

Re application
for Public Road in Go-
shen, Girard and Cov-
ington townships.

Depositions of Wit-
nesses on part of Pe-
titioners.

Fees for taking Dep. \$4.00

Ad by Isaac Smith

W. C. Miller

In Re Petition for
Public road in
Covington, Girard
and Goshen town-
ships.

In the Court of Quarter
Sessions of the County of
Cherokee.

No 13 Sept. Term 1889

Depositions of witnesses taken before me this
twenty third day of November A. D. 1889, be-
tween the hours of 9^{o'clock} A. M. and 9 o'clock P. M.
at the office of Oscar Mitchell in the borough
of Cherokee, Pa., by virtue of the annexed
Rule of Court and notice thereon endorsed
for the examination of witnesses in a certain
cause then pending, wherein certain persons
are petitioners for a road in Covington, Girard and
Goshen townships and certain persons are re-
monstrators.

J. B. Shaw, Sworn:

I live in Lawrence town-
ship and am past sixty years of age.
I was one of the viewers on the road that
runs from a point at Shawsville in
Goshen Township to Frank Leigry's
store in Covington Township. I
believe the road as laid out by the
viewers to be on the best route between
the two points named. The road is
a good grade and on as good ground

as is possible. The only marshy ground we found to amount to anything was between Isaac Smith's and Ernest Mignot's sawmills. The other part of the road is on good ground. This spouty land I speak of is not a swamp, it is only spouty land. About all the swamp land there is, is from the creek to the hill. This is a flat about 60 or 70 rods through land. This 60 or 70 rods of which I speak, is the part between Isaac Smith's and Mignot's sawmill. This 60 or 70 rods could be made good road, simply by picking it up. I believe this road as laid out to be necessary for public use. Then an other part miles of this road now in good condition and is ready for use. It is now used. To make this part of the road from Isaac Smith's to the end would not cost over two dollars and a half per rod. This includes the 60 or 70 rods of spouty land also referred to.

It might include ^{cost} a little more, including the bridge across Deer Creek. The road from Deer Creek to Frank Leigey's store is all made but about a mile. I would not think that this mile would cost over a dollar a rod, as it is over very good ground. I think the end of the road from Isaac Smith's to Leigey's store is really necessary for public use, but I do

this road on portions of roads already laid
out, became now considered this the best
route.
J B Shaw

Joseph Curran, Livon.

I reside in Lawrence
township and was one of the viewers on this
road. I consider this road as laid
out by the viewers to be on the best grade
and route to be had between the two
points above named. There are about
six miles of this road already open.
I consider the whole of this road
necessary for public use. The
road is laid out upon as good
ground as we could find. From
Deer Creek up to where you strike the
hill it is swampy or spouty. There
are springs coming out of the ground.
From Deer Creek to where you strike the
hill the distance is about 60 or 70
rods. If this portion of the road were
thrown up or piled up, the road
would be in good condition. I
think there ought to be a good road made
from Isaac Smiths to Deer Creek
could be made for from two and a half
to three dollars per rod. From Deer Creek
to Singers store there is about a mile
of the road to be made, which would
cost about two dollars per rod to make.

not think this port is any more necessary than the port from Smiths to Shawville.

Cross Examined by W.A. Hagarty, Esq.

I do not remember just how far it is from Lingers store to Shawville over the route of this road. The only time I was ever over this route was the time we were viewing it. About three or three and a half miles of this road runs through the woods. I cannot say how many settlers would come out on this road that runs through the woods, but quite a good many. We viewed this road, I think in December. There was no snow on the ground. The mark we viewed that road was as nice a track as you see in the face of the year. When we laid out this road we laid parts of it on roads supposed to be township roads, but we learned they were not. We examined a number of routes and took this for the best location. I am acquainted with the road now in use. We could not get a road around Sunnys River hill without paying very heavy damages.

Re-Examined.

It was necessary to lay

Once Examined.

The only time I was over this road was when we were viewing it. We were over it four times from one end to the other. We spent six days on the road. The traveling was good, ground dry and in a nice time of year. I cannot tell the distance from the Goshen line to the Brighton line. The width of the Ernest Mignot road over which this road is about twelve or sixteen feet wide. Some place it may not be quite that wide on account of the plank. They have it away good road, however, for wagoning on. I think the length of this Mignot road must be about a mile. I knew the length of it at the time but I cannot recollect the length now. It will not cost a great deal to change this road into a township road as it is now opened and in use. It is better than what the roads now or were this summer. The road must be pretty good over which they are hauling heavy lumber. The land through which the Mignot road runs is sour & salty but it is a sidling road and can be easily drained. This road is now used and they draw heavy loads on it. From Isaac Smiths to Shawville I think there are about 500 or 600 rods to be made. This balance of this road from

Smiths to Shawville run or roads
already in use. These roads already in
use will need work. The most of this
road will be passable in winter. Of
course on a road of that length in this
country there will be some places
that will drift. From John Seigys
to the Carleton line about a mile of this
road runs through the woods. I am not
certain about this. I cannot tell
how many people this road from Smiths
to the Carleton line will accommodate.
There are quite a number of people set-
tled along there, but I cannot tell
how they would travel. I cannot
tell whether these people have roads
leading from their places to the road
now in use as I am not acquaint-
ed in that community. They ^{people} along
the west end have a road, but it has
hard hills of about nine or twelve.

Re Direct.

We viewed this road sometime
in December. It was pleasant over-
head but the ground was full of water.
It was a wet season, but this was
a pleasant walk. The ground was
wet.

Yours sincerely

A. B. Shaw, Sworn:

I reside in Charfield
borough. I cannot say that I am
acquainted with the entire route of this
road, but I have an idea about ^{with} where
it goes. I am acquainted with the
present roads from Shawville to the
back parts of Gorham and Grand town-
ships. Some of them are very good,
and some of them are very steep.
There are quite large settlements
in the back parts of these townships
and they are settling up all the
time. I would say that these
roads at present are too steep to
haul a reasonable load over. I
have always considered it very
necessary to have what we would
call a back road from Truchville
to Charfield.

Cross Examined.

I do not know that I
have been over the route of this road,
and do not know the character of
the ground through which the eastern
end runs. I am the owner of
considerable land through which this
road passes, also a grist mill.

A. B. Shaw.

H. H. Morrow, Affirmed:

I reside at Shawsville, Goshen Township. I am acquainted with the west end of the proposed road; and I know the general direction of the east end of it. It runs through the settlements in the back parts of Goshen and Girard townships. There ~~is~~ is quite a large settlement in the back portions of these townships through which this road runs. These people have no good public road at present, without driving up and down very steep hills. These hills are so steep that they cannot have a reasonable road over them. I believe a public road from Shawsville to Fundville is necessary for public use, ~~or~~ through the back portions of these townships - especially the west end of it. I do not know much about the east end.

Cross Examined:

There is not a great deal of the Goshen end of this ~~road~~ to build. I suppose it will cost about two dollars a rod to make that part not already made in Goshen Township. I do not know the number of rods. I cannot tell whether these people

those townships, to Shawville to be necessary for public use. I have run them over the eastern part of this road and know nothing about it. The citizens in the back portions of Goshen and Girard townships have no good public road to Charfield. The roads are so hilly that a person cannot haul a reasonable load over them. I remember when I helped Isaac Smith haul a load up the widow Fliegel hill. The cause of this was that the hill was too steep. He had a good team to pull.

Ans Edmund:

I do not know what Smiths team weighed. They were just middling draft horses.

J H Ogden

Joseph Bigay, Sworn:

I am 33 years of age and live in Girard township. I was one of the chain carriers on this road when it was laid out. I own land in Girard township. I should think the road between these points was laid upon good ground and upon good grade. There is a little over six miles of this road already

in Girard townships to get out from
their places onto the road now in use.
I know of no private roads in either
Goshen and Girard townships. I do
not own any property in Girard, but
do own property in Goshen township.
I have a sawmill in Goshen &
believe I am not a petitioner
for this road.

Question With the burden of building
this road on Girard township and the
township six thousand dollars in debt, do
you think the demand for this road is
so great at this time as to justify the
putting of the additional burden on Gi-
rard township at this time?

Answer I think that where great im-
provement can be made, the cost should
not be considered.

H. H. Morrow.

John H. Ogden, Sworn.

I am 43 years of age
live and reside in Goshen township.
I am not acquainted with the route
of the proposed road all the way through.
But I am acquainted with that part
from Shawville to Gillingham school
house. I believe a road from Leigys
store through the back portions of that

in use. I could not say positively how much per rod it would cost to make this road from our end to the other, as I never worked at the business; but I think it could be made for two and a half to three dollars, that is to make a good road of it. This proposed road runs through the back settlements of Cochen, Grand and Crington townships. I think this road is necessary for public use. There are steep hills that the people in the back parts of these townships must go up and down to get to Shawville and Charfield. The new road as laid out avoids those hills, so that they would be about ~~six~~ ^{six} ~~degrees~~ ^{degrees}.

Joseph Diegen

Com. Garrison

Celestin Martell, Suon.

I am about 23 years of age and reside in Crington township. I own land in Grand township. I am acquainted with the east part of the proposed road. The east portion of the road is necessary for public use.

Celestin Martell

Henry Morbee, Sworn.

This is Girard town-
ship. I have been over the route of
this proposed road lately. I was over it
on the 19th and 20th of this month. I have been
over the whole of this road, and I would
give bonds to build the road, as roads
are ordinarily built, to build this road
the whole length of it. I am ac-
quainted with the Ernest Mignot road.
It is from eight to twelve feet wide.
Ernest Mignot told me it cost him
something over two hundred dollars
to build that mile and a half of road.

Question. What did Henry Buck say
he would make a mile of road for from
Isaac Smith towards Ernest Mignot's?

Objection. Objected to for the reason that
it is incompetent and irrelevant
and hearsay evidence.

Answer. a dollar and a half a rod.

Cross Examined.

There are about two miles
and a half of road in Girard town-
ship to build yet. A mile and a half
of this road I can make for a dollar
and a half per rod. For the other mile

I would want about two dollars and
a half per rod. The roads already made
I would expect to have as they are.
They were worked on by the township
last spring.

Henry ^{his} Martell
work

Isaac Smith, Supervisor:

I live in Girard town-
ship. I own land in Girard town-
ship. I pay as large a tax as
anyone on the rated list except one.
This is of those who reside in the
township. There is one who resides
out of the township who pays more.

Taking the full length of the road from
Frank Lingers store in Covington town-
ship to Shawville, I would give bonds
to make this road for one dollar and
fifteen cents per rod, that is to
make this road as townships roads
are usually made. I would be
glad to get the job at this price.
Taking the whole length of the road
through Girard township - counting what
is already made and what is not
made - six miles ^{and so was} in all, I believe
I can make for a dollar a rod.
I started on Tuesday the 19th day of this
month and went all of the road to

be made and part of that already in use. And by careful examination I find the bed or bottom of this road mostly all of a sandy or gravel nature. And ~~to be~~ is located on the edge of the hill where it will be easily drained when built. Along the Ernest Mignot private road there is about one hundred rods of spouty land along the side of the hill over which the road runs. On this side of Deer Creek for about sixty or seventy rods of creek bottom with gullies worked through the bottom. These gullies are morish and would have to be filled. The balance of the road up to Isaac Smiths place is on the side of the hill with the exception of a little bit, and then are a few springs crossing the line of the view.

The view in Corben is on dry land and on a good grade. Nicholas Martell opened about eighty rods of this proposed road before the monument was taken out. He quit when the monument was taken out. Ira Jorg built a house since the view, and it is said the side of Ira Jorg's house comes down to the line of the view. This is in Girard township. Over not there and I cannot tell whether Ira Jorg's house comes to the line or center of the view.

W. A. Hagerty Esq. Attorney for Remonstrators
objects to witness testifying to anything
that other people say, or the testimony
is incompetent and irrelevant.

Isa Jany agrees to build the road around
his buildings free of charge if the
road is granted. He numbers
hundreds of families that live near
upon this road, and have no other
road, except the roads now used by
them or testified to, over thirty two
families. I believe they are all
engaged in farming.

Cross Examined:

I will agree to give
direction. Will you agree to give bond
to build this road for one dollar and
fifteen cents per rod from Shaws-
ville in Goshen township to Frank
Friggys store in Burlington township,
said road to be approved by the su-
pervisors before paid for.

Answer. I will according to the way
new roads are usually built in
our township. I have supervisor for
two years in our township and have
built some new roads.

Isaac Smith

Harry Byers, Affirmed:

I reside in Chotfield. My occupation is that of Surveyor. I was the surveyor and one of the viewers on this road from Shawville to Frank Biggys store. I think we were six days locating this road. In my opinion we put it upon the best general route. This road is a good grade from one end to the other for a public road. I took the grade of the widow Hegal hill on the old road, and it was nine or nine and a half degrees. The Surveyor Run hill was eleven degrees for a distance of about ten or fifteen rods I suppose. I believe that this road as laid out to be necessary for public use. When the report was made out by the viewers there was a draft made out by me and attached to the report or folded in with the report when the report was made to Court. It was a very large draft, and I think it must have been nearly five feet long, and nearly three feet wide. This was filed with the report in Court.

Harry Byers.

William Graham Swann:

I reside in Lawrence Township. To build the whole road from

Shawville to Frank Leegys store, &
will give bonds to do the work for a dol-
lar a rod. I have built a gratdral
of road by the job, and it is no great
work with me. I have served a couple
years as supervisor also.

Now Examined:

I have had four or five con-
tracts for building road. I have built
about three or four miles of road by con-
tract. I have a mill in Gorham town-
ship that will be benefited by having
this proposed road built. I think I
could give bond to build this road from
one end to the other for a dollar per rod.
said road to be approved by the super-
visors before the road was paid for.

Wm Graham

State of Pennsylvania } ss.
County of Chesterfield }

I do hereby certify,
That the above witnesses were duly qual-
ified 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 wit-
nesses, and that they subscribed their
names thereto in my presence.
Witness my hand and official seal.

W. C. Miller
Notary Public

RULE TO TAKE DEPOSITIONS.

CLEARFIELD COUNTY, SS:

*Petition Public Road
in borough of Lusk
ERSUS
Horseshoe Twp.*

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

No. 13 Sept-Sett. Term, 1889,

AND NOW, to wit, the 16 day of Nov., in the year of our
Lord one thousand eight hundred and eighty-nine
the *Petitioners* enter a Rule to take the
Depositions of ancient, infirm and going witnesses, to be
read in evidence on the *Argument* of this
case. Ex parte Rule of *Petitioners* on
five days' notice.

A. M. Bloom
Prothonotary.

To *M. A. Hagerty*, Esq.:

Atty. for Petitioners

You will please take notice that, in pursuance of the foregoing rule, depositions
will be taken before *M. S. Miller M. 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 *Geo. Mitchell*
in the *Room* of *Clearfield*, in the county of *Clearfield*
and State of Pennsylvania, on the *23d* day of *Nov.*, A. D.
18*89*, between the hours of *9* o'clock *A.*M., and *7* o'clock *P.*M., when
and where you may attend and cross-examine.

Geo. Mitchell

Clearfield, Pa. *Nov. 16.*, 1889 *Atty. for Petitioners*

Now Nov 16. 1889
now accepting for Petitioners
and persons shown above
M. A. Hagerty
Atty. for Petitioners

Re Application
for Public Road in the
Shaw, Edward and Cor-
rigan Tracts.

Depositions of Wit-
nesses on July 12.
1890.

For testimony of J. H. O.
and J. H. O. Smith.
W. E. Miller

Mitchell, Attorney.