

It is agreed between Mr Parter and Mr Sechler, that testimony concerning the road in Summerhill Township from Keans School House to Kings Cabin, be taken on part of petitioners for the original view on Thursday, November 5th 1885, between 6 o'clock a.m., and eleven o'clock, p.m.

In the Court of Quarter Sessions of Cambria County
Pennia.

No 10 September Term, 1884. Road Book.

Depositions of witnesses taken before
McDittell, a Notary Public of the Common-
wealth of Pennsylvania, at his office in
the Borough of Ebensburg on Thursday the
fifth day of November, A.D., 1885, by virtue
of the annexed rule, and the agreement of
counsel as stated above.

John McLaugh, sworn.

I am acquainted with the road from
Keans School House to Kings Cabin. I was
one of the ^{drivers and a} "chain" carrier when the road was
laid out. I am not acquainted with the last
review. I know nothing about it. Part of the
old road was ^{not} open for travel. From John R.

to Kings Cabin,
Crump, the timber was cut but never rolled.
From what is now Flude's mill to the John
R. Grim place was used as a public road.

Question. What will it cost to make a good
passable road from the Berkey lane to the Bedford
County line according to the review?

Answer. I don't know anything about the review.

Cross Examined.

I live in Portage Township now.

Re Examined.

Question What would be the cost to make
a good passable road from Meaders School
House to Kings Cabin?

(It is objected that it has not been shown that
the witness has been upon the road since he
acted as a reviewer in 1852, nor that he has
had any experience in either making or repairing
roads; and further that it is not material
what it would cost to make a road to Kings
Cabin as both sets of reviewers have reported in favor
of vacating the road for several miles between
Moorheads mill and Kings Cabin, and further
it is not in reply to anything that was asked
the witness on cross examination.)

Answer It would take fully \$2000= to do it,
at the lowest calculation. I am somewhat
acquainted with road making. I am very
well acquainted with the ground.

I was born in 1817, on November 7th. I was
born in Cambria County and have resided there

ever since.

Question. How many of these what might be called neighborly roads, leading from Cambria into Blair and Bedford Counties, are there between the fork at the Summit, and the road leading through Adamsburg?

(It is objected that no evidence can be admitted to affect the merits of this case of any roads except public roads. It matters not how many neighborly roads or by roads there are in that County.)

Answer. This road that I helped to run is the only one going into Bedford except the Frankstown road. There is a byroad or just a path you might say, through the Cedar Swamp into Bedford County. It is said there is a road from Newlock into Blair County. I don't know whether or not it is a public road, but I suppose it is.

Question. State what your recollection is as to the use, abandonment or vacation of the road from Weavers School House to Kuip Cabin?

(Mr. Barker objects that the recollection of the witness as to the matter asked him is not material.)

Answer. A part of it, as far as John R. Crum, was used and worked on by the Township. From that the road was cut but never rolled out, and was entirely abandoned.

Question. State if the review changing the route of the road from the Moorhead mill to the Bedford line does not leave the improvements you speak of.

Answer. I don't know the review, and can't tell anything about that.

The John R. Crum place is near the line of the old road.

Cross-Examined

It may be five years since I have been up the old road as far as Burtnett's place. I was at the John R. Crum place about three years ago. The John R. Crum place is between the Burtnett place and the Bedford County line. From the Burtnett place to King's Cabin is about five miles, as near as I can tell.

Question. How long has it been since you have been over this road from the School House to the Burtnett mill seat?

Answer. I think I have been over this part of the road inside of five years. I have not been over the road more than once inside of five years. I have had no business over the road.

~~I was over the road many times before Mr Moorhead commenced using the road.~~ I am a supervisor in Portage township, and have had experience recently in building roads. I have not opened any new roads in Portage township since I have been supervisor. I own no property in Summerhill township.

Question. Mr McGough, haven't you been drinking considerably to day?

Answer. I have taken three or four drinks, maybe more.

Re-examined in Chief

Question. You are supervisor of Portage township.

Please state if under the taxation allowed by law you could construct such a road as asked for from Travers School House to the Bedford County line without bankrupting the township of Portage?

(It is objected by Mr Barker that the bankruptcy of the Township of Portage is not material in this case, and that the witness is incompetent to answer the question asked him for the reason that he has already said that he knows nothing about the review.)

Answer It would, that is the line I helped to survey. I know nothing about the review.
John McFough

Isaac A. Plummer, affirmed.

I live in Summerhill township, ~~near~~ ^{about} 1/4 of a mile from the Berkeley lane. It is about a mile from the Frankston road to the end of the Berkeley lane.

Question State if you know when the road leading from the Berkeley lane to the Moorhead mill was first opened, and if so by whom and for what purposes, and state generally all the facts you know with regard to the same?

(It is objected by Mr Barker that the records of this Court show for what purpose this road was laid out and opened, and it is not competent to show by this witness that it was laid out for any other purpose.)

Answer. It was opened before I can mind. To the best of my knowledge it was opened by John R. Crum, for a road for the benefit of himself, to get out from the

mountain. I was raised within $\frac{1}{4}$ of a mile from this road at Berkeley lane. I never knew that it was a public road until within the last twenty years.

Question What will it cost to make a good public road as the same is commonly understood, from the Berkeley lane to King's cabin, by the old route?

(Mr. Barker objects that both sets of viewers have reported in favor of vacating the road to King's Cabin, and it is not material what it would cost to build a road to that point.)

Answer I wouldn't like to undertake it for less than \$5000.

Question Then changing the route and going by the review to the Bedford line, what would that road cost?

Answer There wouldn't be much difference from the cost by the old road.

The population of Texas is about 70 or 12 families

Question State whether or not the road asked for either by the view which was never opened, or by the review leading to Bedford County, is so located that it would become ^{at present} a main thoroughfare between the two counties, or would it simply be a by road for the use of parties owning lands along the line of the route?

Answer I think it would be for the use of the parties owning land along the road. Wagons crossing the mountain don't average one a month.

Question Are there not a number of such roads leading from one County to the other, that can be traveled that are not kept up at public expense, between the

Summit and Adamsburg?

It is objected by Mr Barker that evidence of any roads other than public roads would not be material; nor would evidence of public roads at or near Crescon be material.

Answer. There is none leading from the neighborhood of where this road leads. There is one going into Texas that leaves the Gleason property up there. There ~~is~~ ^{are} ~~one~~ ^{a public road} at Newhook, one at Portage & the Fraudstown road. There are two easy byroads that you could drive across.

Question. State if the improvements on each side of the mountain would justify the township for keeping in proper repair the roads for such an enterprise as Mr Moorhead's or Mr Stude's mill?

(Mr Barker objects that the question is irrelevant and immaterial, and an improper one to ask this witness.

Answer. No, they are not.

Cross Examined

It is about a year since I have been at Texas. I went by Mr Moorhead's mill out past the ~~thick~~ place. I was walking and did not keep the road all the way. If I had gone to Texas by way of Portage, it would have been a mile further. From Weaver's School House to Texas by way of Portage by public roads would be about $1\frac{1}{2}$ miles further than by the review. It is about 13 miles from Weaver School House to Texas by the review, as near as I can tell.

I have been to Texas by way of the road from Portage.

Question. If you live $\frac{1}{4}$ of a mile from the road in controversy, how do you undertake to say how many wagons go over it in a month?

Answer. Because I don't see them.

I have been frequently over this road to Moorheads mill in the last few years. I have helped to work our road taxes out and have helped to make and grade other roads.

This road is in such a condition that teams can drive over it. I would not like to drive my team over it much. I believe that Mr Moorhead's teams are hauling over it now. I meet them every day I am out. They haul reasonable loads of lumber. I think they haul 1000 feet, or somewhere along there, of hemlock with four horses.

I was counting over the cost of the road to see what I could do it for. I counted over part of the road, and then another part, and then threw it all in a lump. I found that others by their bid could do it cheaper. That is the lowest I would do it for. I next took a contract for opening or repairing a road. When I say I would make the road for \$3000=, I mean to put it into better condition than some of the township roads in our township.

Question Please state what work you would intend to do on this road that would cost \$3000= to do?

(It is objected by Mr Echler that the witnesses testimony in chief is not so directly called attention to, as to indicate to him what he is being cross examined upon, and therefore

this is not a crop examination and should not be allowed.)

Answer Part of the road that Mr. Moorhead is driving over now, could not be made a good passable road without being ditched and thrown up. There is a good deal of swamp there that would have to be filled. You could not make a road out of it without filling. There is not a bit of the road but would have to be worked. When I say worked I mean worked the same as township roads generally are. I was born 20th April 1844. I own real estate in Summerhill township, but it is not assessed to me yet. It is now assessed in my mother's name, but I have bought from her.

J. Sacc & Plummer

J. J. McLaugh, Aroon.

I am a resident of Summerhill township and have lived there all my life. I have been along the road from Trane's School House to King's Cabin. By what they have told me I know where the review is.

Question. State whether or not the road in controversy beyond the Berkey lane in Summerhill township is not really for the use of private parties.

(It is objected by Mr. Barker that the records of this Court show what the road is for.)

Answer. I believe it is.

Question. State whether or not the road from that point to the Bedford line either by the view or the re-

view is for the advantage of property owned by Mr Moorhead, and not to any general public use?

Answer. I don't think it is any benefit to the public at all.

To make the road from the Berkeley lane to the Bedford County line, by way of the review, a good passable road, as we generally understand it, would cost from \$250= to \$300= per mile. I don't think any man could do it for anything short of that. I would suppose there are seven miles to make. They wagon the road to Moorheads mill, and there are three miles further that they want to make. There is no such general exchange of business between Blair and Bedford and Cambria Counties, as would require a public road to be kept up at that point.

Cross-examined

I live on the Frankstown road about 1/2 mile from the White School House. I carried the petition to have this road vacated, around for part of a day, and got several persons to sign it. I formerly worked for Mr Moorhead.

Question. You had some difficulty with him, had you, and are not ^{on} good terms with him now? (It is objected by Mr Sechler as being immaterial.)

Answer. I had no difficulty with Mr Moorhead himself, and I am on good terms with him now.

Question. There was a suit between you at one time was there not?

Answer. There was. ~~This matter~~
I never built a road or repaired one by contract.

Question. State who assisted you or whom did you consult in making your estimate of making this road?

(Mr. Echler objects that the testimony asked for is hearsay because it requests the opinion of others than the witness.)

Answer. No person.

Question. You have talked with Mr. Mummer, Mr. Roehm, and others in regard to the cost of making this road, have you not?

Answer. I have heard them express their opinions in regard to it, but I have not had them instruct me on it.

It has been near two months since I have been over the road from Moorhead's mill to my place. I think I have heard of Joseph Bentley going over this road to Texas for grain. I ~~heard~~ ^{heard} of John Knepper going back and forward from Bedford County to see his son. I am about 35 years old, as near as I can tell you.

Re-examined.

Question. Are there not a number of by-roads leading from Cambria to Blair and Bedford Counties opened by private parties, kept up by private parties and sufficient for all the business travel there is between those counties?

(Mr. Barker objects that it is immaterial how many by roads there are between Cambria and Bedford and Blair counties.)

Answer. There is, I believe.

Re-Cross Examined

There is one leading from the Frankston road through the Cedar Swamp to Texas, and about a mile further, at the Gleason property, you can go to Texas by the byroad. You can go by the Postage road to Texas. I don't know of any persons keeping those by roads in repair now. When we used them we kept them in repair. It is about seven years ^{since} I have done anything towards keeping them in repair
J F McGough

John F. McGough, Sworn.

I reside in Summerhill township, and am acquainted with the road from Berkeley lane to Moorheads mill, and to the Bedford line, by both the view and review. A good passable road such as our country roads are generally I would hate to undertake to build it, for less than \$1000— by either the old view or the review.

Question. State if there is any general travel between the counties of Cambria, Blair and Bedford that requires the keeping up of a public road by Mr. Pludea mill whether by the old view or as fixed by the review?

Answer. No sir I shouldn't think there would be any more on that than by the Frankston road.

Question. State whether or not the accommodations between the counties named are not sufficient without subjecting any one township to the cost of a new road, to accommodate the traveling public?

Answer. I shouldn't think it would be necessary for one township more than another

There are a number of roads across the mountain as roads of convenience, and not made as public roads.

From Moorhead's saw mill to the Bedford line to make a good road, there would have to be a mile of it fixed. I never fixed any and don't know what it would cost. They say there is a public road connecting with this road at the Bedford line. I have traveled it several times, but it hasn't the appearance of a public road. It has the appearance of a by road such as we have through the Cedar Swamp and other places.

There is a township road leading across from Kenlock; one across from Portage; then the Frankston road comes next from Portage. This is from public points - railroad. This road in question comes next. The Cedar Swamp ^{road} leads off about 2 1/2 miles from Brookbanks, and leads to Texas. The road from Texas leads to Bedford town, and is the principal road to Bedford. I never had occasion to travel it, and don't know the distance from Texas to Bedford.

Cross-examined.

I make my home with my father, and am a single man. I am a carpenter by trade. I am a brother of P. J. McGough who testified this afternoon. My father's residence is near about a mile from the Weaver School House in the direction of Wilmore. We are not on a public road. I have never been over this road for the purpose of making an estimate of what it would cost to repair it. It was ~~in~~ March

last when I was last over the road from the Meager School House to the Bedford County line.

Question. You have stated that you have been over this road to the Bedford line several times in the last several years. Please state whether you went on business?

(Mr Sechler objects that the question is irrelevant and not a cross-examination)

Answer. I went to see my cousin in Texas several times, and I have been on it, hunting.

The road needs fixing for a mile South of Moorheads mill. The Frankstown road is a public road. The Hemlock road is supposed to be a public road. I would not be able to say that any of the other roads I have named are public roads. The Frankstown road runs, I think, in a southeasterly direction from the Meager School House, and the road in controversy runs south from the Meager School House as near as I can tell. All the calculations I ever made as to the cost of the road was in my own estimation. I have not talked with any of these other parties or consulted them, in making my calculation. This is just a rough calculation to make a good passable road.

When I say in good passable condition, I mean in as good a condition as the general run of roads in the County. I have worked out a good deal of taxes out on the roads. I own no lands of my own in Sumnerhill township.

My work takes me away from home a good deal of the time in the Summer season; but

in the Winter Season I am at home. I don't think the road from Weavers School House to ~~the~~ ^{Texas} ~~Bedford County line~~ is any nearer or very little nearer than any other public road between the same points.

Re-examination.

A public road leads off the Franketown road at Bob's creek to Texas.

John J. McLaughlin

Jacob Weaver, sworn.

I was at one time a supervisor in Summerhill Township. I am very well acquainted with the road in dispute. I still reside in that Township. I think the road from the Berkey lane to the Bedford County line is not needed as a public road. To the best of my knowledge there is no such travel from the Berkey lane to the Bedford County line as requires a road to be kept up at that point at public expense. Dr Kerns is the only improvement except the improvement at the Moorhead mill between the Berkey lane and the Bedford County line. To make a good country road from the Berkey lane to the Bedford County line - well I never had any experience in making roads of this kind. As to my own judgment it would cost from two to three thousand dollars. It is impossible for me to say who most uses the road from the Berkey lane to the Bedford County line. J.C. Moorheads teams, (I believe they

are his drivers that go fact. my place) use the road most from the Berkeley lane to Moorhead mill.

Question. Please state whether the proposed route by the review or the route as laid out by the reviewers are either required by the citizens of the adjoining counties?

Answer. I think not.

Cross examined. I was supervisor for one year either 1876 or 1877. I gave the parties living on this road the privilege of working their taxes out on this road as far as the bridge at Plude's mill. I couldn't say whether I received the cash tax from the Commissioners on the Moorhead lands the year I was supervisor. I returned it to the Commissioners. I did not give Dr Kern permission to work out his taxes that year for he was in Canada. I received the tax from his wife.

Question. You have stated that Mr Moorhead does the most of the hauling from his mill to the Berkeley lane. Isn't he the heaviest taxpayer on that road.

(Mr Seckler objects that this is no cross examination; that the question is immaterial and irrelevant for the reason that the officers of the township have the right to direct where the taxes should be placed.)

Answer. It is more than I can say. I know nothing about the valuation of his property or anybody else's for I haven't seen a

transcript for same time.

I don't suppose that I have been over the road to the Bedford County line for four years and a half. I don't mean to say that I went over the road ^{then} where the reviewers have located it.

I have been as far as Sharty's shanty twice this last summer.

Question. At that time was the road from Moorhead's mill to Sharty's shanty in a better or worse condition than the road between the Moorhead mill and the Berkeley lane?

(Mr Sechler objects that it is not a cross-examination, it is immaterial and irrelevant.)

Answer. I couldn't say there was a road from the ^{Moorhead's} mill to Sharty's shanty, for his choppers had chopped it full and were feeling bark. I would judge these trees were cut down for the purpose of making lumber. They were peeled and cut into logs. Mr Moorhead has been hauling lumber over this road for the last five years, and is still hauling over it.

Re-examination

Question. And from the Moorhead mill to the Berkeley lane for what purposes is that road used?

Answer. It is used, ^{principally} by J. C. Moorhead to ship his lumber to market.

Re-cross examined.

Mr Moorhead raises some grain there that he hauls in to his ^(Moorhead's) farm. Dr. Kern uses this road some. His ^(Moorhead's) farm is about four miles

towards Kilmore from the mill. By his farm I mean the 40 acres he purchased from Squire Miller. He keeps his stock there, and uses it for headquarters generally.

next moved

Mr Lechler offers in evidence the assessment of Summerhill township, both seated and unseated, for the year 1884, for the purpose of showing the aggregate valuation in Summerhill township, taxable for road purposes.

John Roehm, sworn.

I am a supervisor in Summerhill Township. I live near a mile from the road in dispute. That road is not needed for public travel from the Berkeley lane to the Bedford County line, as I can see. I can make a good country road from the Berkeley lane to the ^{moorhead mill} ~~Bedford County~~ for \$1400 = per mile. This is three miles more or less. I cant say exactly. From Moorheads mill to Kings Cabin is three miles or a little more. That part of the road was never opened for public use.

Question What will it cost to open the road from Moorheads mill to the Bedford County line at or near Kings Cabin?

(It is objected by Mr Barker that both the viewers and reviewers having reported in favor of vacating the road to Kings Cabin, it is immaterial what it would cost to open it.)

Answer. I believe I could make that a common road for \$1200 = a mile.

To make a good road from the Moorhead mill to the Bedford County line according to the review, would cost about \$175 = per mile. I never traveled either of these roads, the old road or the review, since I have been in Summerhill township. That is 23 years. There is no general public necessity for a road over the mountain at that point that I know of. In my side of the township I have 10 1/2 miles of public road to take care of. I have 5 bridges and culverts to take care of outside of the road Moorhead hauls on. Mr Jones is the other supervisor. I havnt tax enough to make that road in the settlement. I was along the day the reviewers were there to vacate this road. Mr Moorhead was present the second and third day but not the first day.

Cross examined.

Question. You have stated that you could make this road a good road for \$400 = a mile. Name some road in Summerhill township in the condition that this road would then be in?

Answer. There is none in the township in that condition. We have not tax enough to make it in that way. There was never such a road in Summerhill township since I lived there. The road from Moorhead's mill to Kings Cabin was partly opened once, but now saplings have grown up nearly as big as my body. I live on the Frankstown road, between the Weaver School House and Kilmore. I don't live where I could see the

travel over this road if it was traveled.

I have had repairs done on the culverts on the road from the Measer School House to Berkeley lane since I have been Supervisor. I gave permission to Dr Kern, Mr Shatz, Len Ream and Peter Birtneeth to work out their taxes on this road in 1882, but have not since 1882. In the $10\frac{1}{2}$ miles of road under my charge, I counted $4\frac{1}{2}$ miles from Wilmore to the Berkeley lane.

The road from Berkeley lane to Moorheads mill is the only road in my district that I have not worked on since 1882.

I have been over this road in controversy for the purpose of examining it carefully to see what it would cost per mile. This is about twelve days ago. I went on the road up to the stable that Birtneeth built not far from the Moorhead mill.

The road up that far is used most every day by Moorhead's teams. Sometimes they stop. I don't know whether other parties use this road or not. So far as I know they don't use it.

Mr Brooksbaut's teams have been hauling bark on this road last summer. I don't know where the bark comes from. I heard that he was hauling the bark from Mr Giegling. I don't know where Giegling's land is, but I think it is not between Moorheads mill and Wilmore. I know that Dr Kern's teams have been hauling large quantities of Lim wood over this road. I saw them two years ago.

Re-examined in Chief. The size of his loads

were good loads. The number of feet I could not tell. I believe Dr. Kern quit cutting more than a year ago.

Question.

Then the road from Moorhead's mill to the Berkeley lane is used for what purpose only.

Answer. I would call it a regular lumber road.

Re-cross examined. When I speak of Mr Moorhead being present at the view the second day and third day, I mean when Mr Doan, Mr Coan and Mr Wilson were there. He was not there the day the first viewers were there, that is when Mr McConnell and the others were there.

John Roeborn

State of Pennsylvania
Cambria County } ss:

I M. D. Kittell, a Notary Public of the Commonwealth of Pennsylvania, residing at Ebensburg, in said County of Cambria do certify that the above named witnesses, produced by the petitioners for the original view in the above cause, were sworn or affirmed, and their foregoing depositions taken and subscribed before me at my office in the Borough of Ebensburg on Thursday, the fifth day of November, A.D., 1885, between the hour of eight o'clock a.m., and eleven o'clock, p.m., of said day, in the presence of Mr H. Seckley, Counsel for the petitioners for original view, and A. V. Barker Esq., Counsel for the petitioners for review.

Witness my hand and notarial seal this Fifth day of November, A.D., 1885

M. D. Kittell
Notary Public.

In the matter of the petition
to vacate a public road
leading from Heavers School
House to farm of Gen. King
and in Summerhill Top

In the Court of Common Pleas of
Cambria County, Pa.
Of *Sept* Term, A. D. 188*4*, No. *10 R.D.*
Exceptions

And now to wit, the *23rd* day of *October* A. D. 188*5*-
Rule on part of *Petitioners* to take depositions of
witnesses to be read on the hearing of the above stated case.

Cambria County, ss.

Extract from the Record of said Court. Certified
the *23rd* of *October* 188*5*-
A. A. Maenaker Prothonotary.



To

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

No. 10 Sept. 1844. N. N.

In the matter of the pro-
tation to a state road
from Meers School
House to farm of Geo.
Heig, and in de-
mure of said
matters

Will on part of Geo.
Heig to take of

Heig

In the matter of a road
in Summerhill Township

Proposition
on part of petitioners for
original heirs.

Filed Jan. 12, 1885

~~Filed~~ ~~Jan 12~~ 1885

Sealed

In the matter of the Report of Mr. Ross of the Committee
the fund arising from the sale of the real estate of James
Kelly
Ernest Lloyd an executor, and his auditor

1884 — 4306

1885 — 4316

Commissioner's Office,
Ohrsburg, Penn.

I certify that the valuation of taxable
property for Road purposes in Summit Hill
Township for the year 1885 is Sixty-One
Thousand Three Hundred and Eighty-Four
Dollars. \$61,384 #

Certified 5th, Nov. 1885.
D. A. McGough,
Clerk.

To the Honorable the Judges of the Court of Quarter Sessions of the Peace of the County of Cambridge.

The petition of the undersigned, Respectfully represents; That a public road leading from Thearers School House, to the farm of George King deceased in Summerhill Township, in said County, was confirmed by the Court on the 11th day of December 1852, and the same has been partly opened. Your petitioners further represent that said road not yet opened is not required for public use and will require some expense to open the same than the said township of Summerhill is able to expend, and further that the part of said road as opened is not required for public use. The petitioners therefore representing that the whole of said road has become useless, inconvenient and burdensome pray the Court to appoint three persons, duly qualified, to view said road and inquire of the premises and make report of their proceedings at the next term of this Court.

John Roach
Parker M. Lang

Charles Roach

Nicholas Brown

William B. Smay

August Petch

William Corrig

James E. Wright

James Plummer

Peter Keating

Reuben Keating

James Keating

John Bode Doty

To the Honorable the Judges of the Court of Quarter Sessions of the Peace of the County of Cambria.

The petition of the undersigned, Respectfully represents; That a public road leading from Theasars School House to the farm of George King deceased in Summerhill Township, in said County, was confirmed by the Court on the 11th day of December 1852, and the same has been partly opened. Your petitioners further represent that said road not yet opened is not required for public use and will require some expense to open the same than the said township of Summerhill is able to expend; and further that the part of said road as opened is not required for public use. The petitioners therefore representing that the whole of said road has become useless, inconvenient and burdensome pray the Court to appoint three persons, duly qualified, to view said road and inquire of the premises and make report of their proceedings at the next term of this Court.

John Reahm

Barth McLaugh

Charles Reahm

Nicholas Brown

William B. Smay

August Peter

William Corrig

David E. Wright

James Plummer

Peter Keating

Richard Keating

James Keating

John Roden

John Skellie
Bernard Leblond
James M. Brown

George W. Settemyer

James McLaughlin

~~James M. Brown~~

James H. McCormick

James J. Heaver

C. Allen Leach

William Mulhollen

Henry Rogers

William Rogers

Philip Sherburne

Isaac Sherburne

Adam S. Lewis

O. S. Dwyer

Wm. Fraser

Wm. Kilbuck

Michael Kilbuck

John E. Rupp

Ed. J. Rupp

Isaac Pringle

Nial Dugan

George Hendrick

H. Pengra

John F. Brown

Geo. Sapp

G. W. Sherburne

J. J. McLaughlin

Chas. Dorian

M. P. Pringle

O. W. Roberts

O. S. Roberts

In the matter of the report of } Quarter Sessions of Cambria County
review and review of road } No 10 September Term 1884 A.D.
in Summerhill Township } Exceptions filed.

Depositions of witnesses taken before McKittell, Notary
Public of the Commonwealth of Pennsylvania, at his office
in the Borough of Ebensburg, in said County, on Wednesday
the fourth day of November, A.D., 1885 by virtue of the
annexed rule, and in accordance with the annexed
notice

Mr Shantz, sworn.

I reside in Summerhill Township. I know of
a road being laid out ^{by the reviewers} from Weaver's School House
to the Bedford County Line. It runs through part
of a tract of land that I own on the mountain.

Question. Please state whether or not the road as
laid out by the reviewers beginning at a point,
and running South $12\frac{1}{2}$ degrees West $13\frac{1}{2}$ perches;
South $41\frac{1}{2}$ degrees East 21 perches; South 53 degrees
East 65 perches, runs through your land.

Answer. It does run through it as stated.

The line running South $41\frac{1}{2}$ degrees East 21 perches
runs through a mill site on my property; the
only mill site on the place. I could not build
it at any other point without a good deal of
additional expense. I intend to erect a mill at
this site as soon as I am able and ready
to proceed. I have made no preparations of late

to build. I had made a start, but got in debt, and did not finish. This is the only suitable site for a mill on that property. I can get an overshot mill there and have from 16 to 18 feet of g. head.

Question Please state what in your judgment would be the extent of the damage to your property, providing the road as laid out by the reviewers along the line indicated in the previous answer, is built?

It is objected by Mr Barker that the question of damages cannot be raised, or disposed of in these proceedings.

Answer I want the mill right reserved there so I can build without any additional expense. I suppose it would cost me \$300= more to build a mill at any other point.

Question State whether or not if the road were changed to run in a direct line from the point ending South 39 degrees East, to the point beginning South 53 degrees East, as shown from draft accompanying the report of reviewers, it would injure or damage your property by destroying the mill site?

Answer No I think not. I think it would give me the chance of building there. I think the distance would be lessened some by making the change suggested in this road. I think it ^(the ground) would make ~~equally~~ as good a road as the ground on the review.

(Paper shown to witness and he is asked to state whether or not that portion of the road upon the same, is a correct representation of that part of the road

as reported by the reviewers)

Answer I think it is

The red line running north and south represents the westerly line of my premises. The line running South, 39 degrees East, 25 fathoms, is the line between myself and S. M. Kern. The dash line on this draft represents the change on the road. If the change as marked by the dash line is made I would have no objections to the road running through my property.

(The paper identified by the witness is offered in evidence by Mr Evans.)

(The paper is marked "Exhibit A" by the Notary and is attached to the depositions.)

I pointed out the mill site to F. L. Knepper and Peter Burtrott. If the road as laid out by the reviewers is confirmed it will do a great damage to my property and mill seat.

Cross Examined by Mr Barker

If this road is confirmed, it will be the only public road to my place.

Wm Sharty

F. L. Knepper sworn.

I reside in Sumnerhill Township and live handy to Mr Sharty now. Formerly I lived close to his mountain track of land. Mr Sharty pointed out ^{to me} the mill site on his property several times. He told me he was going to construct it. I know

the location of the road as laid out from Keare
School House to the Bedford County line. The road
thus laid out passes through the mill site pointed
out to me by Mr Sharty. I think the road if
confirmed and opened, would damage his prop-
erty about \$200.-. I have been along the stream
as far as it runs through Mr Sharty's property frequently.
There is, not, to my knowledge, as mill site near
as good as that at any other place on Mr
Sharty's property.

"Exhibit A" shown to witness, and he is asked
to state if the road as laid out by the reviewers
were changed to run as represented by the dark line,
if the same would be on equally as good ground
as where located by the reviewers.

Answer Yes I think it would be about the
same kind of bottom. I don't think there would
be any increase in the cost of building the road
if the change is made.

E. L. Hopper

Peter Burtlett, sworn to me
Mr Sharty pointed out the mill site on his
property. I have frequently been along the stream
running through his property. I think the mill site he
pointed out to me is the only place where there could
be a mill built. If a public road would be built
through the site where he intends to build, it would
destroy the site entirely. It would injure the property
or mill site \$200.- at least.

Peter Burtlett

State of Pennsylvania }
Columbia County } Is:-

I, M. D. Kittell, a Notary Public of the Commonwealth of Pennsylvania, do certify that William Shatz, F. L. Knepper and Peter Burdett above named witnesses, produced by the Exceptant to review in the above cause, were sworn and their foregoing depositions taken and subscribed before me at my office in the Borough of Erushy, in said County of Columbia, on the fourth day of November, A.D., 1885, between the hours of ten o'clock, a.m., and ten o'clock, p.m., of said day, in the presence of Alvin Evans Esq., attorney for exceptants to review, and A. V. Parker Esq., attorney for review. Witness my hand and notarial seal this fourth day of November, A.D., 1885.

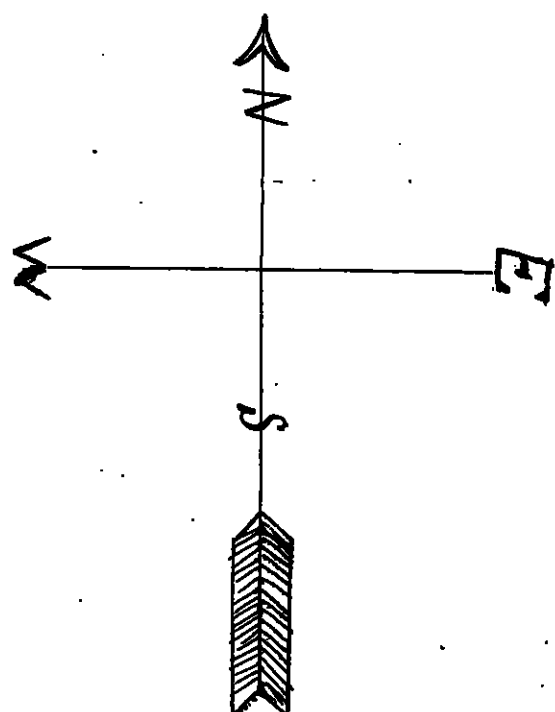
M. D. Kittell
Notary Public

887° E. Road
119 m.

J. M. Horn

Mr. Hunt

Mr. Hunt



Subscribed
for review
Barker
summon
Ex parte
to review

In the matter of the
apportionment of review and
revisions of our road
in Summit Hill Twp

In the Court of ~~Common Pleas~~ ^{Quarter Sessions} of
Cambria County, Pa.

Of Sept Term, A. D. 1886, No. 10 R D

Exception filed

And now to wit, the 27 day of Oct A. D. 1885

Rule on part of Ex ceptants to review to take depositions of
witnesses to be read on the hearing of the above stated case.

Cambria County, ss.

Extract from the Record of said Court. Certified

the 27 of Oct 1885

H A Shoemaker Prothonotary.



To Petitioners for review or their counsel A. B. Barker, Esq

Take Notice, That in pursuance of the above Rule the depositions of witnesses
to be read in evidence on the hearing of the above stated case on part of
the ex ceptant to review will be taken at the office of M. D. Kiwell,
Esq in Edinburg, Cambria Co., Penna on Wednesday
the 4th day of November A. D. 1885, between the hours
of ten o'clock, A. M., and ten o'clock P. M., before M. D. Kiwell, Esq.,
a Notary Public in and for said County & State
or before some other person of competent authority, at the time and place aforesaid, when
and where you may attend if you think proper.

Alvin Evans,
att'y for Ex ceptant to Review
October 28th 1885.

7010 Sep. Term 1884 88

In the matter of the
report of review and
revenue on road in

Sumnerhill Park

Order to take dep.
on part of E. & C. & C.

Oct. 28th 1885 served a
copy of the within order
on G. B. Borden & Co.

Attest
Clerk of Court
City for District

Clerk

In the matter of the report
of miners and carriers on
road in Summit Hill Sect.

Depositing on part of
sheephead to carriers.

Dec. 12, 1885.

Dec 1, 1885

Carriers.

Cambria County N.Y.

At a Court of Quarter Sessions
of the Peace in and for the
County of Cambria held at
Chenango in and for said
County on Wednesday the
first day of October A.D. 1884

before Honorable Robert L. Johnston, President Judge
and his Associates: Upon the petition of divers citi-
zens of the Township of Summerhill setting forth that
a public road leading from Farmers School House to
the farm of George King, deceased, was confirmed by the
Court on the 11th day of December A.D. 1852 and the same
has been partly opened and further that said road not
yet opened is not required for public use and also
that the part of said road as opened is not required for
public use, that the whole of said road has become in-
convenient or burdensome and praying the Court to vacate
said road, the Court appoint Augustine M. Cornell
Jr. J. M. Cornell and Thiram Cornell to view the road
~~in the said petition prayed to be vacated and to consider~~
and judge whether it is become useless inconvenient and
burdensome and to make Report accordingly to the
next Court.

H. A. Shoemaker,
Clk. C. S.

The Honorable the Judges within named
and the persons appointed by the within order of
court to locate the said Road do report that
having been sworn according to law we have
examined the said road and find the following
part of the road to be of public use as it connects
two public roads. Beginning at Meares School House on the
line of John & Jacob Meers South Seventy Six
perches thence South fifty five degrees west Twenty perches
thence South one degree west forty perches thence South
thirteen and one half degrees west thirty eight perches
thence South nine degrees west twenty perches thence
South seventeen degrees East twenty seven perches
thence South fifteen degrees west twenty two perches
thence South twenty and one half degrees west twenty
perches to road leading to Knappes Mill and the balance
of said road we consider useless and inconvenient
and therefore as a public road and should be
vacated. We would recommend that the Part of said
Road from the Township Road to the line between
J. C. Meers head and Dr. A. M. Kern be left as a private
Road. Witness our hands this 15th day of Nov. 1884

August M. Cornell

Wm. J. M. Cornell

Hiram Cornell

Bill

August M. Cornell 2 days 10 miles

W. J. M. Cornell 1 day 6 "

Hiram Cornell 1 day 6 "

Witness

Frankstown Road

South 76th

Part left as Public Road

S 55 W 20

S 40 40 S 15 W 39

S 9 W 20

S 17 E 21

S 15 W 22

S 20 1/2 W 22

Road vacated

Public Road to Frankstown

Ashtford
Texas

No. 10. Sept. Term 1884

Order to ^{view} ~~view~~ and
leasing from Thomas
Belmont House to the
farm of George Henry
deceased, in common
with James H. H.

Filed 17 Nov 1884

19 Dec 1884 Exception filed

Deceased:

Augustine M. Cornell

Wm J. M. Cornell

Thomas Belmont

and others

Wm Belmont & J. M.

Deceased

Exceptions to Report of Viewers Appointed to view and vacate a road leading from Weavers School House to the farm of George King deceased in Summerhill Township. —

1st The viewers did not give notice of the time and place of meeting as required by the Act of Assembly. —

2^d The provisions of the Act of Assembly relative to proceedings to vacate ~~the~~ roads ~~only~~ partly opened were not complied with. —

A. D. Parker
Atty. for Citizens of
Summerhill Township
Exceptions. —

No 10 Sep Decm 1884
In the Quarters R. D.
Deviens of Coulter's
County. _____

In the matter of the
report of viewers
appointed to create a
road leading from
Weaver School House
to the farm of George
King deceased. in
Hummerick Township,

Excellence,
Jill 19 Dec 884

Parker

In the Court of Quarter Sessions of Cambria County.

Exceptions to report of reviewers appointed to review a road leading from Weaver's School House to the farm of George King, deceased, in Summerhill Township.

1st, That the road as laid out by the reviewers through the land of William Shartz, where the same runs S. $12\frac{1}{2}^{\circ}$ W. $13\frac{1}{2}$ perches, and S. $41\frac{1}{2}^{\circ}$ E. 21 perches, it passes directly through the ground where he intends erecting a water saw-mill.

2nd, That to locate a mill at any other point on his premises would increase the costs of building same, some \$300.- or more, and would damage him to that extent.

3rd, That if the road were changed to run in a direct line, (S. 20° E. $31\frac{1}{2}$ perches), from the point ending, S. 39° E. to the point beginning, S. 53° E., as shown from draft accompanying report of reviewers, it would not injure or damage the property of said William Shartz, and would lessen the distance and be upon equally as good ground as the road reported by the reviewers between the points mentioned.

Alvin Evans,
att'y for Wm. Shartz,
Exhibit.

September 14th 1885

to 10 Sept. Term 1884 A.D.

In the Quarter Session
of Lancashire County.

On the matter of the re-
port of assessors appointed
to assess a road leading
from Knivvill School House
to the farm of George King
dead, in Lammisburgh town-
ship.

Edw. J. L. L.

Filed 15 Sept. 1885.

Done

To The Honorable, The Judges of The Court
of Quarter Sessions of The Peace in and for
The County of Cambria.

We The persons appointed by your Honors
in The annexed order to review vacate
and supply a road 'long since been laid
out' leading from The Weaver School house
in Summerhill Twp to The farm of
Geo King - In compliance with The order
we met at The appointed time & place -
Legal notice of The time & place of meeting
having been given, and having been
sworn, we proceeded to perform The
duties of our appointment. Starting at
The Weaver School House. We ran South
76 perches - Thence S 55° W 20 ps. Thence S. 1° W 40 ps
Thence S. 13° 30' W 38 ps. Thence S. 9° W. 20 ps. Thence S. 17° E
27 ps. Thence S. 15° W 22 ps. Thence S. 20° 30' W 20 ps. Thence
S 52° E 26 ps Thence S. 36° E 40 ps Thence S. 80° E 84 ps Thence
S 62° E 12 ps Thence S 54° E 36 ps. Thence S. 70° E 40 ps Thence
S. 60° E 28. Thence S. 52° E 54 ps Thence S. 67° E 58 ps Thence
N. 85° 30' E 28 ps Thence S 64° E 48 ps Thence S 56° E 60 ps
Thence S 34° E 68 ps Thence S. 21° E 28 ps Thence S. 14° E 52
ps Thence S. 28° E. 24 ps Thence S. 12° E 66 ps Thence S 38° E 24 ps
Thence S 37° W 18 ps Thence S 52° W 20 ps - Thence S 5° W 48 ps
Thence S. 19° E. 20 Thence S 4° E 22 ps Thence S. 14° E 28 ps
Thence S. 9° W. 26 ps Thence S. 16° E 30 ps. Thence S 56° E 12 ps
Thence S. 29° E 12 ps Thence S. 2° W 28 ps Thence S. 24° W 19 ps
Thence South 14 ps Thence S 31° 30' W. 36 ps Thence S 10° W 36 ps

Thence S. 48° E 20 ps Thence S 35° E 12 ps Thence S. 18° W 13 ps Thence S. 1 1/2° E 25 Thence S. 6° W 14 ps Thence S. 16° 30' W 12 ps Thence S 29° 30' W 13 ps Thence S 18° 30' W 8 ps Thence 44° 30' W 17 ps Thence S 47 1/2° W 16 ps Thence S. 11° E 34 ps Thence South 20 ps Thence S 8° W 13 ps Thence S 1° 30' W 23 ps Thence S. 56° 30' E 15 1/2 ps Thence S. 37° E 15 ps Thence S. 60° E 28 ps Thence S. 3° W 20 ps Thence S 25° 45' W 15 ps Thence S. 5° W 31 ps Thence S. 11° W 10 1/2 ps Thence S. 1° E 27 ps Thence S. 10° E 24 ps Thence S. 8° 30' E 27 ps Thence S. 8° 30' W 35 ps Thence S. 15° W 24 ps Thence S. 4° W 42 ps Thence S. 37° E 21 ps Thence S. 45° E 18 ps Thence S 38° E 24 ps Thence S. 50° E 16 ps Thence S 38° E 26 ps Thence S. 26° E 20 ps Thence S. 19° E 24 ps Thence S 42° 30' E 32 ps Thence S. 50° E 28 ps Thence S 42° 30' E 12 ps to the line between Cambria & Bedford Counties.

He then vacate that portion shown on the draft in red, as it is useless and inconvenient and

supply with that portion shown on the draft in black - believing this to be a road much needed and of great convenience to the inhabitants of that portion of the Co - He therefore recommends its being opened up thirty feet wide for a public road

Witness our hands this 19th day of May
A. D. 1885

J. A. Shoemaker
J. P. Wilson
Oliver Evans

J. A. Shoemaker 5 days 26 miles Circulator

J. P. Wilson 3 " 18 " "

Oliver Evans 3 " 40 " "

Chas. Ream 3 days Chairman

W. H. Robertson 3 " "

Commonwealth of Pennsylvania,
County of Cambria } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria
held at Ebensburg in the said County, on the Seventh day of
April A. D. 1885, before the Honorable the Judges of the same
court: Upon the petition of divers inhabitants of the township of Summerhill
in the said county, setting forth, ~~that they labor under inconvenience for want of a~~

~~road or highway, to lead from~~
~~that they would most respectfully remonstrate~~
against the confirmation of the report of viewers
appointed by your Honorable Court to view and
vacate a certain road in said township, leading
from Heavers School House to the farm of Geo.
King in said township

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

and Oliver Evans and J. P. Wilson

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

BY THE COURT.

Attest:

J. A. Shoemaker
Clerk.

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

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

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

No. 10
September Term 1884

Order to review a road leading
from Weavers School House
to the farm of Geo. King
in Summerhill Township

Reviewers

J. A. Shoemaker
Oliver Evans
J. P. Wilson

Filed 1 June 1885

Cert to Com June 6, 1885

Chas. Shoemaker for Atty. Gen.

Barker

July 7. 1885. Read and confirmed Miss &
ordered to be opened 30 feet wide.
Per

To The Honorable The Judges of The Court of
Quarter Sessions of Cumberland County;

The undersigned citizens of Summerhill
township in said county and persons
owning real estate in said township whose
the roads therein would most respectfully
remonstrat against the confirmation of The
report of viewers appointed by your Honorable
Court to view and vacate a certain road
in said township leading from Weavers School
House to the farm of Geo. King in said Township.
for the following reasons:

1st they are informed That the proceedings
~~are informal and irregular~~ and the report of
viewers so vague and uncertain that a con-
firmation of the same would result in serious com-
plications to the township and to persons using the
road or any part of it not vacated. —

2^d The road is neither burdensome nor in-
convenient and if vacated as prayed for
without being supplied a large number
of citizens and heavy tax payers will be
entirely without a road by which to
transport lumber, coal and farm products
to market. —

3^d The road proposed to be vacated, has been
in use for many years and if vacated a new
road must be opened for the accommodation
of those dependent on this road at a greater
expense than would be necessary to keep this road.

Your petitioners therefore pray your Honorable Court to appoint persons to Review the said Road proposed to be vacated and report on the Expediency of vacating the same or any ~~or~~ portion of it and to authorize them if they report in favor of vacating any portion of it to Supply the same names

1	Christian Shaffer	John N. Shayer	37
2	Sra. Bloom	H. H. Johns	38
3	Thomas Kinney	John Wright	39
4	W. H. Brown	Johnson Ager	40
5	John Shaffer	Gas Jones	41
6	Shelbire	Jacob Pugh	42
7	J. H. Richards	W. H. Smay	43
8	Peter Burtmelt	J. F. Reddick	44
9	John Bunker	W. H. Brown	45
10	John Kinney	Wm. Kelly	46
11	George Mulhollie	William E. Brown	47
12	Geo. Sherlin	John McCormick	48
12	David Shaffer	Ch. Shalbire	49
14	W. A. Boyer	J. H. Diamond	50
15	Edward Lynch		
16	Joseph N. Wright	William Doran	51
17	Samuel Gless	James M. Byrne	52
18	A. J. Walter	Michael Caskey	53
19	P. M. Kinney	Patrick Caskey	54
20	L. W. Griffith	James Brown	55
21	John Schmitt	Joseph Enigh	56
22	Joe Wm. Wm.	Silas Pearce	57
23	Thomas Doran	G. W. Kenney	58

24 James Doran
 25 Henry Coleman
 26 William Coleman
 27 George G. G.
 28 J. W. G.
 29 J. W. G.

St. Kittan
 Simon Dinsori 60
 Levi Reame 61
 Philip Thelvin 62
 John Coney 63
 Valeria Elalyi 64
 O. W. Roberts 65

30 David L. Schmitt

Conanuel Pringle 66

31 John Elliott

A. W. Pringle 67

32 J. J. Murray

George D. D. 68

33 Andrew Brookbank

Chas. Pringle 69

34 Jeremiah Dinsori

Albert Dinsori 70

35 J. W. G.

Owen E. Jones 71

36 M. P. Pringle

O. O. Paul 72

37 John B. Pringle

Jacob Worder 73

38 G. B. Roberts

Ernan M. Davis 74

39 A. S. Kelly

Philip Kelly 75

40 J. W. G.

John J. Jones 76

41 J. W. G.

J. W. G. 77

42 J. W. G.

J. W. G. 78

43 J. W. G.

G. W. Settemer 82

No. 10 Sept. Term 1884

Cond. Smith, -

Remittance of fund
making a new building
fund much school
house of farm of
St. Louis. -

Bank -

AMERICAN BANK

No. 10. 4th. Decr 1889

Rev. J. Becker

Return for the op-
portunity of receiving
to receive and report
on the expediency of
meeting a need in
American's info.

Ad. 2. March 1893

April 7 1888 received

Specialist

J. A. Schomaker

John E. Davis

J. P. Wilson

By the same

~~John~~

Becker

In the matter of the report of viewers and reviewers
on road in Summerhill Twp } Court of Quarter Sessions
of Cambria County, Pa.
No 10 September Term, 1884, R.D.

Depositions of witnesses taken before M.D. Kittell
a Notary Public of the Commonwealth of Pennsylvania, at
his office in the Borough of Ebensburg on Saturday
October 31st, 1885, by virtue of the annexed rule,
and in accordance with the annexed notice and
the agreement of attorneys thereon written.

Dr J. M. Kern. affirmed

I am very well acquainted
with the road from Meaders School house to
Kneip Cabin in Summerhill Township, and have
been over ~~the~~ ^{the south end} once or twice. I have been acquainted
with that road about 35 years. I own 260 acres
up along this road. A portion of it has been
cleared for about 40 years, and there are about
70 acres cleared now. I have a building on
it, occupied, but I have no barn to amount
to anything on it. I have it all in good
fence. I have cultivated a small field of it for
25 years. There is no other road over which I
can get the product of this farm to market. I
have over 300 dozen rye and 200 dozen of oats
standing there that it is impossible to haul
on account of the condition of the road. I
have over 100 bushels potatoes and 165 bushels
turnips fitted there, that I don't know how I
can haul them away. I think the Superior

have done work right along on the road. I had Unah Emigh work taxes out on the road, and also F. L. Knepper worked taxes on it. I had my taxes worked out on it different years, and some years I paid the tax, up until the present year. The road was opened up to my place, but I am not sure that it was all on the original location. I think it is on the original location up to about Mr Moorhead's ^{about 40 rods from my place} field. ~~It~~ ^{As} laid out at present, the road has been ^{used} as a ^{public} road for about 35 years, to my knowledge. It is the only road between Cambria and Bedford Counties in that neighborhood, and is used frequently. It would be a great round for any person to go from Wilmore or vicinity by any other road. There is considerable traffic over this road from persons in Bedford County after coal. They bring us grain, and take coal. There has been no other road opened in the last few years that would take the place of this road if closed up.

Our people could get to Bedford County by going around about six miles and using a private road. Mr Joshua Berkey, Mr Moorhead, Mr James Rager, Mr Jacob Weaver, Mr Sharts, Michael Dan Neff, Mrs - Imay, Amos Sumner and Lige Sumner would be deprived of a road ^{to Wilmore} ~~over the~~ ^{mountain}, if this road is shut up to Franktown road. If the road is vacated to Berkeys lane, John Nimes, Lint Knepper, Joseph Berkey, James Rager, John Sharts, John Comey, Frank Cunn, Mr Sharts, J. C. Moorhead ^{and J. W. Moore}, would be deprived of a road to Wilmore.

Stumpf and Mmbern and J. H. Flude have ^{steam saw} mills there, and would also be deprived of a road.

The largest bulk of unseated lands of Sumnerhill Township lies along this road. There is a portion of this land that is good land, and a portion is rocky, but you could find enough land on each tract of land to make a pretty good farm. I made a request of the Supervisor two years ago to work out my taxes on this land, and it was refused me. For the last 6 or 7 years I have traveled this road frequently. Previous to that I did not travel it so often.

Question. State whether or not this road could have been kept in the same condition as other roads in the Township, and fit for travel, by the application of a reasonable amount of the taxes to repairing it, since you have known it.

(It is objected by Mr. Seher that the question is immaterial; the order to review, being only as to the original road, and not as to any new location)

Answer. Not with the amount of teaming that has been done over it. All the taxes of the township wouldn't have kept it up.

I think it is three years since the Supervisors have had any work done on this road. I believe I was one of the original petitioners when this road was laid out.

Question. State whether or not Joseph Grigle, Jas. D. Hummer, Jacob Hoyer, Joseph Miller, Esq., Peter Clarkson, Peter Bustnett, David Sheffer, John G. Pringle, Jacob Pringle and John Connolly also petitioners for this road are all still living in this County.

Answer. I think they all are except John Connelly.

Question.

State whether or not this road is necessary for the use of the traveling public?

Answer. I think it is.

Cross Examined.

I live in Wilmore Borough. I own the lands on which I raised the present crop. They are about a mile beyond the mill of Mr ^{Flude} ~~Moorhead~~. The road as laid out by the reviewers passes my property. The road as laid out in 1852, ran through my property, only further West. The old road is nearer to my buildings. My property is south of the Moorhead property. With the exception of a few years, my place has been cultivated or pastured ever since I owned it. To a great extent my operations on the farm ^{on 4 acres of it} were experimental to see what the farm would do. I farmed no more, but others did for me. I am experimenting on a good deal more now.

Question. How far is it from the Berkeley lane to your farm?

Answer. It must be between 5 and 6 miles, I think.

Question. Does the road as laid out by the reviewers where it ends upon the Bedford line, connect with any public road at that point?

Answer. It connects with a public road on the Bedford line, leading down into Bedford County. I understood it is a public road.

Question. What will it cost the Township of Summerville to make the road from the Berkeley lane to the Bedford line fit for travel?

(It is objected by Mr Barker that it is not a cross examination, and that the evidence sought to be adduced would not be evidence even in chief, unless the witness on the stand had experience in building and constructing roads.)

Answer. If there was \$300 or \$400 judiciously put in that road, I think it would be passable and fit for travel. I was never asked by Mr Ream to work out my taxes on this road and failed to do it. I asked permission, and was refused. The old original road as laid out, from ~~John R. Ream's place~~ ^{John R. Ream's place} Moorheads mill, to the Bedford line has never been opened. Bedford County had no outlet there, never connected, and it stopped on top of the mountain.

I suppose it is between 4 and 5 miles from Moorheads mill to the Bedford line at Kings Cabin.

Among the persons I have named as along this road, Mr Berkeley, Moorhead, Flude, Tharty ^{and} were land-owners. The road from Cambria to the Bedford County line, is an open road and can be improved. It is a better road than this end of the road, I mean the last review, where it crosses the Bedford line near Mrs Carroll's.

Question Are there not other roads not laid out for public use, traveled by those who wish to go from Cambria to Bedford and Blair Counties across the mountain and not laid out for public use, equally as convenient as the road in question? (It is objected by Mr Barker that it is immaterial how many private roads there are to Bedford County.)

Answer. No Sir, There is one road laid out through the cedar swamp, but that is no use to the parties improving land and using this

road. It flanks them entirely.

Question. What is the assessed valuation of your land near the road in question?

Answer. I think it is something like \$4.00 per acre. I am not positive about that. It is assessed in my own and my wife's name.

Re-Examined in chief.

I was along part of the way with the reviewer in this case, about half way from our place to the Bedford County line, but I have been over the road clear to the line.

Question. State whether the road as laid out by the reviewer was on the ground of an old road then open and fit for travel?

Answer. Yes sir, nearly all of it was.

Question. State how much of Mr Moorhead's land is cleared and under cultivation?

(It is objected by Mr Seckler that it is immaterial & not a re-examination.)

Answer. Something like 80 acres.

Four and five years ago I worked out my tax on this road. I worked it out under Neff and under Sherbine.

Re-Cross Examined.

Question. Then before the review there was a road of convenience or neighborly road from near Moorhead's mill to the Bedford line permitted by the owners of the property through which that road passed?

Answer. No sir. It was a public road laid out

and opened to my place at the expense of the Township. I worked tax on it, and was allowed by the supervisor for so doing.

Question. I am asking you about the review?

Answer. A portion of it was such a road as you spoke of.

Question. Then a portion of the review is the same as the old road; and from where the reviewers supplied the road to the Bedford County line had been a traveled road before, or what is called a neighborly road?

Answer. Yes sir.

Question. Do any of the owners of property along that road desire to prevent whatever necessary travel there may be thereon and make it a public expense.

(Objected to by Mr Barber as immaterial)

Answer. Not to my knowledge.

W. M. Stern

J. H. Flude, sworn

I have a steam saw mill in Summerhill Township on land of J. C. Moorhead. I came there in 1880. I own land in the vicinity of that mill. 225 acres in one tract, and 16 in another. I could not get my lumber to market in any other way than by the road in controversy. I think on the Furbett tract, and on Mr Moorhead's original tract there are about 80 or 90 acres. On the part Mr Moorhead bought from Ream, and a portion of the Furbett tract about 20 more acres. That would be my judgment. He has together with that, about 20 or 25 acres that

is partially cleared. I have some little experience in making and keeping public roads in repair.

Judiciously applied, I think with an expense of \$300= it might be made a reasonable road. I think that amount, judiciously applied, would place it in a sufficient condition for public travel. We frequently see parties going back and forwards there across the mountain. I have seen a spring wagon and a pair of horses, and wagons, and persons on horse-back frequently cross there. I think that road is necessary for the use of the traveling public.

I made a demand on Mr Ream to be permitted to work out my taxes on that road, and he refused to allow me to do it. I will at any time work out \$75=, including my road taxes to help to put it in good order. The Supervisors who were in office before Mr Ream did work out taxes there. They were worked out there under Mr Sherbine, and under Mr Neff. John Sheut, John Coney and Frank Crum live on Mr Moorhead's property. Frank is clearing. John Coney is working is working there a portion of the time clearing. Tom Elliott, Mr Pettison, Mr Myers and Elmer C. Kenny are working there a part of the time clearing. There are some very good lands along that road, while others are rough and rocky. I am familiar with the neighborhood into which this road leads in Bedford County. It is a good farming country on the other side of the mountain.

Cross Examined by Mr Eckler.

From Berkeys lane to Moorheads mill it

from $3\frac{1}{2}$ to 4 miles I would suppose. It is a bad road at present, partly so from the hauling from the mill but more so from the want of attention. I say that \$300.00 will make the road passably good.

I suppose it is perhaps $1\frac{1}{4}$ miles from where the review leaves the old road to the Bedford line. ~~It~~ It wasn't quite two miles from the Bedford line to the mill when they surveyed that road.

The portion vacated and the portion supplied are both on the north side of the South Fork. Mr. Sherline worked along the whole of the road up to Moorheads mill. He put a bridge across the stream there so I could get a bailer across, as it was not in a condition to get the bailer across.

Question. In what name is the

I have not made inquiry in whose name the property is assessed that I bought in Sumnerhill township.

Question. Have you given, or do you now offer to either of the Supervisors of Sumnerhill Township or to the Judges of the Court of Quarter Sessions of Cambria County security that you will donate the sum of \$75.00 to this road?

Answer. I will work out \$75.00 worth of work to the Supervisors if they will apply the work economically, whenever they demand it. I mean just what I say.

Question. Then you mean that if the Supervisors will expend your \$75.00 as you direct it, you will give it, though you offer no security that the same will be done?

Answer. I mean this. I don't propose to give \$75.00

and that alone to be expended on this road, without anything further. I want the road prepared and put into a good shape, and I will work \$750 worth of work if I have any assurance that the road will be made. I live in Indiana.

I bought a portion of this land last September, and I contracted for the 16 acres last spring.

Question. Have you tried in any way to secure to the township of Summerhill the donation you propose making to them?

Answer. No I have not tried. I propose to expend that amount of work from the Bedford line down to Berkeley; anywhere along there.

Re Examined in Chief.

I have paid the taxes on my mill since I have been there.

Re. Cross. Examined.

I did not pay the road taxes for 1884. I claim the right to work them out. The first opportunity I have of working them out anywhere where I think they ought to be worked out, I will do it. My road taxes are not paid for 1885, for the same reason.

The principal hauling over this road is from the Mill to Wilmore. That is about $6\frac{1}{2}$ miles and it is all in Summerhill township, except at the station in Wilmore.

J. M. Hulse

Peter Durbett, sworn
I once ^{owned and} lived on the property owned
by Mr Moorhead where Stukes mill is. I commenced
living there in 1866, and I left there in 1881, when I
sold to Mr Moorhead. On my tract there was but
little improved when I left there; perhaps not more
than two acres. I am not able to tell how
much was cleared there on the Ream tract. There
were a couple of fields. Levi Ream lived on
his piece in 1866. I bought the property from him.
Ream left there about the time I left, or after
he sold to Mr Moorhead. I got the piece I sold
to Moorhead from Ream. I traveled the road
in controversy in 1844. In 1860 I began to operate there
and I traveled it as much as 4 times a day, ^{hauling lumber} to
Wilmore. For the last 18 years I have traveled it
so frequently that it can't be numbered. I
had a saw mill at the point where Moorheads mill
is. It was built in 1866. I have frequently traveled
the road from my old place to the Bedford County line
near Sharts as laid out by the receivers, and quite
a number of my loads of lumber passed over there.
I cannot tell whether it is now open and can
be traveled with teams, for I have not been there for
a number of years. I can't remember when I was
last there.

Question. State whether or not ~~whether or not~~ you
believe this road from the Weaver school house to the
Bedford County line is necessary to the traveling
public.

Answer. Yes sir.

Was Examined

Question

Then at the time you did business there, you believed this road necessary.

Answer. Of course I did for I could see the traveling that was done there.

I sold my property to Mr Plude and Kiny Jones in 1882, if my memory serves me right. The road from the Moorhead mill to the Bedford County (the review) connects with a road at the Bedford County line. It is a public road, so the men from there told me, and leads to the village of Texas.

Dr Kern has a farm on the road from Moorhead mill to the Bedford County line. Hartz has an improvement there, but it is so long since I was there I can't tell what it is. Those are all I know of between the two points. There are farms on the Bedford side not far from the Cambria County line. The road by the review has been traveled as a public road for a number of years. I don't know of any other roads across the mountain, ^{there} that have been used as public roads. I never knew of a road opened out as a neighborly road in that vicinity across the mountain. A road was cut from my saw mill to Kiny's cabin. Part of it was rolled, and part wasn't rolled. I suppose it is grown up now that a person could hardly find it. As far as I know, the principal use of the road in question is hauling lumber from the mill to Wilmore. I don't use this road any more myself. I suppose I live from 3 to 3½ miles from the Plude mill.

Re-Examined in brief.

Alude and Jones transferred my agreement with them for the land to Moorhead, and I made a deed directly to Mr Moorhead.

Re-View Examined.

Question. Are the lands purchased by Mr Moorhead either from yourself or other parties located along the road vacated, or are they principally located along the road to be supplied to the Bedford County line?

Answer. I don't know the whole of the road vacated. The review borders on these lands on the South-East.

Question. Would it be of greater advantage to the Moorhead Sawmill to have the review confirmed, than to have had the old road.

Answer. I do not know.

Peter Burnett

John Knight, sworn.

I have known the road from Kearens School House to $\frac{1}{2}$ mile beyond Moorheads Mill, since 1853. I taught school in 1857 at a point from 80 to 120 rods beyond where Moorhead's mill is now. I have been over the road frequently in the last five years.

Question. State whether or not ^{you believe} the road from Kearens School House to the Bedford County line is necessary for public use?

Answer. I do.

I live $\frac{1}{2}$ mile from the Nevers school house, in Summerhill Township.

Cross Examined.

I couldn't say how far it is from the Berkeley lane to the Bedford County line by the old road, nor can I tell how far it is by the review.

Question If there are any places of business, or villages where citizens meet to transact business, that these roads connect, please name them.

Answer Wilmore and Texas, or Summerhill and South Fork, and Texas.

I have not been in the village of Texas for 23 or 24 years. The principal use of the road from the mill to the Frankstown road is to get the lumber from the mill to Wilmore.

Question Excepting for the uses of this mill, the road to the Bedford County line would be answered by a mere bridle path, or room to drive a horse and wagon along without a load?

Answer Well I don't know as it would. There are some loads hauled over there both ways.

Question A dozen a year independent of this mill business?

Answer I wouldn't be prepared to say, as I don't live along the road and am seldom on it.

Question I cannot say whether \$1000 will make a good public road from the Berkeley lane to the Bedford line because I have never been over the far end of it.

Question. Would you so far as you have seen that road take ~~that~~, and make it a good public road?

Answer. I will put no estimate at all. whatever upon it.

John Wright

Austin J. Trum, sworn.

I cut lumber and logs. at the Burtnett mill where the Moorhead mill now is. at one time. That was some 6 or 7 years ago, I think. Prior to that time I moved in 1866 to a place called Spruce Hollow in Bedford County near the place called Texas. There was travel from Texas and Spruce Hollow to Cadiz. I saw them passing the mill, and talked to some. I have ridden, and walked, and hauled shingles over this road since to Bedford County. I went past the place called the Shady place from the Burtnett mill, or what is now called Moorheads mill. I was across it part of the way last summer, to the top of the mountain. There is very good farming country from the Bedford line down in Bedford County. It is hilly, but produces good grain. I think it is about $1\frac{1}{2}$ miles to the Weaver School House from where I live. I mean that it is that distance across the fields.

Question. State whether or not you believe this road from the Weaver School House to the Bedford County line is necessary for the convenience of the traveling public.

(It is objected by Mr. Seckler that the testimony is not

required for is incompetent. the facts alone can be testified to by the witnesses, and it is for the Court alone to say whether the road is necessary for public or private use, or should be vacated.)
Answer. I do

Cross Examined by Mr Seehler.

Question. That is from the Moorhead saw mill to the Berkeley lane you think there is sufficient travel to keep this as a public road.

Answer. If there is as much traveling done now as there used to be, I think it is.

Question. When did you cease to know of the travel on the road in question, by reason of your removal away from it.

Answer. I never ceased to know of it. I have seen it every year, and I have seen wagon tracks showing the travel back and forwards.

Question. The principal hauling along that road is from Moorheads mill to Wilmore.

Answer. Anybody that knows there is a saw mill ought to know that it is. I would suppose it was. Every time that I was in that section of country, I saw travel between Moorheads mill and the Bedford County line. I was there last summer, and have been back and forwards more or less ever since I ~~was~~^{went} there.

Question. Do you know what would be the cost to make a good wagon road from the Yeager School House to where the Review strikes the Bedford County line? If so state how much?

(It is objected by Mr Barker that this is not a cross

examination.)

Answer. From the fact that I never oversaw the making of public roads, I don't know what it would cost. And in answer

Henry Coleman, sworn.

I live two miles from the Weaver School House in Summerhill Township. I have about 185 acres there yet, and there are about 150 acres cleared. I am acquainted with the road from Weaver School House as laid out by the Reservoir to a mile or so beyond Moorhead's mill, and have known it for 14 years.

Question. State whether you believe the road from the Weaver School House through to the Bedford County line, is necessary for the use of the traveling public? (It is objected by Mr. Seckler that it is immaterial, and that it relates to a fact that is for the opinion of the Court, and not of the witness.)

Answer. Yes sir.

Now Examined.

Question. What will it cost to open for public travel the road from the Weaver School House to the Bedford County line, according to the reservoir? (It is objected by Mr. Barber that this is not a cross-examination.)

Answer. Well I would suppose that about \$300 or \$400— would make a reasonably good road.

The road is mostly used for hauling to and from Mr. Moorhead's mill. I could not tell much about the travel from Bedford County.

I know that a good many men come across to buy stock from us farmers and so on.

There is a road across the Cedar Swamp, the Frankstown road, but the road by Moorhead's mill is a good deal the nearest road. I never traveled on the road further than a mile or so beyond Moorhead's mill, from my home in Cambria.

Henry Coleman

It is agreed between Mr Barker and Mr Sechler that further testimony may be taken on part of excerpts to view, and petitioners for review, on Thursday, November 5th, 1885, between 10 o'clock a.m., and eleven o'clock, p.m.

Depositions of witnesses taken before M. D. Kittell pursuant to said agreement, at his office on Thursday, November 5th, 1885.

J. C. Moorhead, sworn.

I live at Indiana, Indiana Co., Penna. I bought 398 acres, known as the Gilbert, Lloyd tract in Summershill Township about 1874 or 1875, and I also bought 300 acres from Peter Burnett in the Spring of 1883, and 9.8 acres at the same time from Levi Ream, and 40 odd acres from Joseph Miller in the Spring of 1887, I believe it was. The first three tracts that I have spoken of were contiguous

I placed a steam saw mill on the Gilbert L. Lloyd tract ^{for Mr. Plude,} in the summer of 1880. That is the mill now owned by Mr. Plude, ^{and he has been sawing there by the thousand for me since 1880}. I have been engaged in lumbering and also in farming in that place every year since that time. There are about 100 acres of the first three tracts under cultivation. I am engaged in clearing portions of those lands at the present time.

Question. State whether or not it is your intention to continue clearing such portions of this land as are susceptible of cultivation?

(It is objected by Mr. Seckler as being immaterial, the witness would change his location to ^{better} his circumstances by sale or otherwise.

Answer. It is.

I think there is in the neighborhood of 600 acres of tillable land on the 3 first tracts, and even a portion of the remaining 200 acres could be worked. I have raised both fall and spring crops. It is a fair average crop of those raised in the neighborhood. Some say I raise better crops, but I don't put it in that way. I am still lumbering there. There is from two to four million of feet of lumber to take off there yet. The road now in controversy is the only road upon which I can get in or out of my lands. If there is any other, I don't know of it. The Pease tract was occupied for a great number of years, and a portion of it farmed before I bought it. There were two or three small pieces or fields on the Bartlett place that had been cleared out and farmed, but not for some years before I bought it.

Question. State whether you paid your taxes on the

Libbert L. Lloyd tract in cash or in work?

(It is objected to by Mr. Sechler as being immaterial.)
Answer. I paid them in cash from the time I bought until the year 1880. Since that time, in 1880, 1881 and 1882 I paid in work, and I think also in 1883. I have made a demand on the supervisor of that township to be permitted to work out my taxes on that road. John Doehm is the supervisor on whom I made the demand, and he gave me no leave to work them out on the road next the mill in the last two years. Since I have been there I have several times done work on the road aside from my taxes.

Question State whether or not you are still willing to contribute by labor towards keeping this road in repair?

(It is objected by Mr. Sechler that the testimony is immaterial and irrelevant for the reason that the offer of a contribution should have been given to the reviewers with the exact amount, and security to the county for the compliance for the amount agreed to be appropriated by the witnesses.)

Answer. I am, to the amount of one hundred dollars over and above my taxes, if judiciously applied on that part of the road they are trying to vacate. I was not present at the view to vacate. I know nothing of it until they had passed my mill. I had no notice of the time and place of meeting of reviewers until the day they met. I got notice after they had passed the mill. The mill has been assessed in my name. Mr. Flude has been paying the taxes on the mill property.

Cross Examined by Mr. Seeller.

I suppose it is about $\frac{3}{4}$ of a mile from the Weaver School House ^{at the Frankston Road} to the Turkey lane. From Turkey lane there is a road leading to the Knepper mill. It is about $2\frac{1}{2}$ miles from the Turkey lane to Fludes mill, and my tract of land. I think it is about $2\frac{1}{4}$ or $2\frac{1}{2}$ miles from Fludes mill to the Bedford County line on the review. By the old road it is something over four miles, so I understood. My land lies along both roads. I don't know whether the road from my place to King's Cabin was ever opened.

Question. The road from the Turkey lane to the Flude mill has been opened for a lumber road and has been principally used for that alone?

Answer. "That road was opened a great number of years ago. What it was opened for I don't know." Part of that road is very bad.

Question. From where you leave the Turkey lane to where you strike the Bedford County line according to the review, how many actual residents are along the line of road?

Answer. The actual residents are four as far as Fludes mill. After passing that there is only one beside Dr. Kerns and my own building.

Dr. Kern lives near Milnor, but has a man living on his place. Mr. Sharty lives near Milnor but has land out along the road and has a shanty there.

Question. After leaving your mill and from that to the Bedford County line, there is not a farm, nor a place occupied as you would call a home?

Answer Yes sir. Dr Kern has had that place as a home for his man for years. I don't know whether Dr Kern ever lived there, but he has often been out working there. Dr Kern's is the only improvement that I know of on the old road between my place and King's cabin.

Re-Examination

Mr Caldwell from Philadelphia owns ~~two~~ tracks of land between the Berkey lane and my place. The land now owned by a New York Company, formerly the Collins land, is on the side next the Bedford County line from my mill. Mr Chart and other men whose names I don't know own land along there.

Question State whether or not you think that if the road taxes assessed on the land adjoining this road had been applied to keeping it in repair, they would have been sufficient to keep it in order?

Answer I think they would, if they had all been judiciously applied since I went there in 1880, with what work was done by myself and others over and above the taxes.

Re-Examination

Question Do you know the assessed valuation of your own land and of the unseated lands through which this road passes, according to the review?

Answer The assessed valuation of my land on the Gilbert L. Lloyd tract until 1883 was \$12.00

per acre I believe, and after that is is \$3.00 per acre.

I have from two to four million feet of lumber to bring out over that road. from this tract, and from the two other tracts. They are assessed at \$1.00 and \$1.50 per acre. I did not go with the viewers the first day. I did not see them. I was along the second day.

J. B. Moorhead

John Neff, from
I live in Summerhill Township about 1 1/2 miles from the Meares School House at the Frankstown road. I have passed over the road from the Berkeley lane past the Sharts place to the East side of the mountain three or four times ^{with a team} in the last four years. That road is used by times by residents of both Bedford and Cambria Counties. There is no other road as near as this road from the neighborhood of the Berkeley lane to this town called Texas. The town of Texas is in a farming community.

Question. State whether or not you believe the road from the Frankstown road at the Meares School House, to the Bedford County line to be necessary for the use of the traveling public?

Answer. I believe it would, in many cases.

Cross Examined.

I have been living in Summerhill Township since last Spring a year. I formerly lived in Boyle Township.

Question. Do you believe the taxpayers of Summerhill

Township should be subjected to the necessary taxation to make a good public road from the Berkey lane to the Bedford County line for all the traveling done over that road?

(It is objected to by Mr. Barker as not being a cross-examination; that the witness should not be asked a question relating to public policy, that an answer to such question would not be relevant.

Answer. I believe that it would be necessary to assess a sufficient tax to make that road passable for the community to pass over it.

Question. What would that cost?

Answer. I would be hardly be able to say. I hardly think it would cost over \$200 to \$300 to make that a — passable road. I would consider the road from the Berkey lane to Pludes mill to be in passable condition, and I mean the road from the mill to the Bedford County line in speaking of the expense.

Question. Will you contract and secure the township against loss to make a good road, as commonly understood, from the Berkey lane to the Bedford line according to the review, for \$250=

Answer. No sir. I didn't mean from the Berkey lane. I meant only from the Plude mill to the Bedford County line.

Question. How many roads of convenience passing through uncultivated lands from Cambridge County to Bedford and Blair are there between the pike at Summit, and the road passing through Adamsburg?

Answer. Only two that I know of. The Frankston road and the road in question now, are all that I know between the fike and the road passing through Adamsburg. I don't know of a road from Hemlock through Clayburg to Bedford and Blair.

There is a road from ^{of the road in question} to the Frankston road, running along the line of Bedford and Cambria Counties through the Cedar Swamp.

Question. Does not the road referred to by you leave the road from Texas to the Cambria County line and intersect another road than the one in dispute, from the Cambria line to the Keener School House?

Answer. Yes it does. The other road is the Frankston road. It strikes the Frankston road on the Gleason property.

Re-examination

I now reside on my father's old homestead. It is about $\frac{3}{4}$ of a mile from the place where I used to live in Croyle Township.

John Meff

Mr Barker offers in evidence the assessments of Summershill Township, both seated and unseated, from the year 1874 to the year 1885, inclusive.

State of Pennsylvania
Columbia County, N.Y.

I, M. D. Kittell, a Notary Public
of the Commonwealth of Pennsylvania, residing at
Ebensburg in said County of Columbia, do certify
that the above named witnesses produced by the
petitioners for review in the above cause, were
sworn ^{or affirmed} and their foregoing depositions taken and
subscribed before me ^{on Oct 30th 1885 at the Arbitration Room in Court House, and on Nov 5th 1885} at my office in the Borough
of Ebensburg in the presence of Wm H. Sechler Esq,
attorney for petitioners for view and A. V. Parker Esq
attorney for petitioners for review, that the testimony
of J. M. Stern, J. H. Plude, Peter Burnett, John Tigh, ^{John Tigh,}
Austin P. Crum, and Henry Coleman was taken
on Saturday the thirty first day of October, A.D.,
1885, between the hours of nine o'clock, a. m.
and eleven o'clock, p. m., of said day, and
the testimony of J. C. Moorhead and John Neff
was taken on Thursday the fifth day of November
A.D., 1885, between the hours of eight o'clock
a. m. and eleven o'clock, p. m., of said day.

Witness my hand and notarial seal
the fifth day of November A.D., 1885.

M. D. Kittell

Notary Public

*Heckler
founder
Barker
Review*
In the matter of the
Report of river and
revenues on and
in Summit Hill
Township

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

Of *Sept* Term, A. D. 1884, No. 10 *R.D.*

And now to wit, the *6* day of *Sept* A. D. 1884
Rule on part of *Exceptants to Original View* ^{*and petitioners for review*} to take depositions of
witnesses to be read on the hearing of the above stated case.

Cambria County, ss.

Extract from the Record of said Court. Certified

the *6* of *Sept* 1885

H. A. Shomaker Prothonotary.



To *W. H. Sechen, atty for petitioners for
original view*

Take Notice, That in pursuance of the above Rule the depositions of witnesses
to be read in evidence on the *hearing* of the above stated *case* on part of
the ~~*petitioners for review*~~ ^{*and exceptants for original view*} will be taken at the office of *M. D. Kistler*
Ebensburg Pa on *Tuesday*
the *27th* day of *October* A. D. 1885, between the hours
of *Nine* o'clock, A. M., and *11* o'clock P. M., before *M. D. Kistler*
A Notary Public in and for said *Pennsylvania*,
or before some other person of competent authority, at the time and place aforesaid, when
and where you may attend if you think proper.

A. M. Parker
*atty for Exceptants
and petitioners for
review*

It is agreed That depontions shall be
taken as within rule on Saturday
Oct. 31st between same hours. -

W. Parker
Atty for Exception

Th. Schuler
Atty for View

No 10 Sept Term 1884
Road Docks

In the matter of the report
of jurors and re-viewers
on road in Summerhill
Township

Rule to take depontions
on part of exceptants same
petition for review

Parker

In the matter of the report
of review and revision in
roads in Sumnerhill, Nov. 1855

Propositions
on part of petitioners for
revision

Julia Jan. 12. 1855

Fees \$10.00
Paid by A. D. Barker &
M. D. Barker

Barker

