

In the Court of Common Pleas
OF CAMBRIA COUNTY, PENN'A.

*Linton. In the Matter of the Report
of Messrs. Vacating a Public
road in Lyden Twp, bds. lying
from a point on the public road
between the Rock Road and the
new stone bridge.*

Of December ^{Term} ~~Term~~, A. D. 1877, No.

And now, to wit, the Fifth day of January, A. D. 1878: Rule at the
instance of John P. Linton Esq. to take Depositions to be read at argument
before the above stated Court.

CAMBRIA COUNTY, SS:

Extract from the Record of said Court. Certified the Fifth day of
January, A. D. 1878

J. M. Fagan, Prothonotary. Ca. R.

Second Session 1877

In Chs Matter of the Report
of New Vacancy at Palace
made in Grand Jury Rpt.

Rule Book Depositions

Service of Rule Accepted
Wm Langhlin
Attorney for Deposition

To the Contestants of above cited or
Daniel McLanghlin their Atty:-

Take notice that depositions to be read in Evidence
on the hearing of the within stated matter will be taken at the Office
John H Fisher Esq in the Borough of Johnston on Wednesday Febry 6
1878 between the hours of nine A.M and ten P.M of said day, before the
said John H. Fisher Esq or some other competent authority

Wm P. Linton } Atty
for
CLARENCE CORNELIUS ELDREDGE
IN THE COURT OF COMMONS

Lang 14th 1878

of above rule accepted

Depositions of Witnesses produced sworn affirmed and examined, at the Office of John H. Fisher, one of the Justices of the Peace in and for Cambria County, No 89. Franklin Street Johnstown. in said County, on the 6th day of February AD 1878, between the hours of nine o'clock A.M. and ten o'clock P.M. of said day, in obedience to the Rule of the Court of Quarter Sessions of Cambria County, Pa, and notice hereto attached, to be read in a Cause depending in said Sessions, in the Matter of the Report of Viewers Vacating a Public Road in Yoder Township, leading from a point on Sun-pike near Geo Ostons to Blank Road near Bens Creek.

John Philip W. Cyrus Elder Esq. appearing for the Review.

D. McLaughlin Esq. appearing for the Answer.

George Spangler being produced and first duly sworn testified as follows: I reside in Upper Yoder Township, I am acquainted with the Road leading from a point on the "Pike" near Henry Fritz's house E. A. Wise says to a point ~~near~~ on Blank Road near Bens Creek. This Road is of no advantage to any Citizens of the Township.

Citizens from Somerset County would have
better Road than this by the Pike. This
Road has never been properly opened from
Eg Vickroy's up to Bens Creek. To open
the Road so as to have a double track and
fix it up right - I would not to day take
a Contract to do it for Five thousand
dollars, from Vickroy up. I would
not take, after it was fixed, to keep it
up in good possible condition for five
hundred dollars ^{a year}. I have been Supervisor
for Yoder Township for ten years, about
three years ago I was Supervisor. We have
about eighteen or nineteen miles of Roads
to keep up in the Township without this
Road. The Road Tax for upper Yoder
per year is about Seven hundred dol
lars, we lay ten mills. This seven
hundred dollars will not keep our
Roads in good order, let alone this
Road.

Cross Examined by Mr McLaughlin.
It is about three years since I have
been Supervisor for Yoder Township.
I passed along this Vickroy Road last
Fall. The Road was in very bad Con
dition ~~then~~ could scarcely get along
with a horse, let alone a wagon.

I have been over this Road twice within
 the last two years. I don't know exactly
 when the Road was opened from ~~Viakroy~~
 to Bensenville. but think it was three
 years last fall, I was not over it then
 or shortly after it was opened. I know
 of no work being done on this Road by
 the Supervisors of our Township.
 I know why the ice would lie on that
 Road. it is too near the River. Can't
 push the ice up the hill. I think the
 River would overflow some parts of the
 Road, every rain brings down ^{dirt} rocks
 down and a man might be working
 on it every day and not keep it in
 good order. Some places below the meadow
 I saw the Road overflowed by the River.
 This was from the Waters of the River
coming in and being higher than the
 bed of the Road. This was a tolerably
 high flood. and happens mostly once
 a year. An ordinary good Rain would
 throw down dirt and boulders, so as
 you could not get along. I know this
 from working along the lower part of
 the road, and I used to give a
 good deal of time when this road is
 now located, and know that the rain

would bring down the gravel.,

Question. Could not these loose stone boulders and dirt be obstructed by cleaning them off above the bed of the Road

Ans. Yes with time, and money enough would carry it into the sea.

Question. Could not these loose stone boulders and dirt be put across the Road on the side adjoining the River -

Ans. Yes by filling up the bed of the River and turning the River into the bed of the Road, could then boat it down instead of the waggon, The Stony creek is about 60 or 70 yards wide along the Road. I should judge so.,

Question. Did you ever make an estimate of what it would cost to open that Road in the first place, from Vickroy to Bens creek,

Ans. I never did.

Q. - What would be your estimate?

A. ...I would not for my part undertake to make a good solid track for less than three or four thousand dollars -

It would take a great deal more to make
 a double track, I don't know what it
 cost to open the Road as it is. Some of our
 folks looked on it, There could be
 "turnouts" made on this road. I don't
 think it would be of any benefit
 to the Citizens of Goshen. To have the Road
 open - It is a tolerably level route.
 I don't know the name of the pike. The
 pike is tolerably steep from Bensons
 up to the top of the hill. I live about a
 mile from the Pike. In a northerly direct
 ion from the Pike, I live on my own property.
 There is in the neighborhood of twelve miles
 of Township Roads in upper Goshen
 without this Road. I can give the
 points from which these Roads start
 and terminate. The first Road from
 the Pike up to Mr. Vicksburgs, about
 a mile and a half or a mile in three
 quarters. This is part of the Road now in
 dispute. The next Road you start on
 on the Pike at Mr. Barnharts and go on
 to Mr. Barclays to a Township Road.
 This is something over a mile. The next
 Road you start on on the Pike, at Tim
 Hunt's Shop. Run up past Samuel
 Harshbargers to William Reams to a

Township Road, this about two miles
and a half. - and this finishes that Iron
Shop Road. Then start at Hunts Shop
again. past Hookstem and John
Millers out on the Township Road
leading to Mill Creek two miles
more. Now take the Road here at the
foot of the hill in town the Mill
Creek Road, this eight miles. Mill
Creek is in Lancaster County. Start
in on the Mill Creek Road at the Camp
Barr, down the Township Road
Lancaster County, about three quarters
of a mile. The new School house road
running past Howard's - to Morrell
ville. The Upper York Township have
to work on it for about three quarters
of a mile. There is another Road it
starts in on the Mill ^{Creek} Road near the
Stitzman farm down towards
Gates about one and a half miles.
I have looked on the last named
road, and know. I have asked one of
the persons present about the distance
and I thought it was this long be-
fore I asked him. I live on a
public Road. It runs right past my
door. I use the Mill Creek
Road coming to Johnstown.

I have occasion to use the Pike another Road if it was opened, going to Mills, but I would not want to use this Road in dispute, could not get along. I would have to die before I'd get over it. Re direct.

Question. Was the Road in dispute from the Pike near Fritz's to Agner Vickroy's farm opened and worked by the Township and if so, how long as near as you can say.

Objected to by Mr. McLaughlin as irrelevant for the reason that that part of the Road as well as the part leading from Egg Vickroy's to Bens land has all been vacated by the first order.

Ans. - It was opened and worked as a Township Road for eight years that I know of.

Re Cross Examined.

I know from my own personal knowledge that there was work done on the part of the Road by the Supervisor of Yoder Township last fall, - I can't tell how far it was towards Vickroy's, I suppose within about half a mile.

George Shangle

Jacob Barclay. Affirmance. I reside about two miles from town here in Goder Township. I was Supervisor in Upper Goder Township for one year. I am acquainted with some of the Roads in Upper Goder. Not all of them. The tax levy for Road purposes is about seven hundred dollars per annum. We lay ten mills or have that year. It would take all this tax to keep the other Roads in good condition without this Road in dispute. It have been thought when this Road from Egg Vicksburg to Bens Creek is located. Several times ago. This Road if made would be a costly one to keep up. This Road could not be made of our country Road without "piking" it the whole way. I guess it would be a costly road to make. It would cost a couple of thousand dollars to make the piece of the Road from Vicksburg up to Bens Creek. As much as I know the Citizens of Cambridge County or of Goder Township would have no use for this Road if it was made. The Citizens of Somerset County have a good Road.

by the way of the Pike to and from Johnston, I think this Road from Vickroy up, would be bothered by slips ~~both down~~ by the ground slipping down from above. It is, about, in my ~~last~~ ~~Examination~~, own judgement a mile and ~~half~~ a quarter further than by the Pike. This Road is now very much out of Order. I mean the part between Vickroy and Bens Creek, The upper part of the Road from Vickroy to Bens Creek was opened by Druseset learning men. I guess Mittenberger was at the head of it, Cross Examined.

In making my estimate of two thousand dollars, for a good solid track. I estimate for a track about ten feet wide, The Road has not been opened ten feet wide from Bens Creek to Vickroy, in some places it has - , I am making my estimate ^{for} opening, and picking it, my cutting and filling would not, on the side adjacent ^{to the} River, dam up the water in the River, ~~It has~~ The part of the Road next Bens Creek was opened the year

I was Supervisor, it will be three years
next Spring. I guess. I walked over
the Road once after they were done
working on it. In dry weather it
is pretty good road and in wet
weather is very bad. In the Company's
field there is so many runs coming
down it is a swamp. It is not
an easy Road to drain at that part
of the Road. The Company's field could
hardly be drained into the River.
The part that lies higher than the River
might be turned down the hill.
I saw some of these Germans & some
people going on to the Road to work,
and they told me that they were work-
ing there. I saw Hiltelberger, Kapp-
man, & Fischer, and some I did
not know. I saw ~~the~~ no Yoder
Township folks working there. I do
not know if any person from Story
Creek Township worked on it or
could not tell. I know something
of a Road from the Red Bridge run-
ning through Story Creek Township
crossing with this Road. I had
the papers in my pocket, it was never
used from Bloughs over this way.

into the Company's field. it was never opened or used. and I have never known Blough to use it. Since this Road in dispute was opened by Vickroy lies in Goder Township.

This Road might be beneficial to Mr Vickroy on account of his Coal bank. I don't know of any parties at Bens' bank getting their Coal from Vickroy.

I saw on Saturday that one sled had been in there. I believe young Kauffman is working at the Coal bank there. I think the snow would not lie longer on this Road than on the Pike. It is not a hilly Road.

There has no repairs been made by the Supervisors on the new part of this Road since it was opened.

I live three quarters of a mile from the Pike. If this Road was opened and kept in repair it might be convenient for the people ^{at Bens' bank} to get their Coal there. but I can't tell when they want to get their Coal there is good Coal banks open along the pike it is belong to Vickroy about a mile from Bens' bank. I think I do not know the thickness of the veins of coal,

along the pike. Jacob Berkey

James O'Connor, sworn, I reside in
~~Yoder~~ ^{Yoder} Township Somerset County, and
am a property holder in Yoder Town-
ship, Lancaster County, I know the loca-
tion of the Road, from the Pike near
Fritz's post Square Viakings To Bens
Creek, practically I do I have been
along there. This Road has never
been opened sufficiently to make it
a good passable Country Road, there
are two points along this road that it
would be hard to get it the necessary
width, One of these places is above
Viakings, and excepting this place
it might be graded and stoned to
stand the travel there at from six to eight
dollars a Rod, The place I speak
of I do not know what it would cost
the expense would be immense, It
would be a very costly road to keep
up and maintain in order after
it was opened, I do not think the
road could be kept in order for less
than five hundred dollars a year,
and I would not agree to do it for a
thousand dollars, if the same a-
mount of travel was on it, as there
is on the Pike, There are no citizens

of Godes Township that would need this Road unless it would be Easy Vickroy. Mr Suppes and Mr Osborne, Mr Osborne lives ^{one hundred and} within fifty or sixty yards of the Turnpike near Fritz's and his land lays on both sides of the Pike. Mr Suppes lives I think not over half mile from the Pike at Mr Fritz's. I would not know of any Citizens of Godes Township that would need this Road from Easy Vickroy up. Unless the Squire would top to Mill. The Citizens of Somerset County have a better Road in the Pike to and from Johnston. It can ever this Road can be made I think.

Cross Examined

I have property adjacent to the Turnpike in this County. I make my estimate of Cost upon the width of an ordinary Country Road from ten to fifteen width and putting it at this width, and then it would have to be well fitted, and after this was done I would not undertake to keep it in repair for One thousand dollars a year. ~~After~~ after the first year.

The reason that it would cost so much
to keep it in repair, is that the travel
on the Pike, nearly all of it, would
take this Road. So as to save toll,
The citizens of Goder Township would
not need to use this Road at all
they could not get on to it. Coming
from their farms to Johnston. I
speak now of the travel from
Dunsmuir - ~~leaving~~, This is the
principal reason. There are other
reasons however, they are these,
the first is that in case of a gorge in
the River, the ice would close this
road for a considerable length,
too, and the second is that the
"ships" would be so frequent as
because considerable trouble and
expense and danger besides. I
never been over this whole Road but
once. I never saw the ice frozen
at the point I speak of. I am not
a stockholder in the Pike. My interest
is the other way I have to pay toll,
as far as the Pike is concerned my
interest is right the other way. I had a
tavern stand on the Pike, at Whiskey
Springs. It was destroyed by fire.

and I propose to rebuild it.
 Question. Would it not be to your
 interest then to have the Pike kept
 open and in good order.

Ans. It would.

The witness desires to explain that the
 interest spoken of was when he was
 travelling.

To Mr McLaughlin. I mean that
 if there was a good road there I
 would save my time.

James De Vin

William Ream. Affirmed. I reside
 in Upper Goder Township. I have been
 Supervisor of this Township. I know
 the locality of this Road in dispute.
 It would be a pretty costly road I
 should think, to open and keep up.
 I should judge it would be costly to
 maintain in good order. I have not
 forgot. I was along when Scamman
 ran it, and it is a little over or a
 little under a mile longer, than the
 Pike, something about the mile. I do
 not know of any Citizens of ~~Upper~~ Goder
 Township that would need this

Road from Vickroy up. I was Supervisor when the Road was opened from the Pike near Ritz's to Squire Vickroy. This must have been ten or eleven years ago. or something like that.

Question. State what, if any thing was said, at that time about opening or not opening the Road from Squire Vickroy towards Bens creek and of Qs, by whom.

Objected to by Mr McLaughlin for the reason that it is irrelevant and immaterial to this issue. What was said by any person about the opening of that Road to Bens creek.

Ans. Squire Vickroy and Osborn sent me a number of notices to come and open that Road and I did not care about doing it, then afterwards I saw Squire Vickroy and he gave me his word of honor that if I would go and open it, he would not ask it farther than his lane, and he insured me that him and Osborn would never say another word about it going farther. The Pike at one time ran through Squire Vickroy

farm, and now it runs along the
 edge of it. There is a coal bank
 not more than five or six Rows
 from the Mill at Bens level
 and there is one out the plank
 Road not more than a half a
 mile from there. It is about two
 hundred yards from where the mouth
 of this Road strikes the old Plank
 Road. To the Pike, I would not bind
 myself to make this Road, the width
 of an ordinary Township Road. from
 Squin Pickroy up for thousands
 dollars. Squin Pickroy is the only
 place along this Road from Bens level
 down to the Pike. Some times he has
 stearants. There is a road from
 Squin Pickroy up to the Pike, though
 it is now fenced up. Squin Pickroy
~~lives Examined~~ I suppose put this
 fence there, and there are gates ~~to~~ or
 to permit persons to pass through,
 across Examined. I live West or
 North West from the Pike. My nearest
 point being about a mile to it, I
 would have no occasion to use this
 Road if it was opened. I do not
 know if there are any persons working

at the Coal Bank near Bensbuck.
I saw some coal last winter, this
winter a year ago. that was hauled
from Vickroy bank on this new
Road, the boys hauled for me
a couple of loads from this Vickroy
bank, I should judge it is about a
mile and a half from this Coal bank
down to the Pike and a half mile
from there to the upper end of Kern
ville, There is a pretty large popula-
tion ^{near} at the point where this Road in-
tersects the Pike, or at Grubtown,
If this Road was closed up Squire
Vickroy would have no road to
get his coal out unless he made
another Road, The Squire's ten and
his down this road towards Johnston
but hardly a half a mile I think, Mr
Livingston has his ice house on
this Road, Mr Livingston lives
over in Kernville. Geo Ward of
Johnston, He would have no
handy way of getting his ice ~~house~~ ^{out}
if this Road was closed up, Mr
Stoner has lived along this road
I think the ice house is built on the
Hovass land, Mr Messinger lives

Kilm is on the other side of the Story
 Creek, I never saw him on this
 Road. I saw him hauling lumber
 to the Lemp's land but I don't
 know which way he carries. This
 would be the shortest Road from the
 Kilm to some of the Lemp's land,
 but I would about as soon come
 around by town. Supper lives about
 a quarter of mile from this Road and
 has a gate coming out in to it. he
 uses about ~~the~~ a couple of hun-
 dred yards of this Road, I don't
 know of any body else living on this
 Road, but if they do they would
 have to use this Road to get out.
 I except of course Osborn and Hickory
 his son in law. who use it for a couple
 of hundred yards to the pit. I come
 into the Kennell side of Johnstown
 some of the Citizens of Story Creek I am
 ship could use this Road and it would
 be nearer, I have said Sam Blanks
 come down this Road since it was
 opened. Blanks might open a Coal
 Bank. but I would rather travel the
 Pike from Blanks down than this
 Road. but if this Road was opened

and kept in good repair. It would be
a better road for him to come
down. I do not know where
your key lives on this Road.

Re-direct,

There are no parties living on this Road
~~that I have mentioned.~~ except
Vickroy's, that use more than about
two hundred yards of this Road.

The people of Grubb town have fine
coal banks handy to them and not
half as far as Vickroy's bank.

Blanch's bank would be still far
ther out than Vickroy's.

Re Cross Examination.

Osborn's house
is about one hundred and fifty yards
from the P.M., Vickroy's about two
hundred yards. and Supper's
I should judge about three hundred
yards. Mr Osborn has a coal
bank on this Road.

6/11/11 J. H. Pearson

Stephen Stutzman Affirmed.

I know
the locality of this disputed Road I
have been along it once or twice,
I think it would be an Expense

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Road to open, I guess it would be
an expensive Road to keep in repair.
Some of the places are soft and mucky
and others bumpy and Rocks, shaking
out,, I could not make an estimate,
It was ^{one of} the Viewers that laid out the
Road the first time it was open,
I think it was the first ^{time}, I believe
we thought it would cost Two thousand
dollars to make the Road from
Vickroy out.

Question. At the time of the View
what inducement or guarantee did
Squire Vickroy give, if any, about
opening the Road from his place
towards Bens Creek?

Objected to by Mr McLaughlin,
for the reason that it is irrelevant
and immaterial to the issue, by
Vickroy having no power to give
any such guarantee.

Answer. Well he had been complain-
ing that he lived so long in the Town-
ship and had no use of a ^{Township} Road, that
all he wanted was a road from
his house down the River towards
Johnstown, to the Pike, and that neither
himself or any person else would

ask to have the Road opened beyond his house towards Bens Creek, he said he would not have asked it further ^{than his place,} but that he had to have a point to get out-.

Question, State if it was under this impression and understanding that the Viewers reported in favor of that Road.

Objected to for the reason. First that the question is leading; -

Second. That it is irrelevant and immaterial.

Answer, It was mine. and I believe also that it thurs.

The second part of this answer objected to. I can see any advantage this Road would be to the citizens of Goder Township. Vickrey might use it in going to Mill or he could use the Road leading up to the Pike, his Messenger uses the Road leading past the old Jones Home place to Johnstown, and then Mill Creek Road from Johnstown to the Company farm in delivering him I have seen the teams myself. This is not on this disputed road.

The other township Roads in upper grades have not been kept in good order, some of them is bad, and so far as I know all the Taxes raised have been expended upon them.
Cross Examined.

There is a great deal of hauling done on this Mill Creek Road and it takes a good deal to keep it in any kind of repair, I was one of the viewers that reported in favor of opening this Road to Bens Creek, there was two on it I think I was in the first, that is my impression that I was in the first view. It was along time ago. I can't just tell the year that it was in. That was our estimation at the time from Vickroy's out. Indeed there were some places on it that he thought it could hardly be ^{made} done at all. I have been along twice since the Road was opened at the time of Vickroy's sale and once since then, I could not say what it would cost to make the Road in good repair. If this Road was closed up in Osborn would

would have to make a road at his own
expense, I think that the Ice house
of Livingston is near the Road
and if the Road, and the old
Road was closed up he would
if he wanted to get out make an
other road through some persons
land, - The part of the Road up to
Pickroy, was a Township Road
and made before the ice house was
built, - Some women have to use
this Road for hauling any thing
of his land near the ^{ice} house of
Livingston, I am not a Stockholder
in the Pike, I know where a Colored
man by the name of Sumner lives
it is I think between the old Road
and where the townships Road runs
is .. I know of no other Road than
this for a person living in this place
to get out, - I should think it was from
three to four hundred yards from
where this Road strikes the Pike to
Supper Gate of the Storey Creek on
this Road, I know of no other gate
that Supper has to get out on this
Road, Stephen Stalger

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Crispin Doerr Affirmed, I know the location of this disputed Road, it would be a difficult and expensive Road to open, and a difficult and expensive Road to keep in repair when it was opened, because there is along the Road hanging rocks from twenty^{to} thirty feet that makes it dangerous to drive along, and other points are low and muddy or swampy. I should think that it would cost not less than three thousand dollars to make this passable Country Road from Bens Lake to Square Pickets. If the wagons would travel on as it is expected, it would take from five to seven hundred dollars annually to keep this part of the Road in repair. This travel would be from Somerset and Westmoreland Counties, and the same that now uses the Pike. From the nature of the ground the Road would be liable to slips across Examiners. The nearest road I have to the Pike from my place, is four miles, and in the western portion of Yoder Township.

I was on this Road today, I went on
the Road at my own suggestion. After
I was Subpoenaed - no one told me
to go on it. I did not know what
questions would be asked, I was
not on the Road before I saw it how
ever across the River. I could not
tell what it cost to open the Road
as it now is but I don't consider
it open now just a path to slip
through. There are all kinds of
rocks some large some small
and some hanging. These Rocks
could not be sloped down without
blasting some corner but not
enough to make the Road wide.
There has been some of these rocks
and dirt removed to make the bed
of the Road as it now is. The frozen
mud holes make the road bad
now - horses breaking through. There
is not enough of materials along ^{every} ~~the~~ ~~any~~
part of the road to fill up these mud
holes. From the upper part of the road
~~from~~ the old ^{Sage Mill} ~~house~~ down to ^{Sage} ~~Sage~~
Bickroy's gate it is all bottom. I just
passed along the road and did not ex-
amine how handy Stone could be
got.

Question. Don't you know that the last
review vacates that part of the Road
and makes the old Road shorter and
on better ground passing near Ed
Vickroy's House.

Objected to by the Indians. That
the Review does not do what the
gentleman assumes it does by his
questioned.

Answer. I do not know,

~~George Kruis~~ I agree

George Kruis sworn,

I know the locality of the disputed Road
from Fritz's post Ed Vickroy to
Beno Creek, I regard this Road from
Squire Vickroy to Beno Creek a
difficult and expensive Road to open.
I have travelled that Road twice and
it would cost a heap of money to
make it passable for wagons, I
was on horseback when I travelled
it, it might cost five thousand dollars
to make this Road from Vickroy
to Beno Creek, a passable ~~country~~
Road, and I would not take any
task at that price. It would be
difficult and expensive Road to

Keep in repair, It would cost the
Township four or five hundred
dollars annually to keep this
road open and in repair. It is
for no need for any of the citizens of
the Township. from Squire Wickroy
up to Bens level, I am the Constable
for the Township
Herons Examined

I live in the Western
part of Upper Gader Township; The
nearest road I have to the Pike is
something over five miles. I was
on this Road at the time of Squire
Wickroy's sale, and once since then
late last Spring, when I heard enough
of it for I went into mud up to
my knees. Township Roads are
generally muddy in the Spring, but
this was late in the Spring. I did
not see the Road before it was
opened. I am not acquainted with
parties who use this Road or live
convenient to it. The reason why I say
that no citizen of Gader needs this Road
is because I don't know of any per-
son living along it, I don't know
whether E. J. History would need

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the upper part of this Road or not, I
never was a Supervisor.

Question. Have you had experience
in the making of Township Roads or
of keeping them in repair?

Ans. Yes...

My experience is that it is took a great deal
of money, from ~~to~~ a couple of hundred
Yards that Mr. Johnson had to
make an Mill Creek hill. The roads
in York Township are expensive to
keep in repair. They are not kept in
very good repair. We can get along
them. I found this new Road, two years
ago, from Bens Creek to Spine View
dangerous. I got off the horse and
lead him for fear he would break
his leg. I could not say how many
men it would take for a month to
put this Road in good shape.

Re-direct—

I have worked on Town-
ship Roads. The money won't run
to keep the Roads in the Township
in ~~at~~ better repair.

Re-cross Examined.

I never made any
estimate of what it would cost to

make and keep in repair Township
roads. . . George Kniss.

John K Miller Affirmed.

I am a little acquainted with the
road in dispute. I have been
along it already, it would cost a
good deal, it would take a great
quantity of labor to put this Road
from Squire Vickroy's to Bens-
brook in passable condition. I
would not undertake it for my part
to do it for three or four thousand
dollars. As far as I know it would
be an expensive Road to keep up,
I could not give an estimate of the prob-
able cost of keeping it up every year. It would
is not necessary for any of the citi-
zens of the County except Squire
Vickroy. Squire Vickroy's farm
runs up to the Pike, and he has
a private Road from his house to
the Pike.

Cross Examined:

I live about two
miles from the Pike. I mean, that
it would be of no use to the Citizens of
this County. that part of the Road from
Vickroy's up, I do not know of it.

would be of benefit to any of the Citizens
 of Bens Creek. It would not be near
 from the Red Bridge, nor any more
 convenient for Mr. Blough, his private
 Road strikes ^{at} Vickroy Road, a
 little below the upper end. This
 private Road of Mr. Vickroy is a
 little steep but I have hauled heavier
 loads ^{up it} than ever Spence Vickroy
 will attempt to haul up them.

John R. Miller

Samuel Miller Affirmed.

I have been
 along this Road from Spence Vickroy
 to Bens Creek. I would not under-
 take to open this road in possible
 condition from Vickroy for
 four thousand dollars. It would
 be an expensive Road to keep in
 repair after being opened. I would
 not undertake to do it for less than
 six or seven hundred dollars per
 annum.

Leaves Examined.

I was on this Road
 this morning. I have not been on
 the road before since it was opened.
 I was along there before it was
 opened.

I don't consider that it was very expensive
to open the Road as it now is and it
is not properly opened. I would not
undertake to drive that Road in
the condition it now is. I have
never had any contracts for the
opening of Roads - I do not think
that the Road could be opened for
less than my estimate,

Samuel P. Allen

Jonas Peterson Affirmed.

I have been along this Road from
Spring Valley to Bens Lick, following
the Road as it now is from Vickery
to Bens Lick. I would not do it for
one hundred dollars. It would
be a difficult and expensive Road
to make. of course it would be
necessary to put a portion of the
Road to make it passable,
and a good portion of it too,
I think. If that was done would
it not cost a great deal more
than your estimate

Answer. It would if it was put
down the whole way as ought to
be. It would be an expensive
Road to keep in repair after it

was opened. From the Nature of the
Ground there would be a great
many slips there,
Cross Examined.

~~The fact of the~~
Question. Would not the slips you
speak of be readily removed by
putting them over the back of the
road next the River

Answer. If they were small ones
they would be easily removed and
if they were large ones it would
take a good bit to remove them

I live along the Mill Creek road
in Yoder Township, I live some
where between three or four miles
from the Pike.

Jonas Petersen

Cambria County ss.

I hereby Certify that the above
witnesses were duly qualified and examined
at the time and place stated in the before
and subscribed their depositions in my
presence. Witness my hand and seal
this 6th day of February 1898

John H. Fisher

December Session 1871

In the matter of the Report

of masss death is

Public Road in Boston

Turnship leading from
 1891, 1892

showing on the microscope

Heard 1000 30 horns 15-4th

Plunk Rock. 1901

Dear Louie.

Dec 13th 1878

Depositions on part
of the Review Report

of the Rivers & Repub-

Debit Dec 11⁰⁰
paid

paid

John T. Edgar

Depositions of witnesses produced, sworn and examined, at the office of John Cox, a Justice of the peace of Conemaugh Borough, Cambria County, on Monday the 17th day of July 1876, between the hours of 8 o'clock A. M. and 6 o'clock P. M. of said day, in obedience to the rule of Court and notice hereto attached, to be read in the matter of Exceptions to Petition to view and vacate a Public Road in Goder Township,

Christian Rhodes Affirmed — I live in Upper Goder Township, on the line of road proposed to be vacated, The upper end of the road was completed before I came there last Spring. The road is in reasonable travelling condition, the grade is reasonable, it is comparatively a level road.

The grade from Bens Creek to Slegels is very steep going to, or, coming from Johnstown. A Team cannot haul a load in the same time on ^{the} Old road, nor as much as they can on the New road. There is considerable travel on the New Road this season, the Citizens of Somerset County, use the road as much as the Citizens of Goder Township, It connects with the Turnpike at Bens Creek,

If the road is vacated, Vickroy, or any person living there, would have to travel up the Mountain at great inconvenience.

Christian Rhodes

J. P. Linton Esq. Appears, on the part of the Petitioners, after the examination of Christian Rhodes, and after said Rhodes had left the Justice's office, and without opportunity of Cross examining the witness, therefor excepts to his testimony, and asks that it be ruled out.

Geo. H. Osborne sworn — I live in Cedar Township, this County, lived there about 16 or 17 years, I am familiar with the roads in my end of the township, I know the road proposed to be vacated. Am familiar with our end of it, the end connecting with the Turnpike at Bens Creek was opened in the early part of last winter, I was over the road once this summer, the road is in a middling condition for a country road. The road from Bens Creek to my place, is the "water level" of Stony Creek, it is a very level road;

Coming up Bens Creek Hill is a hard road to get up, the road past

My place is not very much traveled by
"through travelling". I am the first
person, and Mr Sypus the second, from
this end, that rises the road, we use it
almost daily. There is no other Chagou
Road to the Township from Sypus, but
this road, I have another private road
that I could use in the summer, but
could not use at all in the winter.
This road passes through ^{Styke's} place
Horners place, and then through Dickroy's
they all use it. Styke, Horner and
Sypus have no other way of getting out,
but on that road. If this road is vacated,
it would compel ^{Dickroy} to go up a very steep
hill to the Pit. That part of the road
opened last winter, was opened at the expense
of parties in Somerset Co., and some of
those living in Coder Township. When
they opened the road, they cut open a
vein of coal which has since been worked,
and coal sold from it. I also have
two coal banks on that road which
has been opened and worked. If the
road was vacated, I could get my coal out
by keeping up the road myself. Dickroy
could not supply the Bens lower side,
if the road was vacated.

I believe it is a Public benefit to have the road open,

~~Cross Examined~~ — My farm joins the Pike, my farm, was known as the "Stutzman Farm", Seppus owns part of it, also Mr Joyce, there are no improvements on the Horner place, they have been taking stone and timber off it, This end of the road has been open about 10, or 12 years, I mean that part from Vickroy's to Johnstown, All the parties whose names I mentioned use that end of the road, All parties beyond Vickroy's can reach Johnstown by the Pike, the distance from Vickroy's is perhaps $1\frac{1}{4}$ to $1\frac{1}{2}$ miles, There was no promise ^{that I know of} made to the Petitioners, nor by them, as to not opening that part of the road beyond Vickroy's, but, since Vickroy personally promised me that he would not ask it to be opened beyond his house, since Vickroy was a petitioner, and instrumental in getting the road, I cannot say that I seen any Cedar township people, waiting on the upper end of the road except, Vickroy, the others I think, were from Somerset County, there were quite a number there, Don't know whether or not, it was opened by the

Authority of the Supervisors (G. W. Osborn

Samuel W. Blough, Affirmed — I live in
Stony Creek Township, this County, I live
on the opposite side of the River from this
road, I use this road some times, not all
the time, I reach this road now at the
upper end of Vickroy's place, We have
a petition for a road, from the Red Bridge
to Bens Creek Furnace, this road is to
connect with the road in Antioch about
12 miles from the Furnace, I believe it
would be a public benefit to have this
road open, I worked on the new road
last winter, I think I worked about 15
days there, ~~xxx xxx xxx~~ ~~about 15 days~~

If that road is vacated, they could
get no road to Bens Creek, from Vickroy's
place,

Cross-Examined — I used the Old Pike
before this ^{road was} made, I still use the Pike
some times, When the River is high I go
by the Red Bridge, and come that way,
Samuel W. Blough

Henry Mittenburger, Sworn, — I live on
the Somerset pike, in Somerset County,
within 12 mile of the line of Cambria, and
Somerset

I am acquainted with the road proposed to be vacated, (Draft marked: (A) offered in evidence by the Exemptants, and hereto attached, Draft shown witness, The road from the Red Bridge ~~junction~~ ^{to} ~~Somerset~~ ^{Blair's} and crosses the river, and intersects the Road from Bens Creek to Osborne's. I have travelled the road proposed to be vacated, the grade is about the fall of the water, I call it a level road, The road, running South from the Red Bridge, connects with other roads running into Somerset County, and with the Plant Road to Davidsville, it also connects with the road to Kings Mill, this Mill is a Grist Mill, Fulling Mill, and Saw Mill.

I am acquainted with the Pike from Bens Creek to Johnstown, the grade from Bens Creek to Slegler is very steep, there are places that it is 5. or 6 degrees,

The first work done on the upper end of this road was after the November Election of last year, the second appointment, I work about 18 days, It costs - 400. Dollars, a little more, or, a little less. I believe the road is a public benefit to Somerset Co. not so much to Toder township, except, those that live near it.

Cross-Examined — I think Esq. Vickroy prepared this Diagram, don't know whether he made a Survey of the Courses and distances or not, I don't know any thing about the road leading from Griffiths to Vickroy's, being open or not, never travelled it.

The road from the Red Bridge, past Saml. Blough's was, by the order, to end at the Plant's road near Bens Creek, that part ^{laying in Eden Township} of the road was never opened to my knowledge ^{until last winter}. The fording is not fixed for crossing.

There is a road from the Red Bridge to Johnstown, by way of "Hog Back".

The road leading from the Red Bridge past Saml. Blough's, was made for his benefit. There is a road from Esq. Vickroy's to the Pike that is not set down on this draft, there are two other roads leading from west of the Pike that are not on this draft.

Direct-Resumed — The road that leads from the Red Bridge and intersects with the Vickroy Road, the point from which it intersects to Bens Creek, was formerly laid out as part of the Old Plant's road, and was reopened, and repaired last winter.

The Turnpike, near Slegles is exposed to the Storm; and the Snow blows off it rapidly in the winter, that obstructs the travel on it, whilst there is sufficient Snow on other parts of the Road for Sledding.

On the new road, there is places that the Sun would melt the Snow on as quick as on the Pike, but other places it would lay longer than on the Pike,

Jacob Barclay was the Supervisor of Upper Loda when the last part of the Road was open, When we commenced work Mr. Vickroy told us to Commence on his land, which we did, When we came to the pasture field of the Cambria Iron Co Mr. Barclay told me to open the fence, and go in.

Cross Examined. — The Plank Road, spoken of was closed up as far as the Company's land went, When I came back from the West, in 1870. It was closed then, and remained closed untill last fall, There was a Gate on it at Bens Creek, also the road leading from the Red Bridge, into the old Plank Road was nailed shut.

We had the orders for the opening of both Roads, I mean the road from the Red Bridge to Bens Creek, and the road from Osbornes to Bens Creek, and gave the orders to the Supervisor,

We followed the line Mr. Vickroy showed
us,

Helldittinberg

David Mertz Affirmed — I live in
Somerset County, on the Johnstown & Legonia
Turnpike about $\frac{1}{4}$ of a mile from the
Cambria Co. line, I have travelled the
road from Bens' Look to Fritz's past
Vickroy's, I have travelled the Pike from
Bens' Look to Johnstown, and hauled
with a team over both roads, The new
road will make decidedly the best road
after there is a little more work done on
it, the new road is what we call a
level road. From where the new road
intersects the Pike to Slegles it averages about
5 degrees for a distance of $\frac{1}{2}$ mile, there
are places where it will make 6 degrees,
I prefer the new road to the Pike, on
account of the easy grade, I worked on
the new road, the Supervisor was not there
while I was working, I think all
those that worked there got no pay for it
nor did they expect any, I suppose it
did not cost less than 1000 dollars.

I worked 6 days on it, and will agree to
work more on it if it is not vacated.

Cross-Examined — The distance from Fritz to Bens Creek by the new road is a little longer than by the Pike. I think, at present, the Pike, is the most solid road.

David B. Wertz

Jonas Hauffman Affirmed — I live in Somerset County within a mile of the Cambria County line, travelled both these roads, and drove over them with teams. The new road is the best to drive over with a team, and can haul the heaviest ^{load} on it, the difference in the grade of the two roads is a good deal, it takes two more horses to haul the same load ^{up} the Pike than, it does on the new road. I worked on the new road last winter, at my own expense, did not see Mr Barclay then while I was working, seen him before the Gates were opened, heard Barclay say that, Mr. Mittenberger had the same authority to open them that he had, Barclay was the Supervisor of Labor.

Cross-Examined — When the new road is as old as the Pike, it will be a better road, There was no difference between both roads last spring, the one, was as bad as the other.

Jonas^{hus} X Kauffman
Master

Daniel Goder Affirmed — Live in Conemaugh township, Somerset County about $1\frac{1}{4}$ miles from the Cambria line; travelled both roads with a Spring Wagon, and Buggy, the new road is the easiest, as I count it, a level road. The grade from Bens Creek to Slegle's by the Pike, is very steep, and full of loose stones, know there is a local Bank along the new road, opened by the cutting of the road, the vein is about $3\frac{1}{2}$ feet thick and the open face is about, 117 yards, I got 150 bushels of Coal from there last winter, if the road is vacated I could get no coal from there by Wagon, Mr. Kauffman, and Mr. Livingstone got their Coal from there, also Mr. Anstead, and Mr. Mishler, and others, That Bank is the most convenient for me to get Coal at. I subscribed 15 dollars to the road, and worked 13 dollars of it out, I think it did not cost less than 400 dollars, the work was all gratis.

I know that, Goder Township people hauled Coal over this road last winter, and that, Aaron Croyle's Sons, and Jacob Croyle, and James Potter, all of Goder Township, worked on this road when I did, I pay toll from Shits to Johnston, 7 cents per for a Horse & Buggy, if I go the whole way the charge 14⁰⁰

Cross Examined — All Somerset Co. people get in either the Johnstown & Ligonier Pike, or on the Johnstown & Davisville Plank Road before starting this new road,

Daniel E. Godee

Joseph J. Mishler sworn — Live in Bennington Township Somerset Co. Some of my farm runs into Cambria Co. travelled over both roads, was the first to drive a Spring Wagon over the new road, the new road is by far the most level road, The grade from Bens Creek to Slegles is very steep, about 5 degrees, I worked on the new road last winter, I subscribed Ten dollars, and worked 16 days for that amount, I know of a Coal Bank on the new road, and got my Coal there last winter, Several of my neighbors got their Coal there also, I find it more convenient to get Coal there than any other place in the neighborhood, if that road is vacated we could get no Coal from there,

The opening of the road cost not less than 400 dollars.

Cross Examined — The new road is a little the longest the difference between the two roads last Spring ^{was very little} the one was as soft as the other, I had harder pulling though Hemville than

through the new road, I live on the Johnstown,
Ligonier Turnpike, and have to travel $\frac{1}{2}$
mile to strike the new road, I save a
little toll by it, not very much,

Direct resumed — The Pike from Bens Creek
to the Toll Gate, is not kept in the best
repair, Glisner's Mill is a short distance
beyond the furnace, the most convenient
road for Vickroy to get to that Mill
would be by the new road.

J. J. Misher

Adam Anstead Sevon — Live in Somerset
Co. within $\frac{1}{2}$ mile of Cambria Co. I know
both these roads, travelled both of them, worked
on the new road, subscribed 15 dollars and
worked a few days over that amount, I regard
it as an important road for that portion of
the township that it passes through, Got my
Coal from Vickroy's Bank last winter,
and find it more convenient than any other
place, Mr Vickroy is now living near
Pittsburgh, The new road is the most
level for hauling over, Furnace Hill is
pretty bare in the winter, the snow melts
and the ^{water} runs down in floods, The opening
of the new road cost, not less than 400 dollars

Cross Examined — The new road is about 1 1/2 mile longer than the Pike, the road was a little better last Spring, but is shut up this Summer

Adam Arndt

Jacob Ream, Swin — Live in upper Gader on the Pike leading from Bens Creek to Johnstown, I regard the new road as being a good road for that part of the township, On the Saturday before last I seen 15 or 18 Spring Wagons. Come over that road, there are a good many Wagons travel over it on Saturdays.

Cross Examined — I live between where this road enters the Pike, and Johnstown. I keep a Saloon there, the people have to pass my way no matter which direction they are going, Mr. Osborne, Mr. Snyres, Mr. Inger, Aaron Kangle, Mr. Pickney are Citizens of Gader township who are benefited by the road, these are the only persons that I know of, who belong to Gader township that travel this road, I never traveled it with a horse, walked over it once last fall about the time they commenced to work on it.

Jacob Ream

John Kauffman Affirmed — I live in
Cinemahugh township, Somerset Co., near the
Cambria Co. line, am familiar with
both these roads, I know the road from the
Red Bridge to Bone Lick, I know Emanuel
Blough, and Samuel Blough, & Henry Blough
they live along the line of the Red Bridge road that
connects with the Victory road, they live
in Stony Lick township Cambria Co.,
this road is the most convenient for those
parties to get to Johnstown, The road
from Johnstown to the Red Bridge by way
of "Hog Back" is a very hilly and very
rough one

Craft Examined — When the River is
high, Mr. Blough travels by way of the
Red Bridge to come to Johnstown, Parties
living near the Red Bridge can go by
way of Hog Back, or the road to ~~the~~ the
Scalp Level pike, the Hog Back road
is a very rough one, these two roads are
not on this draft, Kings Mill is at
the Red Bridge on the Somerset side of the
river, Mr. King travels the township road on
the Somerset side of the river from Red Bridge
to the Plant Road, Seen Mr. Slavin travel
the same road, The Hog Back road cannot
be kept in good repair it being too steep, by
Jonas Kauffman

William Livingstone Affirmed — Live in Johnston
Camden Co. I have property joining this new
road, and am building an ice house
on the River Bank joining the road,

If this road is vacated there is no way
that I can ^{get} my ice to market,
Mr. Syppes has an ice house on the
River also, and uses this road, It is
the only way he has to get to market.

Cross-Examined — I don't know
whether I could get a private road to
my ice house, or not, if this road is
closed, My ice house is located about
half way between Osborne's and Livingston's.
There is no road leading from Syppes' to
Gibbstown along the River Bank, he has
driven it empty, along the bed of the river.

W^m J. Livingstone

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

John Cox J.P.
Conamough July 17th 1876,
Justice Fees \$7.00

Christian Peches	1. day	\$ 1.00
G. W. Osborn	" "	1.00
Saml. W. Blough	" "	1.00
Henry Mittenbeger	" "	1.00
David West	" "	1.00
Jonas Hauffman	" "	1.00
Daniel Godes	" "	1.00
J. J. Mischler	" "	1.00
Adam Anstead	" "	1.00
Jacob Ream	" "	1.00
John Hauffman	" "	1.00
William Livingston	" "	1.00

Deposition of

Witness on part of
exceptants in petition
for Coarctate Road on
Upper Garden Township

Filed 20 July 1896.

W. Langshier

Matas Session

In the Court of Common Pleas of
Cambria County, Penn'a,

Of *June Session* Term, A. D. 1876, No.

Exception to Petition filed.

In the matter of the Exception to
the Petition of Citizens of *Stevens*
township to have and vacate a
Public Road in said township
commencing on a portion of the
Shiloh and Summit Camps
at a near the farm of *Geo. W. Brown*
to a point on the *Shiloh and Summit*
Road and at a new *Pine*
Creek Run in *Stevens* township.

And now, to wit, the *third* day of *July* A. D., 1876: Rule
on the part of the Exception to *Stevens* to be read on
hearing of above case before the Court of *Stevens* at *Stevens*
on *20 July A D 1876*

CAMBRIA COUNTY, SS:

Extract from the Record of said Court. Certified the *third* day of

July A. D. 1876

B. M. Logan Co. Notary.

In sum assis 1876

In the matter of Receptions &
Petition to New and Vacate a
Road in Gordon Township.

Rule with depositions in fact &
exceptions.

Served on Geo P. Linton by dep
July 5, 1876.

W. L. Linton

To the petitioners to vacate and vacate a road in Gordon Township of
John P. Linton Esq. Their Attorney. You are hereby notified that
depositions will be taken in this case on the part of exceptants at
the Office of John Cox Esq. in Lawrenceburg Borough on Monday
the 12th day of July next between the hours of
8 o'clock A.M. and 6 o'clock P.M. before the same
John Cox Esq. or some other competent authority.
When and where you may attend if you
think proper.

D. M. Langham
Atty. for exceptants

Diagram
Road from
Pen's Creek
Ostons

(A)

In the matter of the petition of citizens of Yoder Township Cambria Co. to vacate a road leading from a point on the Pike near George, Cabones farm to a point on Plank Road at or near Bens creek Turn

Exceptions to granting petition

- 1 The petition is endorsed for a review of a Public Road, while it is in fact, to vacate a Public Road; therefore it should be set aside for the reason that it is calculated to deceive the Court, as well as the parties interested
- 2 The petition should not be granted for the reason that it does not set forth in a clear and distinct manner, the situation and other circumstances of such road or highway as is required by the Act of Assembly
- 3 The petition, fails to set forth what is required in this case; that a majority of the original petitioners for said road have signed the petition to vacate.
- 4 The petition fails to set forth that the road was confirmed by the Court

D. McLaughlin

Atty for Remonstrants

5. The petition should not be granted for the reason, that the part of the said road heretofore opened, has been opened within the last year from Vickroy to Bens creek at private expense

D. McLaughlin

Atty for Remonstrants

In the Matter of
the Petition of Citizens of
Indiana in relation to
the State a public Bank

Stephen

June 18 May 1896

In Charge