett
and Beaver Run Mills there are not
three public roads. If the road from
Emmett to the Emmett Road is a public road
there are three public roads running side
by side from Beaver Run Mills to Preston.
One of three roads runs at right angles
about two to the main ^{road}, about two miles.
The new road goes within 50 or 60 rods
of my land. I don't know what the
main road would be like - or what road
would be like - or what road would be like -
if the new road would be like that. It
could be a good road at a high level.
Sections of my place are lower than the new
road - I have a great deal of my
place that is lower than the new road - the
crop is all I could raise on such land.
The new road follows the old public road but
I don't know how far. I don't object to
the road because it doesn't run to my place.
The road by my place is as low as the new
road, in the ground is better, it being stony
and the material on the ground. I signed
the remonstrance, I didn't read it.
Redeemed examination. I didn't read the remonstrance
but I remonstrated against the new road.

Attest: H. H. Myers

H. H. Myers
H. H. Myers

Labor M. H. H. Produced and affirmed, says,
I live in Turnside Township, I own it, and
say it is in Turnside Township. I live on a
public Road leading from Cherrytree to Mesquite.
I have seen some of the work of the new
between East Ridge and Cherrytree and also
some of the same work below the New Washington
and the Turnside Road down to Silver River.
I am not in favor of the new road - I signed
a petition against it. I signed it because
I don't think it is necessary, and I live in
the Turnside Township. I don't think it necessary
because there are roads enough - I go to
Cherrytree occasionally - There is considerable travel
to Mesquite. The new road would benefit Mr. Myers
but not the general community, as far as I can
see.

Cross examined: He says: The new road would
be about a half a ^{mile} shorter road and a
little lower grade. I don't think it
is enough better to suggest making it.
I wouldn't contract to make the new road for
less than five hundred dollars per mile.

Jacob M. H. H.

Henry Herring: Produced and sworn. Says:
I live in Turnside Township. I don't know

much about the new road lately and on
some horses to "Herrin" - I saw some of
the ^{marks} made by the viewers at different places.
I was supervisor in Burnside Township for
years - I am not in favor of the new
road - I signed a remonstrance against
it because we have roads enough.
I think that the people of Burnside Township
could build the new road in time if they wa-
tered all other roads leading from the same
points. I don't think that more than one in
twenty of the citizens are in favor of it.

Cross examination - Done -

~~C. O. Smith~~

J. J. Johnson

C. O. Smith - sworn - says: I am not
in favor of this contemplated road to Herrin.
I signed a remonstrance against it, because I
think we have roads enough. I am a taxpayer
in Burnside Township - I oppose it because I
believe if it is made, the old roads will be trodden
away and will cause myself ^{and others} much expense
to get to the new road. I have no other
reasons for signing the remonstrance - The majority
of the persons I talked to in regard to the road
are opposed to it, and talked to none who
favored it. I saw the marks along
part of road up to the "Herrin" place - The
view is not more than three rods from the old

road coming up the hill from Beaver Run.
I worked on the roads some in my time.

It would require considerable money to make
the new road as cut out from Beaver Run
Cherrytree. I am not able to estimate it.

I have been at Westover. There is not much
traffic on the road from Westover to Cherrytree.

There is a little traffic but I don't know what
to call it. I never saw a Rail Road train
at Westover. I don't think the new road
would be of sufficient advantage to the general
public to pay for making it.

Cross examination:

Q. John Bell asked me to sign the proposition
to live on the direct road from Cherrytree to West-
over - The new road will run within
about sixty rods of his house.

A. I think the tax will be mainly expended on
the new road, if it is made and the old
road neglected and become a nuisance
and would be vacated. The men I talked
to opposed it because they thought there was roads
enough. W. C. Deering?

Q. Mr. Davis - sworn - Says: I live in Burnside
Township and own property there. I live on a Public
Road from Cherrytree to Westover. I know of a
view for new road between said points - I saw
the views at different times,

I have never been along the view of the new road for more than half the distance - I saw marks of the survey at different points and was told by the citizens along the road that this was the view.

I am not in favor of the new road. It is 2000 feet from the summit of the hill to the Simpson's the view is almost wholly on the old road and from Thompsons to Beaver Run it diverges from the old road a little ways and near the foot of the hill at Beaver Run it turns back and ^{into} crosses the old road - whence the ~~road~~ branches in three there are three roads, one can travel from Beaver Run to the Elm Ridge Road - but of one of these roads in Great Run is not much better than the other two. There are three different roads of the town, and the only thing that is making so much fuss about these been mail routes and public roads for, I suppose, thirty years.

This new road will take the horse away from the mill at Somerville's, and we haven't taxes enough to keep up the old road and the new one. The making of the new road will be burdensome to the taxpayers if we reason why to oppose it. The new road from Anderson's will be swampy and muddy.

Cross examination. I don't remember that I said the new road would take the horse off the old road and opposed it on that account.

I live along side of one of the old roads.

I believe the new road generally would be more level than the old one.

There are steep hills on the old road. There are some fine hills on the old road but they are not very steep.

The hill at Somerville is long and steep. The hill at Somerville is steep but not long. The new road is about 45 rods from Jim Somerville's hill. The old road goes through the shanty and swampy ground near Anderson. Public examination -

The highest point between the river and Cherrytree on the old road is at a point east of Cross Roads about a quarter of a mile.

The highest point on the new road is over ten miles east of one. There is a Public Road from John Myers to Westover. I have worked on it. I judge it is in the neighborhood of three miles from John Myers to Cherrytree Beaver Run Mill.

I mean the old road from Myers down to Westover when I said it was shanty and swampy near Anderson's.

J. C. J. (J. C. J.)

Adam Beck. - Affirmed. - I live in Burnside Township. I object to the new road for the reason that it runs through my farm and cuts it up a good deal - It runs through

from one end to the other. We have already
three roads running east and west. These three
roads running from Beaver Run Mill down
to Westover. It's already as many roads
as we can keep up - I have located my
buildings on the main route, the main road
running under the first corner mill.
This proposed road is good & it was in our
own claim ground, and part of the way
rough and stoney - It would be convenient
and extensive road to make. This old
road is on good solid ground. We could
grade the old road from Cherryville to Thomas
^{Westover}
~~Thomas~~ at less expense than to make the
new road and it would be of more benefit
to the community as a whole - It is about 50
rods from old road running east and west
turning a right angle south and west
I don't think there are any roads better
than this one in the township. The new road
is near road on the side runs outside of town
old road I don't care any persons will
that it would benefit except some horses and
be already a township road to the farm -
one of the roads on they would not be
built out the new road on the same ground -
Westover is not an important point and the
other roads are sufficient for the present traffic.
I believe a... matter around... the

neighbors — The neighbors requested me to do so and looked over me to take this form in the matter. All that could read, read it and I read it to those who could not read. Cross examination.

There is about two hundred ^{rods} of the new road of the same that is wet and swampy. It is now sown over for wheat up to the view of the new road. Forty or fifty rods from the airport, it is toward Hominy Thompson is rough and stony. The new road will be a better grade than the old one but I don't think it will be any shorter.

The new road will be a better grade than the old one. The old one is as steep as the new one. The old road is as steep as the new one.

James Silvis, requested me to get signatures to the remonstrance. The citizens of no other town of Burnside Township asked me to take the remonstrance around.

Mr Silvis and myself were instrumental in getting up this remonstrance — No others that I know of were instrumental in getting the remonstrances up. James Silvis and myself carried the two remonstrances around.

Adam Beck

Costs.
 W. J. Nugent \$6.64
 Witnesses:
 Van Learner 1 day & miles.
 Jacob L. 1 " 5 "
 J. L. 1 " 4 "
 J. H. 1 " 4 "
 W. H. 1 " 5 "
 Henry Sebring 1 " 1 "
 J. H. 1 " 1 "
 James Silvis 1 " 5 "

Clearfield County, Pa.

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

Burnside Twp, Sept. 3, 1881.

Willis J. Nugent, J. P.

Filed 29 Sept 1881
James Kerr
Pro

Deposition of witnesses, produced, sworn and examined by me the 26th day of Sept. A.D. 1881. at the office of F. G. Harris Esq. in the Borough of Charfield, in the County of Charfield, between the hours of 8 o'clock A. M. and 10 o'clock P. M., by virtue of the annexed rule of Court of Common Pleas, and notice hereto attached, for the examination of witnesses in a certain cause depending in said Court, In the matter of a Public Road in Burnside and Chest Townships, leading from Westovers to Cherry Tree.

Thomas W. Moore, - Produced and affirmed, says, I am 53 years old, I reside in Summersville, I am a surveyor, have followed the business for 31 years, I was the Surveyor on the road view from Westover to Cherry Tree, I have travelled over the road from Westover to Cherry Tree by Summersville Mill, I should think there is between three quarters & a mile difference between the old road & the new view, I measured the grades of the hills on the road now used, - I don't think the heaviest grade exceeds 10 degrees, Some of the hills are of considerable

length, I consider it a hilly road. The road could be graded but the same summit would have to be passed over. The highest summit of the road is at East Ridge. The general grade could not be bettered without removing the road to the gap through which the new road passes. I think the heaviest grade on the new road is $4\frac{1}{2}$ degrees. There is but one hill where the grade reaches $4\frac{1}{2}$ deg. - That part of the road which will have to be made absolutely new is less than one and a half miles. - In my estimation the greater portion of the road is on good ground. I think it would not be a very expensive road to make, the greater portion of it is through cleared land. There is no heavy digging, & no heavy side cutting. No bridges at all to build. - There is but one road that I would consider leads directly from Cherry Tree to Westover, & that passes Summerville Mill. -

Cross Examination,

We adopt the Summerville Mill road from Cherry Tree until we cross Beaver Run, with the exception of two changes in location, the one nearest Cherry Tree I don't think varies from the present

road more than eight rods. The other is about the same. After leaving the public road east of Beaver Run, we do not strike another public road till we reach John Myers. - We followed the general course of that road until we reached Westover, with very slight deviations. The part of the road that will effect the value of land, or at least the only part where I believe there was any opposition to the running of said road, is between Beaver Run & John Myers. - This road runs through a field of the widow Brothers. The widow Brothers farm is situated at the intersection of the Summerville Mill road & the road leading by way of Sheppards to the East Ridge road. It passes partly through & partly along the line of Peter Beck and Mrs Westover. This is low flat ground. - We pass about 50 Rods north of Adam & Peter Beck's dwellings. They live on the Summerville Mill road. The distance from Beck's to Myers is something over half a mile.

Geo W Moore

I hereby certify that the above witness
was duly qualified and examined
at the time and place stated in
the above Caption and subscribed
his deposition in my presence

Jm Radabaugh
Notary Public,

Rule to take Depositions.

CLEARFIELD COUNTY, SS:

In the matter of a
Public Road in
Burnside & Cherry
townships ^{versus} lead-
ing from Westover
to Cherrytree.

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

No 17 Sept. Ss. TERM, 1881

And now to wit, the 26 day of Sept., in the year of our
Lord one thousand eight hundred and eighty-^{one}
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 petitioners on ^{their} own day's notice

Jas Kerr
Prothonotary

To A. T. Brewster, Esq.,

You will please take notice that, in pursuance of the foregoing rule, Depo-
sitions will be taken before William Radtke, N.P., or some other
person authorized to administer an oath or affirmation in Pennsylvania, in and
for the county of Clearfield, at the office of Frank Harris
in the Borough of Clearfield
in the county of Clearfield and State of Pennsylvania, on the
26 day of Sept., A. D. 1881, between the hours of
8 o'clock P. M. and 10 o'clock P. M., when and where you
may attend and cross-examine.

Clearfield, Pa., Sept 26, 1881.

Frank Harris
Atty for Petitioners

Sept 28 1880

Will now Sept 26, 1881
dinner is kindly accepted
on either side.

Wm. W. Bond
Sept 26 1881
S. J. Bond
at the same

Wm. W. Bond
Paid by John W. Myers Sept 27