

In road from
near Christopher

VERSUS

Acres to Beamer
Dams in White Top.

In the Court of Quarter Sessions
of the County of Cambria
Of March Term, 18 87
No. 4.

DEPOSITION of witness taken before me this Thirtieth day of
March, A. D. 18 88, at Arbitration Room in Canal
House in Chambersburg, Cambria Co.

between the hours of 9 o'clock A. M.
and 10 o'clock, P. M., by virtue of the annexed Rule of Court and notice thereon
endorsed, for the examination of witnesses in a certain cause there pending, wherein
In road from near Christopher Acres to
Beamer Dams in White Top.

Defendant

John Taylor being produced, sworn and examined
on the part of the Petitioner, doth depose and say:

My name is John Taylor I am — years of age;

I live within a quarter of a mile from James
M. Gallagher. I live on the same side of the
road—in the same direction from Gallagher—as
Oshall, Adair & Klein do. I live on the land
of Krebbs & Wallace. I have lived there 12 yrs
on the end of the right. I live on the left of the
Oshall road going towards Walter's. My building
are not on any road. There is a timber road
comes down past my place, but these men
do not know it. It is thirty-three years since
I worked on James Gallagher's place. I have
known it since then. At that time there
was a road come up from Walter's Mill past

when Valentine's Good saw him. After leaving
Good's it lead into the Oshall road. I have
been in that neighborhood all the time since
then except for 1 yr. That road was used part
of the time not all. Part of the time it was
closed up, ^{I mean the Oshall road,} its open now. I mean by being
closed up that there was a fence across it.
Mr. Oshall Senior and Klein use what we
call the McKee road in going to Muller's Mill.
Mr. Gallagher also uses that road. I have
seen him hauling grain & such things as
that going to mill. I attend, generally, the
Beaver Valley Church. Muller is my nearest
mill. In going to church & mill I generally go
the McKee road. I have been using this road
ever since I have lived there. That road is
in reasonable condition, a man could wagon
it the last time I was along it. The McKee
road extends ~~to~~ ^{the} chair through from McKee's
to the St Lawrence & Coalport road. It inter-
sects with other roads to reach that point.
It intersects with the Oshall road. I live as
near Gallagher as Klein does but not quite as
near as Oshall. I would not call the McKee
road a log road. I suppose it is $\frac{3}{4}$ of a mile
from Gallagher to the Coalport road. I have not
been on the road in controversy lately; least once
this winter; on one piece of it. I have traveled
from Gallagher up to the ridge road; but I never
paid any particular attention to it. I have
been over the road from Gallagher down to the
church inside of a year. If that road were
kept open the McKee road would still be

never for Oshall, Joel Klein and myself
to go to church and Walter's mill. The McKee
road is the better road of the two. Mr Gallagher
and Mr Baker could use the McKee road
to go to these places.

Cross-examined by Mr Evans

I live in the neighborhood of a mile from McKee's
blacksmith shop. We call the road running
past the blacksmith shop, intersecting the McKee
road, the Lupt road. The McKee road is not
a Township road. In going up past McKee's
Blacksmith shop over the McKee road you
would pass John Gills, Valentine Goods, (where
James Oshall now lives) Bakers and James
Gallagher, and then Krebs & Muller. I know
plenty to reach the St. Lawrence road.

That whole road is known as the McKee road.
I know where Sherris's mill was. It was
down to the right of this road going towards
Beaver valley. The McKee road intersects the
St. Lawrence road at the Bloom's place where
Rust Oshall lives. The road that passes Robt
Oshall is the same that passes Joel's & Klein's.
Simon Joel & Klein live between Christopher Joel
& Oshall. I suppose it would be about 500
yds. from Klein to Rust Oshall's. Gallagher & Baker
needn't go past Rust Oshall's to go to Walter's mill.
If Gallagher & his neighbors would go out the
road from Gallagher to Klein they would
then have to go to mill by way of Christopher
Joel's, but they need not go out there.
If the road in controversy were closed up Gallagher

and his neighbors would not have to go round
by Christophersbells to church ~~to~~ be using
Trap roads. They could go the creek road.
The creek road is the one that goes down past
old James Oshalle. This is a much shorter
road. To get on to the creek road Gallagher
his neighbors could come up past Valentines
Goods. They would strike the Creek road at
James Oshalls place on the Glen Cornell road.
From Gallagher to the Creek road would be
between $\frac{1}{2}$ and $\frac{3}{4}$ of a mile. It would not be
a log road that Gallagher and his neighbors
would have to use to get to the creek road.
It would not be a Trap road; part of it is
a Trap road, part of it is not. When you
strike the Shoon place you strike the Trap
road. The roads at James Oshell are the Chest
Creek & the Glen Cornell road. The Glen Cornell
road is the nearest to Gallagher. It intersects the
Chest Creek Trap road of course. It also intersects
the road across the creek at James Gills.
The Chest Creek road is not the one that passes
the Church & Mill (Hutton). From Gallagher's to
Mill or Church by way of James Oshell's would
be about $2\frac{1}{2}$ miles. Part of the land
thraight where the McKee road passes is unimproved.
I have known the McKee road for 12 yrs. I dont
know very much about the road in contouring
I know its a bad road. I was on it once
last winter - there was sledding then. I was
not on it all just part of it. I could not
say any thing about its condition for travel

during the last year. I under took to go down it about a year ago and my wife and I took the ridge road instead because it was too muddy. There has been a heap of improvement on it since I traveled it last. It was in the in the summer that my wife and I went to go down that road. We just went to see the roads. The road was so bad that we did not take the road but went up to the ridge road. My children attend the Matthew School House in Clearfield Co. I live in Clearfield Co. Bucaria Twp. Krebs & Hallage own the place I live on. Gallagher's children first went to the Matthew School & they were turned out, then they went to the Deener Valley School. The children. I was subpoenaed by John Gill. I suppose it was by Mr. Shayer. Gill is a Constable.

Re-examined by Mr. Parker.

I live a couple of thousand yards from the Co. line I suppose. It might be further and probably not as far. Gallagher & his neighbors are going up past Klein's ^{go to} church would be going in a directly opposite direction from the church. I have ~~not~~ ^{not} know the road from Gallagher's up past ^{go to} Bloom ^{place} to have been traveled for about 33 yrs. From Union Hill to the Bloom place along the St Lawrence road it about a 1/4 or 1/2 a mile.

Re-Cross-examined by Mr. Cairns

They have used this road for 33 yrs to haul produce out and it has grain &c

The first I hauled on it was Buckwheat.
The men hauling ^{the} buckwheat from the
Bloom place to ^{the Miller place} where Gallagher lives, that
the road that intersects the McKee road. It
intersects the McKee road just above Valen-
tine Goods. The McKee road is the road Gal-
lagher travels to go to mill. That is his principal
road.
Witness: H. H. Myers. Attorney, John ^{his} Taylor.

Septimius J. Luther (sworn)

I live in White Pop. I have lived there two years
again the 1 Apr. I served one term as supervisor of
White Pop. I have been assessor for two years (I
am in my second year) I have been assistant
assessor once. I am the Pop Clerk. The rate levied
for road purposes was 10 mills for this year. I
believe it has been the same rate for every
year I have been in the Pop. I know where the
road in controversy is. I made out the duplicate
for that part of the Pop. It was something over
\$200⁰⁰. It was \$248⁸⁴/₁₀₀. Saml Strayer is the
superior of that district this year. There is
no land assessed in White Pop on the seated
list with the name of Wallace ~~street~~. I don't
know about the unseated list. I was along
the road in controversy day before yesterday. It
is the only time I ever was along the road in
controversy. I have had experience in building
roads aside from my position as supervisor.
I was over the McKee road day before yesterday.
I was over the McKee road between McKee

blacksmith shop and James M. Gallagher's.

I also traveled over the road from Mr. Gallagher's house to the road in controversy. The character of the ground from Gallagher's private road over the road in controversy to the Beaver Valley church is dark loam, it is wet sandy ground. The ground over which the McKee road runs is slate and gravel - dry ground. To make the road in controversy from Gallagher's private road to the Beaver Valley Church as dry as the McKee road, I wouldn't take the contract for \$1500⁰⁰ for the reason that nothing but stone would make it and I believe it would take stone three feet thick to make it as solid as the McKee road. The McKee road is in pretty fair condition if fact it was the best road I was on from the time I left home that day until I got back and I traveled on public roads all the time. The grade is not bad. There are a couple of short hills on it but they are not as bad as some of the hills you find on our main roads. The road from Gallagher's house down to the road in controversy is very bad indeed. There is one place that the little run in it runs right along on the road. It is fully as steep if not steeper than the McKee road. I have traveled the ridge road off and on for the last 20 yrs. I believe the ridge road is the best road in the north of the County. That is from St Lawrence to Walker mill. It is in the same condition from the forks at Christopher's to

to the Beaur Dams church. I paid some attention
him to the ground between the ridge road
and the road in controversy at the point
when the private road of Gallagher comes
out on it. In my opinion there could be a
very good road made across there at very
small expense. To make a good road there
it would be necessary to make grade of about
40 rods. I believe it would take \$1000 to
make the road in controversy from Gallagher to
the Beaur Valley Church passable at all seasons
of the year as good as other public roads.
And then there would be time when you
could not haul some things on it. It
is mere guess work to make an estimate
of what it would cost to make a road
like that good. I mean by that, that in
my opinion the ground is so bad that a
man might fall far short on his estimate.
The general condition of the roads in Whitcomb
is bad. The tax has not been sufficient to keep
them in repair. The home one road from
Beaur Dams to Glendale that it is very
seldom we have enough tax to work on it
and it is one of our principal outlets from
Beaur Dams to Coalport. It is the principal
road to the Coalport market for the people
from the corner of Chest & Unionfield Twp.
Besides the McKee road Mr. Gallagher has
a road leading out past Thomas Evans,
a very fair road for a private road, and
still another that leads to or intersects the

creek road about something near a $\frac{1}{4}$ of a mile before Maltus mill. This road past Evans also intersects the Creek road. Neither of these is the road James Oshell lives on. The Creek road is a public road. It runs from Maltus mill to Gill crossing. Salway considered it a public road. It is between 60 & 80 rods between where the Creek road intersects the mill road and where the McKee road intersects it. I find on the Pop book \$340.09 of outstanding orders, \$72.56 is on the Supervisor, and \$267.53 on the Co. Commissioners. I find these orders issued and not marked paid. The Auditors settlement has been made for this year. I did not go over the McKee road from Gallaghers up to the Bloom place.

Exams-examined by Mr. Evans

I do not live in that end of the Pop. When I made this examination I had Mr. Stager with me to show me these roads. I asked him to go with me. Mr. Stager was up at my house and as I understood him Mr. Gill the Constable had sent him there to serve a subpoena. and as I had never been over the road in controversy I wanted to see it as well as other roads leading to James M. Gallagher. I asked him to go with me and show me those roads. I asked him because I did not know where the roads were. I had been on foot to Gallagher on official business but had always gone short cuts and did not know the roads. I was subpoenaed to come here and

give in evidence and I wanted to know something about the roads before I testified. I went to see these roads just because I wanted to be informed. Mr. Stager told me they were going to take depositions here before arguments heard, and that that was what I was subpoenaed for. So I asked him to go with me. And will say further that Mr. Stager did not try to influence me. Mr. Stager told me some time before - about election day - that they would have to take more testimony and it might be necessary for me to go down and see ~~these~~ those roads. I have had enough to do with roads that I can tell very nearly what it will cost to make them by the kind of ground they run over. I am aware that all Twp roads are in extremely bad condition just at this time of the year. To a great extent all Twp roads are almost impassable at this time of year. It depends on the kind of ground they are made on. All the roads do not present such a state of things now as to make you think they would all have to be stoned. I undertake to say that the road in controversy is on wet sandy ground, when all the roads are wet now, because I saw springs spouting out all along this road, and there had been a ditch dug along this road and I could see the character of the soil. All other country roads are not in the condition. There are other Twp roads along which springs are gurgling

out at this season of the year. The McKen
road is on high ground - on a ridge. There
has been travel on it. It couldn't be traveled
much. There are not many to travel it. It
is not a public road. There are none of the
road I speak of in the immediate neighborhood
of Gallagher's that are public roads. I would
not risk riding a horse on the road in con-
troversy to-day. I could not say that of
other Pub roads. My reason that I would
not travel this road in controversy is that
when I passed over it day before yesterday
that the frost had holed it ~~up~~ so that I don't
believe it would be safe to ride over it.
As far as I know every other Pub road
would be safe to travel over. This road is
ditched on one side. It was not ditched to
make a road but to repair it so that
they could haul bark over it last sum-
mer. They had thrown poles across it
to shut ^{up} mud holes in it. There might be
some ravines but they don't generally put
poles over them they bridge. This road
from where the private road of Gallagher comes
out on the road in controversy to the ridge road
could either be made up the ravine or
a side cut up the hill. To build it
up the ravine I believe it would be about
safer from the point where the Gallagher
road comes out. In my estimation it
would not be too steep to go straight up
the ravine to make an ordinary good

road. And a very good road could be made by grading up the side of the hill. To go up the avenue would not be any steeper than a couple of hills on the St Augustine and Phillipsburg road. In going over this ground I went up from the road in controversy. The steep place I spoke of on Gallagher's private road is between the road in controversy and Gallagher's house. You would be coming down hill in coming from Gallagher to the road in controversy. In making estimates of what it would cost to make these roads one might over estimate the costs. I am not certain that the creek road is a Twp road. ^{I don't pay it} the Twp is ~~not~~ indebted to the amount of outstanding orders testified to. The report of the Co. Auditor shows that that County owes White Twp some amount but I do not know how much. I was not Twp Clerk last year. I was at the Twp Auditor's settlement this Spring. There was nothing done with these outstanding orders. One of the Supervisors had paid \$60⁰⁰ and we gave him credit for that amount. He had nothing to pay the balance with. I can't say whether the amount due the Twp by the Co. would pay these outstanding orders or not. White Twp has no other indebtedness except what is contracted for roads that I know of. I have never been supervisor of this end of the Twp. I was of the upper end. I did not know much of this road in controversy.

before I went to examine it. I have
traveled the other roads. I had not been
on the private roads I spoke of. There are
two of them I never traveled, One of them
I traveled in part.

Re-examined by Mr. Baker.

John L. Gill was one of the Prop Auditors last
year. Mr. Gill had subpoenaed me and
brought me here when they took deposi-
tions in this case last Dec. Mr. Gill had
asked me to go and look at these roads be-
fore Mr. Stearns. The \$80⁰⁰ I spoke of the
Superintendent paying is not a part of the \$340⁰⁰.
The Prop settlement was on the 12 of Mar. this year.
The Co. Aud. make their settlement in January.

Re-cross-examined by Mr. Evans.

The last settlement of the Co. Aud. showed that
the Prop has assets. There were no other
assets to my knowledge. The settlement ^{of Prop Aud.}
did not show that there was funds in
the hands of the Superintendents. This Prop
indebtedness was incurred by over work on
the roads; personal services of Superintendents, dynamite
for blowing stumps out of roads, scoops,
to the Prop Aud. for services. There is also
a scoop & a plough bought that there
has been no order issued for. This indebted-
ness has not been contracted within the last
year. One of these orders was issued in 1886.
There was no provision made for paying
this indebtedness in buying the last rates.
Re-examined by Mr. Baker.

One of these orders was issued in 1885, It was for \$69³⁷/₁₀₀.

S. J. Luther

Isaiah Gates (sworn).

My land joins the ridge road. It is probably 40 rods from my building to the road. I have a private road out to the ridge road. Besides myself there is Cash, Joel Gates, Geo. E. Gans, Henry Gates, & though living along the ridge road between Christopher Auel's & the Beaver Valley Church. We use the ridge road in going to mill and church. There are several little places along this road that drifts. There is only place between Auel's and me. It drifts almost every winter between Auel's and us. And except that this road has always been open except one winter (since 1863 when we moved there) when it was drifted near Joel Gates'. When the road between me and Auel's is drifted they usually go through the fields. There is one place on the road between Auel and me ^{where the fences are} that the road is not over 20 feet apart. I don't think. Some places it is wider. It don't run regular. To the best of my knowledge you could always go along this road during the winter time either on the road or through the fields. They would have to go through the fields 30 or 40 rods. I have seen this road in condition since 1865. I hauled logs and timber on it. A good bit of the ground over which it passes is soft wet loamy & sandy.

grained. It would be wet & sandy from the lower end up pretty well towards the top. The end next hills is the hardest. It has been used principally for lumbering purposes. I have been over a good bit - been over the most of the ground between the ^{ridge} road and the road in Contonery, hunking stock. I don't think that a road from where Gallagher's road comes out on the road in Contonery up to the ridge road would be any steeper than the roads on any side of the ridge road - than my lane ^{J. Euseb's} up to the ridge road. I think that a road could be constructed up to the ridge road without much expense. I think that a road could be made up there that you could haul loaded wagons up. I have hauled 40 bushels of wheat up my lane and I don't ^{think} that that would be any steeper.

Cross-examined by Mr. Evans.

I think that a road could be made up the draft; of course it it would not be exactly straight but it would be pretty near straight up the hill. By draft I mean a ravine. The ridge road is on higher ground than the road in Contonery. The distance from the ridge road down to the Gallagher road would probably be ^{or 50} about 40 rods. Three men considerably took hauld over the road in Contonery last fall. Mr. Beers had the job of hauling. They hauled the boat to Idgem city. If they had made

a road at that draft they might have come up on the city's roads instead. Adam East adjains me. I am a relative of Mr. Strayer by marriage & we are cousins by marriage.

Isaiah Gate

Mr. Barker offers in evidence the Assessments of the seated and unseated lands in White Twp for the 1888.

By agreement of Counsel - A. V. Barker Esq. & Alvin Evans Esq. - the following witness was examined in this case on ~~exposed~~ Rule on Saturday Mar 31. 1888.

J. A. Macmaster (Sworn)

I was one of the viewers on an order to view & locate a road ordered to do 4th Mar 9. 1887 P. 1.

I was up the road from Mr. Keir Blacksmith shop up past James Gallagher to Valentini's Good's. I have also been down the road from James Gallagher leading past Evans' to ~~the~~ creek. I have made a sketch of the Mr. Keir road and the road past Evans' relative to the road in controversy.

Sketch produced by witness offered in evidence by Mr. Barker. Which is marked "Exhibit A" and identified by signature of Notary.

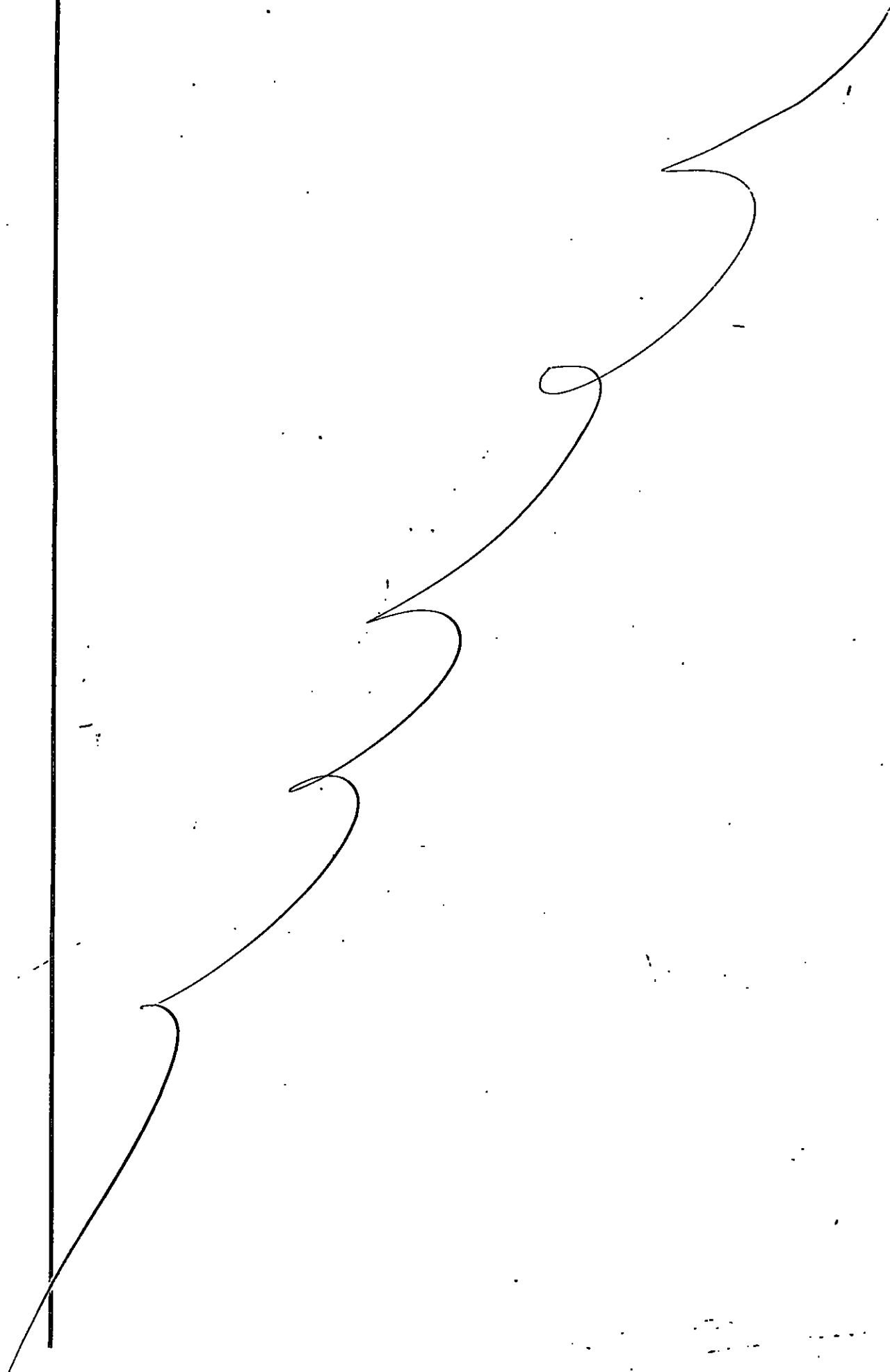
The road from the creek up to Evans' extends on Westward from there. Joseph M. Gallagher lives on the road after you pass Evans.

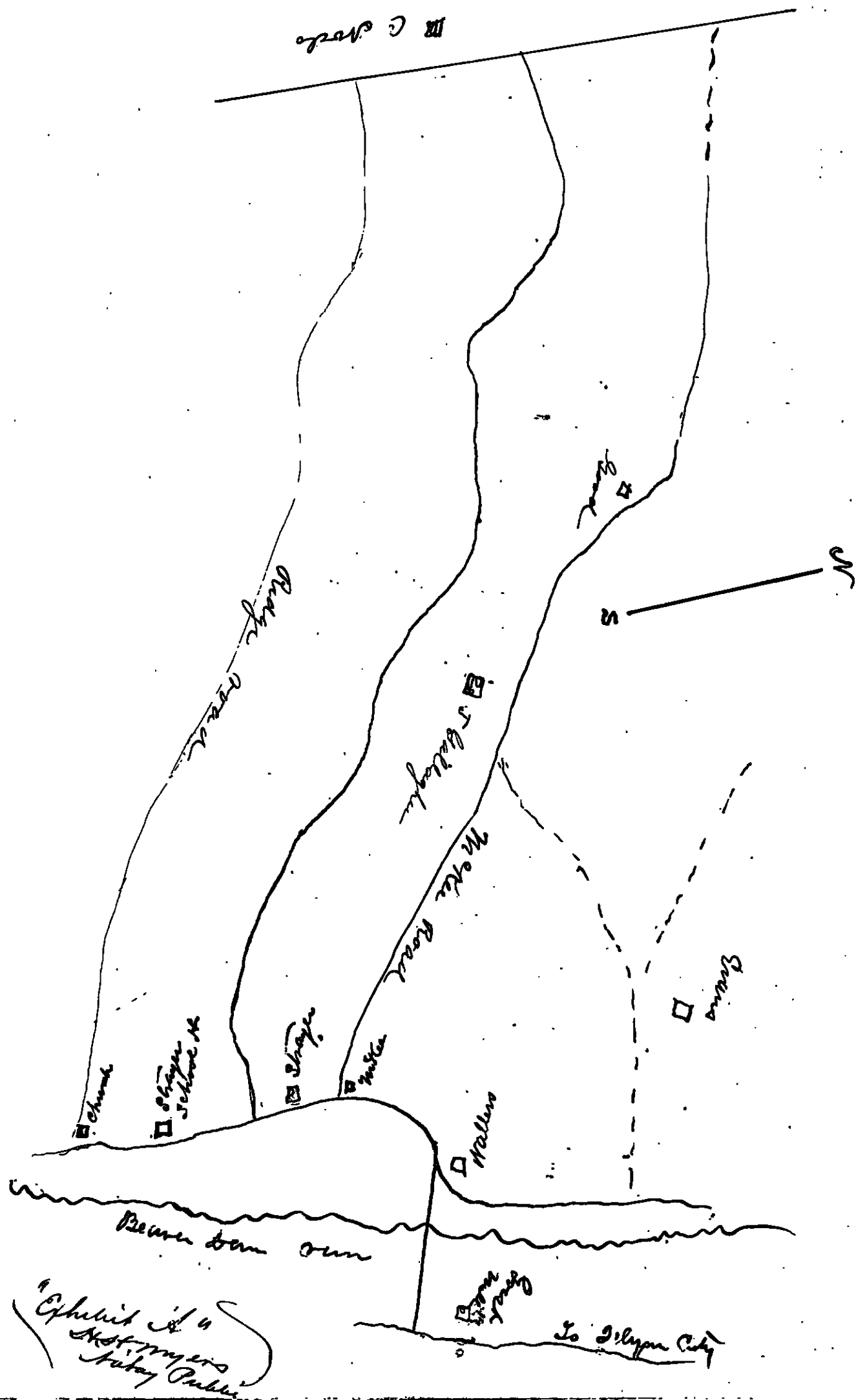
Cross examined by Mr. Evans.

I could not see all of the remaining portions

of the Mt. Kees road from Gallagher to the Park
road from ^{Goode} Gallagher. I did not chain these
roads.

J. A. Shoemaker





Quarter Sessions

*Petition to vacate
a road from near
Christopher Koels
to Beaver Dam
in White Township*

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

Of *Mar* Term, A. D. 1887, No. *4*

And now to-wit, the *Twenty-fourth* day of *March* A. D. 1888:

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 *24* of *Mar* 1888
H. H. Myers Prothonotary.



To *Alvin Evans Esq. Atty. for Exceplants*
to vacate road above stated.

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* will be taken at the ~~office of Arbitration Room~~
in the Court House in *Ebensburg Pa.* on *Friday*
the *30th* day of *March* A. D. 1888, between the hours
of *9* o'clock, A. M., and *10* o'clock P. M., before *H. H. Myers Esq.*
a Notary Public in and for said *County*
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. V. Barker
Atty. for Petitioners

No. 4 New Ser 1889
R.D.

In re road from
near Christopher heels
to Beaver Basin in
White Township

Rule to take Deck
on part of Petetimers

Parker

STATE OF PENNSYLVANIA,

Cameron's County, } ss:

I DO HEREBY CERTIFY, That the above witness ~~is~~ was duly
qualified and examined at the time and place stated in the above Caption;
that the same was reduced to writing by me, in the presence of said witness
and having been first read over to them they subscribed their
names thereto in my presence and in the presence of A. D. Bank,
Eq. Atty for Petitioners and Henry Egan & Atty
for Respondent

Witness my hand and Sealed seal.

H. H. Myers
Notary Public.

R. L. D.,
No. 4 *Mar* Term, 1887

*In road from near
Christopher Hall's in
Whit. Twp. to the*

*Beaver Dams in
same Township*

Deposition

of Witnesses on part of *Dehman*

Fees for taking Deposition, \$ *6.40*

Pd. by A. V. Barker Esq.

Filed *Apr 4* 1888

A. V. Barker
Prothonotary.

Barker Attorney.

In re road from
near Christopher

VERSUS

Paul's to Beaver
Dams in White Twp

In the Court of Quarter Sessions

of the County of Cambria

Of March Term, 1887

No. 4

DEPOSITION of witness taken before me this thirty-first day of
January, A. D. 1888, at Antietam Room in Court
House in Chambersburg in said County
between the hours of 9 o'clock A. M.
and 10 o'clock, P. M., by virtue of the annexed Rule of Court and notice thereon
endorsed, for the examination of witnesses in a certain cause there pending, wherein
In re road from near Christopher Paul's to Beaver
Dams in White Township

Defendant

Paul Yahner being produced, sworn and examined
on the part of the Exceptants & Re-viewers, doth depose and say:

My name is Paul Yahner; am years of age;
I was on the re-view of this road from Christopher
Paul's to the Beaver Dams. On the 8 of Aug last
summer. After we got down to the School
House on the road in controversy we chained
from that up to the Church, and from the Church
up the Ridge Road - I believe they call it - to
the hand board above Christ Paul's; thence
down a public road which they say leads
to Coalport to Mr. Macl's; thence to Union Mills.
Opposite John Kline we left that road; we
went over to James Gallagher's; thence to the
road in controversy at a point near the house
of a man named Baker. Traversed said road
ran up the hill to the public road they call

the Ridge Road. I made a draft of the work I made that day and the road in Contrivance. The caisses and distances on the road in Contrivance and only the distance on the balance. (Draft shows witnesses) This is a copy of the road that we ~~made~~^{run} that day and a sketch of the running we did besides that.

Draft, identified by the witnesses, offered in evidence which is marked "Exhibit A" and identified by signature of Batony.

Question: State what would be the distance - in striking from James Gallagher - following the dotted line out to John Klein, and from John Klein up the road leading from Christ Falls to the Land board, and down the Ridge Road to the Church?

Mr. Parker objects that the distance between the points and over the route mentioned is immaterial to this issue, and further that the same being shown by the draft offered in evidence, the same can be ascertained by the Court from said draft. Ans: It would be three miles and a half and twenty rods.

The dotted line on the draft from James Gallagher to the road in contrivance represents what I suppose is a private road between the two points. There is a high steep hill between the point on the road in contrivance where the Gallagher road comes out and the ridge road. A passable road could not be made up that hill; that is not to go with a wagon or a horse. A path might be made to walk

ordained up. The dotted line from James Gallagher to Kliver passes over an old path, which I was told had been used for a log road. The part of the road in controversy from where the Gallagher road comes out on it to the School House was (when I was on it) in passable condition: about as good as the average newly opened road and better than some, I think I have been on worse ones, I mean newly opened public roads. I saw, when we were running these roads, what they told me was Walter's Mill. From the School House down to Walter's Mill looked to me some where near a quarter of a mile. I think that Walter's Mill is on one side of the public road leading to Tipton City. It is near the road. In running from John Kliver to James Gallagher the improvement of Valentine Good was pointed out to me. They told me he lived there but I am not sure whether I saw his house, his cleared land, I think, is Gallagher's. I will note on the draft in pencil the cleared land of Valentine Good - (Draft marked by witnesses)

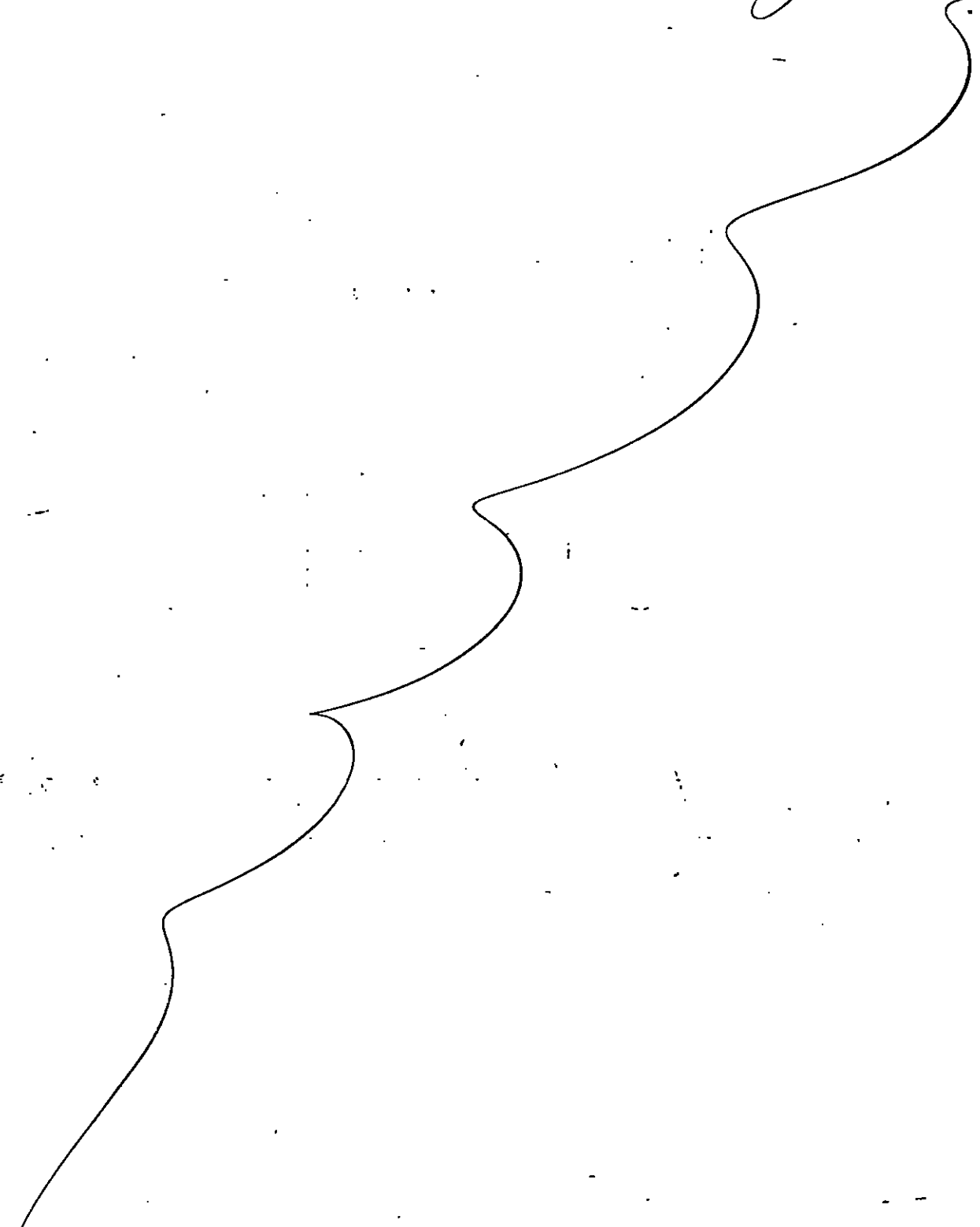
Cross-examined by A. V. Barker Esq.

I did not take the bearings of any of the roads except the road in controversy. I did not go down to Walter's Mill - not further down than the School House. The Ridge Road was dry and in good order at the time I was on it. I think the Ridge Road is a good road. There is a pretty strong grade toward the lower end

of it, but its a good road. The grade I speak
of is right at the end - a short distance above
the Church. It was pretty dry weather when
I was there. I think it was before that rainy
season come up. The summer up to the time
I was on the road had been unusually dry.
There had been some work done on the road
in contouring that year but I think not very
recently. I compare the road with newly
opened Top roads because it was in that
condition. I did not take the levels from the
road in contouring to the Ridge Road. It would
be pretty hard to do. I don't think a road could
possibly be made up there on account of
the high grade. A road could be made from
the road in contouring where the Gallagher road
comes out up to the Ridge Road by grading
along the hill ^{along distance} a side cut. It would be
very expensive though. I made no exami-
nation to see how long a distance it would
be to make a side hill road up there. It
is all woodland when I measured between
the two roads except an old commons on the
top of the hill near the Ridge Road. The greater
part of the land on the South side of the
Ridge Road is improved land. There are
several farms along there. I don't just know
how many. It was Christopher Hale that told
me the log road I spoke of was a log road. I
made this draft sometime in the beginning of
December I think. I had no measurement
of the roads lying north of the one in

controversy except my field notes and the names of the parties living along the roads from which to make the draft. I don't say that the roads lying north of the road in controversy are exactly correct as to their bearing - I only had the distances, I think they are about right at the ends and it may vary a little in the middle - not much though.

Paul Yarnall



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

More road from
near Christopher Hall of *March* Term, A. D. 1887, No. *4*
to Beaver Dam
in White Oak

And now to-wit, the *20* day of *January* A. D. 1888:
Rule on part of *Exeplains & 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 *20th* of *Jan* 1888
H. H. Macmaster Prothonotary.



A. V. Barker, Esq., counsel for petitioner for
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 *Exeplains & Review* - will be taken at the ~~office of~~ *Arbitration Room*
in the Court House, Ebensburg, Cambria Co. Pa. on *Thursday*,
the *26th* day of *January* A. D. 1888, between the hours
of *nine* o'clock, A. M., and *ten* o'clock P. M., before *H. H. Myers, Esq.*
a Notary Public in and for said *Township of Ebensburg*
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 Exeplains &
Re-view.

And now Jan'y 31st 1888, we do hereby agree
 that the testimony of Paul Yahner, Esq. may be taken
 this day upon the exhibit rule, and to have the same effect
 as if a new rule had been issued and regu-
 -larly served.

Alvin Evans
 Atty for Defendants, vs
 W. J. Barker
 Atty for Petitioner

No. 4 Mar Term 1887 R.C.

for re word from
 Christopher Wells to
 Deane Evans in photo
 Prop.

Rule in front of
 Defendants to take
 Depositions

Jan'y 21st 1888, served
 the exhibit Rule on A. O.
 Barker, Esq. by handing
 him a true and attested copy
 thereof. Alvin Evans
 Atty for Defendants

Evans

STATE OF PENNSYLVANIA,

Carlebach County, } ss:

I DO HEREBY CERTIFY, That the above witness was duly
qualified and examined at the time and place stated in the above Caption;
that the same was reduced to writing by me, in the presence of said witness
and having been first read over to him he has subscribed his
name thereto in my presence and in the presence of Alvin
Cramer Esq Atty for Re-view and A. S. Barker
Esq Atty for view

Witness my hand and Notarial seal.

H. St. Myers,
Notary Public

No. 4 March Term, 1887 ¹⁸⁸⁸

In re road from
Christopher Taell's
to
VERSUS

Beaver Dam in
White Township

Deposition

of Witness on part of Except-
ants and Re-views

Fees for taking Deposition, \$ 1 ⁶⁰/₁₀₀

Read of Atty Evans = N.H. Myers.

Filed Apr 4 1888

N. H. Myers
Prothonotary.

Evans Attorney.

In re petition to vacate } In the Court of Quarter Sessions
road from Christ Tails }
to }
VERSUS }
The Beaver Dam in }
White Township }
No. 4 Road Docket

DEPOSITION of witness taken before me this Twenty ninth day of
December, A. D. 1887, at Arbitration Room in
Court House in Chambersburg, in

between the hours of 9 o'clock A. M.
and 10 o'clock, P. M., by virtue of the annexed Rule of Court and notice thereon
endorsed, for the examination of witnesses in a certain cause there pending, to-wit:
In re of petition to vacate road from Christ
Tails to the Beaver Dam in White Township

Defendant

Christopher Tael being produced, sworn and examined
on the part of the Excepthants and re-view, doth depose and say:

My name is Christopher Tael; am years of age;
I reside in White Twp. I have lived there 30 odd
years. I moved there in July 1853 and have lived
there ever since. I have been Supervisor of
White Twp. I served two terms. This year
and two years ago. I know the public road
leading from my place past Harris Strayser
We have two Supervisors in our Twp. The Twp
is divided into two districts. When Supervisors
are elected they decide between themselves
what roads they shall take. The road from
my place to Strayser is in my district. I have
frequently been along this road in controversy.
In fact often this summer. When we had any
business down that way we generally met.

"The deposition should be in the handwriting of the person before whom it is taken, or the witness, but never in the handwriting of the
attorneys, or parties, or their agents. The person before whom the deposition is taken has no power to adjourn without consent and notice; the
hours between which they are to be taken are generally named, and they cannot legally be taken at any other time except by consent, all of
which must appear. Leading interrogations should be objected to whom they are put, otherwise an exception will not in general be sustained."

that way. This road was needed in 1862
and the order issued in 1863 I think. It was
open at the time the river was made. It was
cut open for a timber road. It has
been shut up at the lower end for several
years, by people clearing down there. About
the time Gray came there it was all
woods until you struck the Glen Grinnell
road. Then Gray cleared and the road
was closed where he made his clearing.
I know where the lands of Judge ^{Reeder} are that
lie along this road. They lie a little up
and off to the right of Gallagher's land. They
join Gallagher's land. These lands lie above
the private road used by Gallagher to get
out to this public road. Mr. Rees had a
job then this summer and he hauled very
heavy loads of bark out through this to the
Flynn City road. Then the fall when they
were hauling I considered it as good a
road as any in the Twp. I saw on. It
would not take much expense to make
this a passable road. In the summer when
they hauled over this road it compared
about as well ^{as} any of the Twp. roads. Of course
when it rained they would sink it out
with the heavy loads but just as they would
on any other road. I know where James Gal-
lagher lives. Gallagher's neighbors are Mr. Baker
& Mrs. Good, living close by, and John
Klein's next and Simon Abel. Mr. Penning-
ton lives right there too. They would use
this road in Autumn in going to school

church and mill. It is the only public road
they could use. I know of a log road com-
ing up past McKees blacksmith shop. Mr.
Maltus used it in his day for getting logs
in. There was a road that run through Mr.
Maltus land away out to the chest creek road
a sort of a bridle path. Mr. Gill here ^{made}
a clearing and shut that road up, ^{then one of them is a log road} there is
no log road there. This bridle road, or shut
road, led a little, both west, from McKees
shop. That is not the road that leads to
Gallagher. Mr. Gill did not clear across
the road from McKees past Gallagher.
I dont consider as there is only road up from
McKees to Gallagher I consider them just
drag. roads for the convenience of people
getting their timber out. It would cost
a good bit to open a road over this log
road from McKees to Gallagher, I dont know
just how much. It ^{would} ~~cost~~ be expensive to take
out stumps along this road; and hillside cuts
and digging through the woods. It is hilly
along this road. There are reasonable steep
hills. There is up and downs in it; steep and
short chucks, through their woods. There was
wagoning done on that road from Gallagher to
Chest creek. I dont know of any wagoning be-
ing done on the road from Gallagher to McKees

I know of Mr. Shurs having a saw mill in that country. I dont know whether Mr Shurs hauled any lumber from that mill down over the road past M Kees store. If the public road in controversy were closed up there would be no public road for Gallagher and his neighbors to get to church, school, Mill and Flynn City. I know of Mr. Shurs hauling lumber to Coalport. To get out on the Coalport road to took a North West course from Jimmy Gallagher and we all helped him to make a road. He got on to the Coalport road. The road from the mill to the Coalport road is not a public road. I know what is called the ridge road. The distance from Gallagher over the road Shurs hauled his lumber past the Bloom place and then past my place and down to Flynn City would be in the neighborhood of six miles if not over it. To the school & church over that way would be something over 5 miles to the best of my belief. From Gallagher to the Coalport road over the road used by Shurs, Gallagher & his neighbors would have to travel over a mile. I am familiar with the ground between Gallagher and the Ridge road going south. From Gallagher over to the Ridge road would be about $\frac{3}{4}$ of a mile. After you cross this bottom, between his place and the ridge road, is a steep hill. I am could not get a public road across there unless you would

go straight up the mountain. It would
take about \$600 to make the whole road in contri-
versy from my place to the other public road
as good ^{real} ~~as~~ another road. It is about as good
as the principle part of our Park roads now.
I believe you could make this road in contri-
versy as good as the ordinary Park roads with-
out the use of stone. It is passable for teams
and horses in its present condition. I think
in my judgment that the road is necessary
for public use. I know Joel N. Bates. He
is a Brother-in-law of Daniel Strayer.

Cross-examined by Mr. Parker.

This road in controversy comes out on the pub-
lic road about forty rods from my home
on my place. The ridge road - or Glen Connell
road from Glen Connell to the Deane Lane
Church was open when I came there in 1855.
It is a good road. It is one of the best in our sec-
tion. I was along this road in controversy
10 or 15 times during the summer. Mr. Beers
worked on this road to get his logs and
bark out. He fixed it up in good shape.
Part of the road in controversy was as good
as part of the Ridge road. Part was not as
good. They hauled ^{or} heavy loads out on it
as forty hundred, some hauled a little
over forty hundred. I did not haul any
myself. I saw some of Beers loads of
bark. I went down there (when I went)
on foot. I had been traveling on this road
in summer before this summer. I never

hauled this road in controversy with a wagon. Mr. Gallagher has a road built from his home over to this road in controversy. I don't know as they stopped hauling on account of the road, this summer. I know that they stopped hauling on account of the rain but don't know that it was on account of the road. Mr. Burns stopped me from skidding back on account of the rain. I don't know of any one in particular using this road as a wagon road until Mr. Burns fixed it except Mr. Gallagher he wagoned some. It was not used, in the summer by any one except Gallagher to my knowledge. Mr. Pennington has a ^{team} team now. Mr. Good has one horse, Mr. Boster has none. Mr. Pennington put his team this Fall. It's a good spell since I know of Mr. Good having one here. I don't know what he has just now. He generally keeps one here. It's all he needs. Part of this road in controversy was as good last summer when they wagoned on it as the Glen Cornell road. The Principle part of the road from Burns Creek down to Mayes, about a mile and a quarter of it, was just about as good. That is as good as part of the Glen Cornell road. Along where Geo. Glass lives on the Glen Cornell road is low flat ground and the trains cut it up just about as bad as on this ^{new} new road. That is the part of the Glen Cornell road that I compare the road in controversy

with. There is part of the Glen Cornell road that
is as bad as any of that road that Peers
hauled on. One the flat above Nathan Gator
farm is the place I mean. Klein and Abel
live on the Coalport road. It is a quarter of a
mile from my house to the fork where the
Coalport road leaves the ridge road. John
Klein lives about $\frac{3}{4}$ of a mile from my place
and Simon Abel lives about 80 rods this
side of Klein up towards our place. Klein
lives in Clearfield Co. Klein sends his children
^{to school} into Clearfield Co. Abel ~~does~~ not send his
children to school. He has no place to send
them unless through the woods. They attend
church at Glen Cornell. I have not been
down on the road past McKee for a
long time. I was up on a log road there
~~there~~ this summer. I don't know what
the McKee road is. There is nothing there
but old log roads. Mr. Shum was sawing
Gallagher timber and some he bought from
Shaw and Krebs and some of John Kleins
of Innuatake road. The road I helped build
led him over into the Coalport road. We
got onto an old road about Gallaghers that
used to lead into Osbells dead water, that
lead out to the Coalport road. Osbells
dead water is about $\frac{3}{4}$ of a mile down
from McKee. There is a good ^{Road} from
McKee to the dead water. I don't know
of any Supervisors working on this road in
Cantonary.

Re-examined by Mr. Ennis.

The logs derived from the properties lying along this road from my place down to Strayer would keep the road in repair. I believe, there is no Irish road between this Irish road and the Co. line, Mr. Gallagher runs between the Co. line and this road. It would be something over two miles from Sherris mill up past Gallagher ~~road~~ to the public road and up the public road to my place and down the Caulton road to where the saw mill road intersects it. Part of the ridge road drifts up in winter between me and Isaiah Gates we have to take the fields. Re-cross examined by Mr. Barker.

It is about eighty rods from Mr. Gallagher to the Co. line. It might be a little more but it is thereabouts. During the time we hauled lumber in the winter on this road it was used as a mill road, on account of the ridge road drifting up between me and Isaiah Gates; In fact we always use our timber roads on that account. It is only used then when we would be logging there in the winter, I milled on the road different winter seasons.

Lester & Barker Noal

William Barker. Sworn.

I live in White Post adjoining Mr. Gallagher. I know where the public road is leading down past Strayer, i.e. the one coming down

from Christopher's lot. I own a property along
the line of that road. I moved there sometime
in last Aug. I have traveled on this road.
I moved in there and I hauled corn fodder
and corn and I hauled lumber on it. I hauled
the corn fodder and corn in there last fall and
the lumber I hauled at the time of that
wet spell before the snow came. There is
no other public road there that I can travel
to get down to Flynn City. We have a private
road through my land to get on this public
road. It's the same road that Mr. Gallagher
uses to get out on the public road. It is the
same road as is used by Mr. Good and
Chennington to get out on the public road. I
consider this road from what I've gained
over it just about as good as the Park road.
I have known the Park road from the Beacon
Valley School House to the other side of Maltby
Mill to be in worse condition. I have
wheeled on both. Mr. Beers hauled bark
out over this road this last summer and
fall. He hauled the bark from Shaw &
Krebs' land. These lands are above where
my private road intersects the public road.
That is the road I would use in going to
church, school & to Flynn City. The School
House is convenient to the church, a very
short distance apart. I go occasionally to church
I don't attend regularly. That is the only
road that my neighbors have to go to mill
& Flynn City. I see Mr. Gallagher & Sheline

Jim I shall hauling back on this road this
last fall. I know where the ridge road is.
It would be about $\frac{3}{4}$ of a mile direct from
my place to the ridge road. There would be
no ground to build a road or there at all
unless you went straight up the mountain,
after you would get through the flat - a short
distance. The ridge road is in very bad con-
dition in the winter time. That is in some
places ^{It drifts very bad.} I have hauled this road in contri-
versy up to Christ Church. I travel it every
night and morning, when I am working.
The road is open all the way through but
the upper part is not quite open in the
time but its open, I have wagoned it
too. I think in my judgment that this
road in controversy is necessary for public
use.

Cross examined by Mr. Parker.

The upper part of the road Mr. Paul has
shut up but he has opened a road so
you can get through. I mean by not
being on the line that it is not on the
line is laid out. Mr. Paul has the upper
end of this road - fenced in and cultivated.
I go up and down the road night and
morning to my work at Kithruffs. I am
married to a Kithruff. I hauled the corn
and fodder and coal from Kithruffs. I
raise the corn up there. I thought if I went
round by the other end of the road I could
get around better than if I hauled back

trails. I knew that Mr. Burns had been repairing on the lower end of the road. I hauled some lumber from Flynn's mill and from Ed. McKay's. I have been over the upper end of the road pretty often with a wagon. I never went up that way with any but an empty wagon my load was always fetched the other way. I have been acquainted with the ridge road eight or ten years but I never wagoned it until last fall a year. The lumber I hauled was the lumber used in building my house. I built the house in Aug. just after harvest. When my wife goes to church she goes to St. Lawrence, I have attended services at the Beaman dam church since I lived where I do now. I don't know how many families I have seen the Gallaghers ^{children going to} ~~family~~ at Sunday school. I did not see them at Sunday school. I have walked across from where my road intersects the road in controversy to the ridge road. Two-thirds of the distance from my place to the ridge road is hilly. I guess it's a little over a mile from where my road comes out down to the Beaman dam road. It's a short distance for I can walk it in 15 minutes. I bought my land from Joe Michaels. I have fifty acres. The deed is all right as soon as it's paid for. I have been down the wagonway I speak of on the upper road all along. When I get a team to haul any thing home I always take the team out that way. I haul the load

which ever ways the nearest, then I hauled the corn & fodder the other way it was not the nearest but the most convenient to get it in when I was by myself. I do not keep a team, I have none yet. I will get one as soon as I get a stable. I have gone from the Coalport road down past Gallagher's to my place. I ~~have~~ hauled a load that way. I was coming from the Matthews mill. Its not a very good road. I can hardly tell just where Matthews mill is, because it is strange country to me Its down off the Coalport road. After you get out on the Coalport road you go towards Livona in going to Matthews mill, I dont think it would be as near in coming from Kullieffs to my place to go down the Coalport road and then down past Gallagher as to go to the Beaver dam and then up the road in contrary.

Re-examined by Mr. Evans.

The road from the Coalport road past Gallagher is the Shurs road. There is some timber along the road in contrary, John Lill has some, and the Gallagher and there is some scattered over the Shaw & Krebs land and Michael has some, W. H. Baker.

Union Acl. sworn.

I live on the road leading from Glen Cornell to Coalport. I know of the road leading from Christ. Acl. down to Daniel Strayers

I have traveled over that road. I know
where Mr. Gallagher lives. Gallagher's neighbor
an Mr. Baker, John Pimmington & Valentine Good.
They have never ^{public} had to get to Walter Mill
and Flynn City but the road is continuing
I know where the school house is. The school
house is on the Deane dam road. That
is the school that the children from this
neighborhood would have to attend. It
is my school district too. I think in my
judgment that this road is continuing as
necessary for public use. I know of Mr.
Toel, Geo. Toel & John Sprankle, hauling bark
on this road. They were hauling for Geo. Toers.
I was last along this road about a month
ago. They were hauling the bark from the
Krebs & Shaw land. This road was about
as good as the common run of the roads
i.e. the common run of poor roads. Its open
clear through from the road past my father
to the road past Strayers except a little
piece closed up by my father and he
has left a road to get through. There
are gate ways on the lower end of the
road on land of Daniel Strayer. There
was woods on the lower end of the road
until Strayer owned it and then he cleared
and fenced in the road. I know where
the ridge road is. I suppose it would be
about $\frac{3}{4}$ of a mile distant from Gallagher
& Baker to the ridge road. You could
not ^{make} a road up that way at all. The

hill is too steep Part of the ridge road in the winter season is drifted shut and in bad condition. In the winter season when the road is closed we have to go around through the fields to get to mill. There is no other road. The road in controversy is used by trains in the winter time by parties going to mill. I know where the other road is. There is no road down past Mr Kerr blacksmith shop except an old log road. If the road in controversy were closed up Mr Gallagher and his neighbors would have no public road to go to church, school mill & Adysen city. I have not been over the whole length of the log road past Mr Kerr's for some time. but I was on the upper end of it on Monday and it was all shut up with logs.

Cross-examined by Mr Parker.

I don't know whose logs were across the road. They are saw logs. I don't know when they are going to haul them out, besides there's some old stuff there too. These logs were over a mile from the Coalbrook road. I have never hauled anything out over the road past Mr Kerr except saw logs, that I hauled for Mr Walters off his land. I never went over that road in going to Walter's Mill. When I go to mill in winter time I use the road in controversy and in summer I have to go way around the other way. I never

hired the road that comes across below
McKees past Enams in going to mill. I
couldnt tell what road Mr. Gallagher
has been using to go to mill. The ridge
road drifts for, I suppose, near a mile.
It drifts from the point where the Coalport
road leaves it down to Jacob Gaters land
and Mr. Joel Gater - through his property.
It drifts from the lane between Gaters & Gaters
farm. It drifts ^{shut} every winter. It drifts
on the Beamer Valley hill on the ridge road.
From the first point it drifts for a half mile
right in succession along there. Its impos-
sible until its shoveled open. It would be
impossible all winter if ^{it} were not worked
on. They keep it open part of the time by
shoveling. I helped to keep it open my-
self. Part of the road in continuing that they
have been working on is as good ^{as} the other
other roads in the Towh in which the Ouper
men have been working for years. I went
over it a foot a month ago. It has been
used as a mill road at times in the
winter when it was kept open by the
logging. It is not kept open in the winter
for travel except when it is used for lumber
and logging. It is not over four years since
my father shut up the end of the road.
He has a pair of bars and a fence across
the road. The bars are at the road and
the fence at the East end of his clearing.
I have walked up to the ridge road from

when Gallagher's road comes out on the road
in Contonewy, I have never measured the
distance. I have been over the road in Conto-
newy frequently this summer. I walked over
it and was over it with a horse - horse back
It twenty years since I did the logging for
Mr. Maltin.

Wm. Maltin

James M. Gallagher sworn.

I live convenient to the road in Contonewy
I have lived there for 22 years. My next
convenient neighbors are John Pennington,
James Oshall, Simon Paul, John Kline (he
is in Charfield Co.) & Mr. Baker. I have
been along the road in Contonewy pretty
often this summer. I hauled something
over six car loads of bark over it this
summer. I hauled the bark to Flynn City.
If this road in Contonewy had been closed
I would have had to haul it up the hill
to the road they call the McKee road and
then turn to the left and down by Mr.
Evans. They are just old log roads. I
would have no public road on which
to haul out my bark. Besides if the road
in Contonewy were closed, I use the road
in Contonewy in going to mill. It is the
nearest and best road to church, school
and Flynn City. Besides my self Mr.
Buss hauled - several persons hauled
for him. There is some few roads better
than the one in Contonewy and some that are

I used this road before it was closed up
by Mr. Stager. After he closed it up I
had to go down over the hill past McKee
or down past Enns. These roads are
not Pop roads. I know the road they
have been calling the ridge road.
The ground from my place to the ridge
road is good enough but the hill is too
steep you could not get up there at all.
I have walked up the road in controversy
from when ~~they~~ my road intersects it
to Chest Hill. I believe in my judgment
that the road in controversy is necessary
for public use. ~~He wanted~~ - my self
and neighbors - ^{could} ~~would~~ not use any
public road in going to school, Church,
Flynn City & Mill, if the one in contro-
versy were closed up because we would
not have any. I am acquainted with
the Sherr road, I helped make ^{it}. It runs
nearly North towards Walport. It was
built to haul out lumber. It is not a
public road. I am acquainted with the road
leading down past McKee Blacksmith
shop. It is an old log road. It is not
passable now. There are saw logs hauled
across it. It is between my place and McKee.
Mr. Gilt cleared across the log road. He
moved the road over next to Stagers and
then he hauled it full of saw logs.
You couldn't get down there last winter.
I think the saw logs were the Gills. The

ground over which the M. Ker road passes is all right but the hill is too steep. The ridge road is all right as long as there is no storm. I suppose it drifted up now.

Ques: State whether or not the road from Christian Falls to intersect the Beaver Dam branch of the Clearfield Creek on land of Gen. Pierce in White Twp. is the same as that now in controversy?

Ans: I don't understand that question. I have in my possession the original order to open the road in Controversy. The road referred to in the above question from Christian Falls to intersect the Beaver Dam branch of the Clearfield Creek on land of Gen. Pierce in White Twp. is the road in controversy.

(Mr. Evans offers in evidence the report of members upon an order to open a public ^{or private} road from Christian Falls to intersect the Beaver Dam branch of Clearfield Creek on land of Gen. Pierce in White Twp. Confirmed absolutely 9 Dec. 1863)

Ques: State whether or not the road ~~leading~~ ^{intersecting} from a public road leading from Glen Cornell to Clearfield Creek and intersecting with a public road leading from the Beaver Dam Saw mill to Benj. Dyers' at or near the saw mill of Gen. Walter is the same as the public road called the ridge road.

Ans: It is the same.

(Mr. Evans offers in evidence the report

of viewers upon an order to open the public road referred to in the preceding question Confirmed absolutely on the — day of — month 1849.)

Cross-examined by Mr. Parker.

I moved to where I now live immediately after I was married. I am a son of Joseph M. Gallagher. James Oshall lives on the left hand side of the old log road that runs down past McKee, between me and McKee. It is about $\frac{3}{4}$ of a mile from McKee. Oshall does not own the land where he lives. I expect I did use the McKee road some before Shagin closed up the end of the road in controversy. The McKee road was not altogether thus when I went there. There was an old timber road, there, and me and Geo Oshall cut it out, part of it, so ^{we} you could go down with a wagon. The McKee road did not reach clear to my land when I went there so that you could get through with a wagon. I don't mind just when I cut this road out, I don't mind whether it was shortly after I went there or when I cut it out. I haven't been down that road with a wagon since Mr. Gil made his clearing. Before that I some times used that road and sometimes the road in controversy and sometimes the road past Evans. It was a year ago last summer

since Mr. Gell made that clearing I think, I am not positive. I had not used the road in controversy much before last summer with a horse and wagon. I used to drive a team of oxen over it ^{with a cart} sometimes. I never drove over it with a loaded wagon until last summer, because I had nothing to haul. There was no market for bark then at Flynn City. You could not get up a road made straight up from my place to the ridge road. You might make a side hill road up to the ridge road if you had money enough, and authority. ~~This~~ road up past Beaman dam to Glendale is worse in some places than the one in controversy. I mean after you pass Glendale going up to where Char Gaumbner used to live. It runs through the woods from Glendale to Gaumbner. I don't know how ^{many} years it has been opened. I don't know what the reason the road is not in a better condition is because the Supervisor hasn't the money to work on it. I have never been Supervisor. It would not be as far to go by the road in controversy to mill with a wagon as to go up over ^{the} hill and down the McKee road. There is not much difference in the distance but considerable in the roads. The McKee road is too steep, to haul up and its dangerous to haul

down. There was a house on my place when I went there already furnished. I saw the logs I spoke of on the McKee road last Monday, I think I had seen them before, James Oshall is hauling there and he leaves them on the road. I don't know when they will be taken out. I did not count the logs but I suppose there was a dozen across the road. The woods along the roads was full. The Evans road was full too. Ques: Don't you know that these logs are only left there temporarily by the haulers so that they would be more convenient to haul down the road in the snow?

Ans: I suppose it would be more convenient but I can't tell how long they will stay there. When Mr. Gill had the McKee road closed last winter with logs the Evans road was open. I don't know whether the difference between going from my place to Hutton's mill by the McKee road or the Evans road would be more than a half mile or not. I have walked down the McKee road since Mr. Gill cleared. You can get down past McKee a good deal easier than you can get up. You could not haul a load up there; you could go down, but you could not go up. Levi Gates was supervisor last year before Mr. Arch. I demanded Mr. Gates to open the road in controversy.

and work on it and he wouldn't do it. I might have threatened to prosecute him if he did not. Levi Galt is a son of Christopher Galt.

Re-examined by Mr. Evans.

I could not have hauled my boat down the Mc Kee road it is too steep it would be dangerous. I have never hauled heavy loads down that road I have hauled a little grist down that road. I have hauled coal up along this road in Controvercy this fall, It aint very long ago. I had a little mule team. I hauled 25 bushel. Its the same team I hauled my boat with. I hauled, I suppose, a cord or a cord and a half of boat. My team was too small to haul as much as the horse team. I bought every thing I have in my house from Winter. He went west and I bought his furniture in the house. Im going to Flynn City by the Evans road you can go up past Gills. but if the water is low you can cross the creek and its a better means I think. There is no bridge across the creek on the Evans road except at Mr. Gills. Levi Galt is an uncle of Daniel Shays wife, neither of the Mr. Galts are any relation of mine that I know of. Mr. Parker is not a relation of mine.

I don't think Mr. Gill is related to
Daniel Stroyer, James W. Gallabey



Quarter Sess

In the Court of ~~Common Pleas~~ of
Cambria County, Pa.:
Of *March* Term, A. D. 1887, No. *4*.

Revs
Re-*revis*

And now to-wit, the *23rd* day of *Dec* A. D. 1887:
Rule on part of *Expleants & Re-*revis** 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 *23* of *Dec* 1887
H. H. Shaeffer Prothonotary.



To A. V. Barker, Esq, counsel for the Petitioners in
above stated case

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 *Expleants, &c.* will be taken at the ~~office of~~ *Arbitration Room*
Court House, Ebensburg, Cambria Co. Pa. on *Thursday*,
the *29th* day of *December* A. D. 1887, between the hours
of *nine* o'clock, A. M., and *ten* o'clock P. M., before *H. H. Myers, Esq., a*
Notary Public, residing at *Ebensburg* in and for said County and 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 Expleants, &c.

Dec. 23rd 1887

No. 4 Callan Term 1887
Road Doc.

In a road in
Whit Top

Recd on part of
Captains & Review
to take Dec.

Dec. 23rd 1887, served the
within rule on A. V. Barker,
Esq., by handing him a
true copy thereof.
Alvin Evans

Evans

STATE OF PENNSYLVANIA,

Cambria County, } ss:

I DO HEREBY CERTIFY, That the above witnesses were duly qualified and examined at the time and place stated in the above Caption; that the same was reduced to writing by me, in the presence of said witnesses and having been first read over to them they subscribed their names thereto in my presence and in the presence of Alvin Egan Esq Atty for Excepthants & Re-viewer and Chas. Barker Esq Atty for Petitioner

Witness my hand and Paternal seal.

H. H. Myers
Notary Public

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 27th day of
June A. D. 1887, before the Honorable the Judges of the same
court: Upon the petition of divers inhabitants of the township of White
in the said county, setting forth that they labor under inconvenience for want of a

~~road or highway, to lead from~~
~~the viewers appointed by this Court to view and vacate a~~
~~public road, leading from a public road at or near~~
~~the residence of Christopher Noel in White Township~~
~~to Beaver Dam, reported to the last term of said Court~~
~~that they believed such road to be unnecessary and burdensome~~
~~to the inhabitants of White Township, and recommending the~~
~~vacation of the same: That your petitioners assent and~~
~~declare that the road vacated as aforesaid is necessary~~
~~for public use, and that the same should not be vacated.~~

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, Paul Gahner SURVEYOR,
and Nelson Shuss and William Dishart

~~VIEWERS, to re-view the ground proposed for said~~
~~road, and if they re-view the same, and shall agree that there is occasion for such~~
~~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, 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:

N. A. Shoemaker
Clerk.

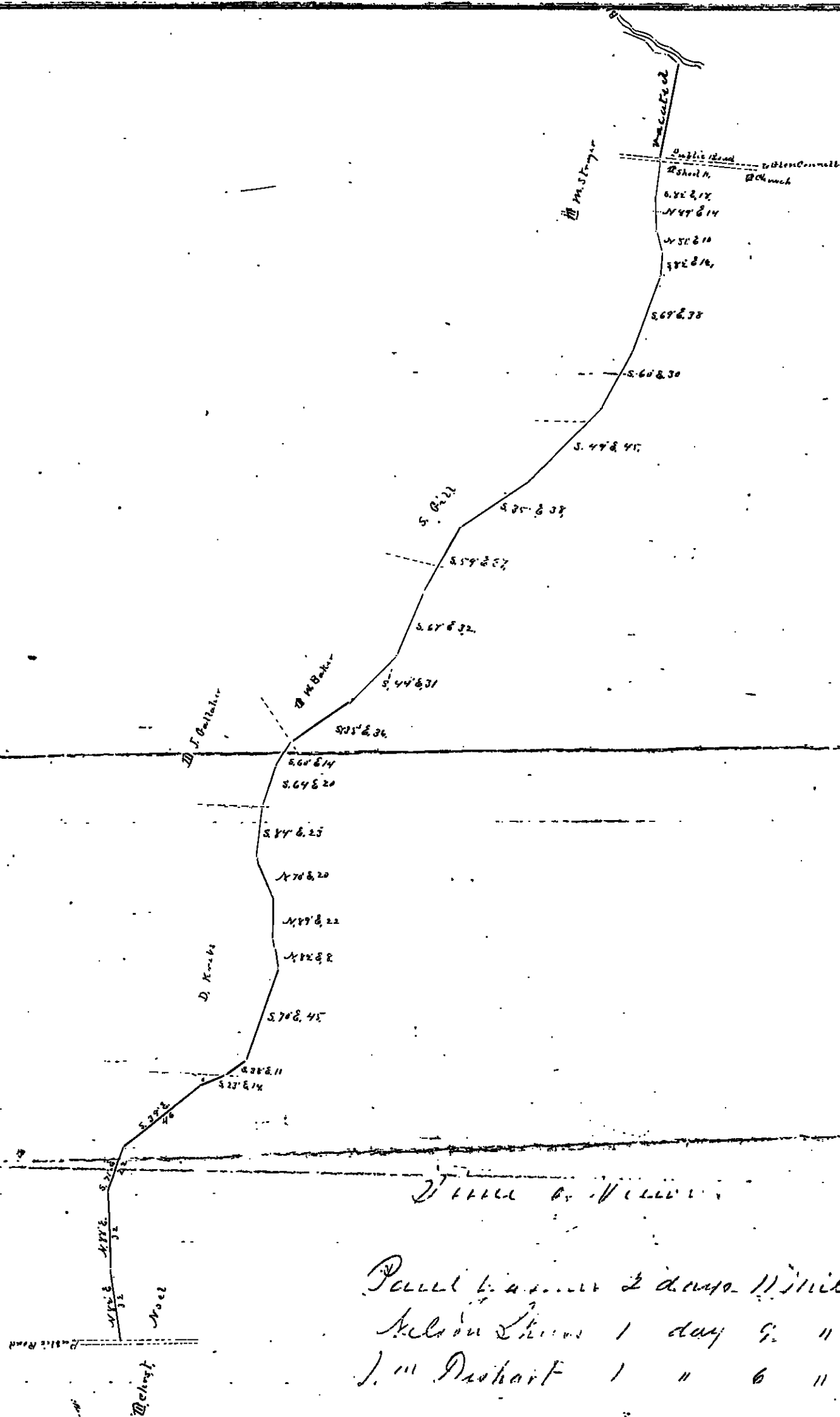
To the honorable The judges within named.

We the undersigned persons appointed by the within order of Court to review the road therein mentioned respectfully report: That having been present at the view of the said road and having all been first duly sworn in pursuance of the said order we have viewed the said road. The courses and distances of which are shown by a draft accompanying this report. We believe that that part of said ^{road} running east from the public road leading to Saint Lawrence and thence from the point where it crosses the said public road to and along the west bank of Beaverdam Creek is useless incumbrance and burdensome and therefore ought to be vacated.

We are of opinion that the remainder of the said road running from a point near the Beaver valley Schoolhouse on the above mentioned public road and thence to the public road near the residence of Christopher Noel has not become unnecessary for a public road and therefore ought not to be vacated.

Witness our hands this 8. day of August A.D. 1887

Paul Yahner
A. E. Shuss
William Dishart



Paul & family 2 days 11 Miles
 Nelson & family 1 day 9 "
 J. M. Prohart 1 " 6 "

Notice of Review

Notice is hereby given that Reviewers appointed by the Court of Quarter Sessions to review the ground for a road to begin in a public road leading from a point near Christopher Soel's in White Township to the Beaver Dame School House, will meet at the house of said Christopher Soel, in White Township aforesaid, on the 24th day of February A.D., 1890, at ten o'clock in the forenoon, for the purpose of Reviewing said ground.

Paul Zahner
W. C. Thompson
John B. Lee

Reviewers

Feb 10 1890

Cambria County Id.

At a Court of Quarter Sessions of
the Peace held at Elmoreburg in
and for the County of Cambria
on Monday the fourth day of
April in the year of our
Lord one thousand eight hundred and Eighty
seven before the Honorable the Judges of said
Court - the petition of citizens of White Town-
ship in said County was presented representing
that a road has long since been laid out from
a public road near the residence of Christopher
Fuel in White Township to the Beaver Dams
which road your petitioners conceive has now
become useless inconvenient and burden-
some. The petitioners therefore pray the Honorable
Court to appoint viewers to view said road
and inquire of the premises and make report
of their proceedings at the next Term of said
Court. The Court upon due consideration
had of the premises appointed J. A. Shaeemaker
Jael A. Gates and Geo. H. ~~Gates~~ viewers to view
the road in said petition prayed to be vacated
and consider and judge whether it is become
useless inconvenient and burdensome and
to make report accordingly to the next Court.

By the Court.

H. Shaeemaker,
clerk.

No. 4 Mar Term 1887.
R. D.

Order to view and ex-
cute a road from road
near Christopher Stacks
in White Township to
Peasno Slams.

Wen " " 2-

Viewers:

J. A. Shumaker
Juel A. Gates.
Geo. H. Esch.

Filed 6 June 1887

Att. Shumaker \$ 9.00
Paid by Atty. Barker

Barker

June 26 1887. Confirmed by the court and ordered the
street thirty feet wide. By the court

8 June 887 J. A. Shumaker

To The Honorable The Judge of The Court
of Quarter Sessions of The Peace in and for
The County of Cambria

We the undersigned Viewers appointed by
your Honor in the annexed order to view
and vacate a road from road near Chris-
topher Noels in White Township to the
Beaver Dams. Do report that having
given due notice of the time and place
of meeting, by written notices posted in
public places in White Township. - We met
at time and place designated in said
notices, And after being duly sworn
according to law; We proceeded to perform
the duties of our appointment.

Starting at a point on road leading from
Glen Connell to Clearfield Creek near Christopher
Noels; and ran N. 82° E 34 ps. Thence East 8 ps.
Thence N. 84° E 18 ps. Thence S. $86\frac{1}{2}^{\circ}$ E 18 ps. Thence S. 59°
E 20 ps Thence S. 41° E 40. ps Thence S. 24° E 16 ps.
Thence S. 56° E 10 ps. Thence East 27 ps. Thence S. 72° E
20 ps. Thence S. 83° E 28 ps Thence S. 69° E 18 ps. Thence
S. 52° E 16 ps. Thence S. 35° E 26 ps Thence 44° E 34 ps.
Thence S. 66° E 39 ps. Thence S. 55° E 10 ps Thence S.
 38° E 20 ps. Thence S. 32° E 18 ps Thence S. $52\frac{1}{2}^{\circ}$ E
18 ps Thence S. 50° E 20 ps Thence S. 58° E 28 ps. Thence
S 67° E 27 ps Thence S. 87° E 12 ps. Thence N. 79° E
16 ps Thence S. 84° E 22 ps Thence S. 80° E 29 ps.

Thence N. 47° E 9 1/2 ps. Thence N. 6° E 8 1/2 ps. Thence
North 20° E 6 ps. Thence N 55 1/2° E 10 ps. to Beaver
Dams

Believing this road to be unnecessary and
burdensome to the inhabitants of White
Township, there being another township
road running nearly parallel and
within a half mile of this road
at every point - and on higher
and better ground - It is also very
injurious to private property.

We therefore recommend the vacating
of this road

Witness our hands this 16th day of May
A D. 1887

J. A. Shomaster }
G. W. Esch } viewers
Jord A. Gates }

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