

In Re: Road in White Township.

A Petition was presented to the Quarter Sessions of Cambria County on the 27th March, 1863, praying for a public road, "Beginning at a point on the public road leading from Glenconnell to Clearfield Creek on the land of Christian Noel to intersect the ^{Beaverdam} Branch of Clearfield Creek on the land of George Pearce in White Township." Upon this Petition Viewers were duly appointed who reported a public road in accordance with the prayer of the petitioners. On the 9th December, 1863, the report was confirmed absolutely, and an order to open the road issued. It thus became and was duly recorded a public road of White Township.

On the 4th April, 1887, a petition was presented to the Court of Quarter Sessions praying the Court to appoint viewers to vacate said road, whose return was presented June 6, 1887 vacating said road.

In the mean time a petition was presented praying the Court to appoint proper persons to review said order to vacate said road, who were appointed June 27, 1887, who on August 11, 1887, filed their report adverse to vacating the road. Both parties have submitted testimony, and the case is now before us.

No. 4 March 1888
J. H. Good from
Christophers, in
White County

March 1888

The testimony is very voluminous. That of the parties seeking to vacate the road is to the effect that though opened the road never was treated by the Supervisors as a Township Road; that the township never kept it in repair, that the supervisors never employed men to work on it; that it has been little used; that the expense of making it a good road would be very onerous to the township; and that the road was not necessary, but on the other hand was unnecessary, and burdensome, and that a portion of it had been fenced up.

The witnesses on the other side show, or tend to show, that the road is a necessity; that it is the only public road in that portion of the township except what is known as the Ridge road, with which they cannot connect; that the school house in this district can be reached only by this road; that the church and mill can be reached by them only by this road; and that they can reach Plain City, on the new rail road only, by this means of travel.

If what is before us presented the case of an effort to obtain the original grant of a public road the evidence could scarcely warrant the Court in granting the petition under all the circumstances surrounding

3.
the present case. But that is not now the question.

In 1862 the inhabitants of White Township petitioned the court for Viewers to lay out this public road. They were appointed and reported the road as now located. The Report was regularly confirmed by the Court. Indeed, it seemed to be the general desire of the citizens, as there was no remonstrance - and, of course, there was no ~~un~~wisdom of the court in granting it. The order to open was duly made out and placed in the hands of a supervisor. It became thence forward to the present day a public road & as much entitled to the care of the Supervisors as any public road in White Township.

From the original draft before us it is as direct and feasible as other roads; and the recent view to vacate, and the review show the whole route open and intact as did the original view. The road is there as left by the viewers in 1863. It is alleged;

1st. That the road was originally opened as a log road. The testimony shows that the road was laid out, in part, upon a former road which was made part of the public road. All the roads at that time were principally lumber roads; and the hauling of lumber is as much entitled to public roads as any other business. Indeed! there was little else to haul.

2^d. That the road since it was opened had never been worked upon by the Supervisors. It is something new for officers to claim an advantage created by their own acts, contrary to their duty. If this road had been treated by the Supervisors as other roads have been for the last twenty years, and received its proper share of attention and care, it is not clear that it might not now be in as good condition as the others. Take the Glendale road for instance, and if the Supervisors had given it no care, what would be its condition now?

3^d. The cost of opening it. The road appears to be only some two miles long. There is nothing in which witnesses differ more than in the costs of opening a road; and the witnesses express a great difference of opinion as to this expense. If the amount of taxes unjustly withheld from this road for the last 24 years was all applied to it now, it might be made as good a road as its neighbors. Mr. Yahn who should have no feeling in the case says this road is about as good as the other new roads in the country; and this road though old is new as far as repairs are concerned. Since fair loads were hauled upon this road within the last year without any work on the part of the Supervisors, those using the road should be content with their modicum of repairs, without reference to the past.

Since the extravagant repairs suggested by some of the witnesses such as a stone bed for the road is not considered.

4th That portions of the road has been fenced in as farmland. Thanks to the Supervisors the Western and Eastern portion of this road has, for a short distance been obstructed by the adjoining land owners. And the owners of the road are required to pay tribute for passing over the public thoroughfare and even damages threatened for the use of the public road. Mrs. Nail at the one end and Mrs. Strayer at the other are perhaps unwittingly trespassers and it will be their duty, and no doubt their pleasure to yield to the public their right of way.

5. That it is not necessary, but inconvenient and burdensome. It has as yet borne no burden; and, under the evidence it is deemed necessary. There is a public road called the Ridge Road some distance further South, but in order to reach this road Mr. Gallagher and his neighbors would be required, by his private road 86 feet to the public road in controversy, and crossing this public road construct a road 85 rods further up a steep hill to intersect the other public road. This could not be done, to make a road to be travelled; but it is suggested that by cutting a road in the side

of the hill at much greater length the Ridge Road might be reached. But this would be putting too great a burden - one they could not accomplish, on these people. The McKee road, as it is called has been suggested, but this is no public road, nor is it the province of these parties to raise the question of a prescriptive right to use it.

In fine, this is the direct public road to the School house of this School District - to the Church where they (with a single exception attend to the only grist Mill in the neighborhood; - and more recently to Union Station on the New rail roads. This latter point would appear to be the provoking cause of the petition to vacate. While the road was but little used, and no supervision on it, it seemed to give no trouble, but when the cars outfit for freight came with the rail road, and caused a more constant use of this road, the attention of the supervisor was called to its condition, and that seems to have led to this petition to vacate.

The Petition to vacate this road is refused and the review is confirmed.

By the Court

To The Honorable, R. L. Johnston, Judge of the
Court of Quarter Sessions of the Peace of the County
of Cambria:

The petition of the undersigned, re-
spectfully represents: That the viewers ap-
pointed by this Court to view and vacate a
public road, leading from a public road at
or near the residence of Christopher Toll in
Whit Township to Beaver Dams, reported to the
last term of said Court that they believed such
road to be unnecessary and burdensome to the
inhabitants of Whit Township, and recommend-
ed the vacation of the same: That your pe-
titioners assert and declare that the road va-
cated as aforesaid is necessary for public use,
and that the same should not be vacated.

Your petitioners therefore showing that they are
inhabitants of Whit Township, or persons inter-
ested, pray the Court to appoint three persons
properly qualified to review the ground up-
on which the road proposed to be vacated
lies, and make report of their proceedings at
the next term of this Court.

And they will ever pray, &c.

James W. Gallster
John Pennington
James Oshel
James E. - ens
George A. - ens
Larg, P. Beers
Simon Neal

William Neal
valentine good
George Oshel
mathias E. oshel
Geo. A. Oshel
J. E. Good

No. 4 New Town 1897 Rd

Review of previous inter-
views for appointments of
superior to review the find
of which a public road
is now located leading from
a public road at or near the
residence of Christopher Noel
in this township & Review
Name, the location of which
has been recommended by our
-we, and to make reports of
their proceedings at next
term of Court.

June 27, 1897 Court Appointment

Paul Adams

Nelson Chubb

William Dick

Filed June 27, 1897.

Crown

Nathan Gato
William Evans
Christopher Noel

Anthony Noel
Peter Wyland
Ben Beers
W. H. B. Hemming
W. H. Baker
A. Young
Joseph W. Gallah

In the matter of the Report of viewers to vacate a road, leading from a public road at or near the residence of Christopher Joel in Whiti Township to Beaver Dams.

Exception to the confirmation of the report of viewers in the above stated matter, as follows:

1. That Joel A. Gater, Esq, one of the viewers, is a brother-in-law of Daniel Strayer one of the petitioners, which relationship would disqualify him as a viewer.

2. That the road sought to be vacated is the only convenient outlet for several families, living along the line thereof, in going to school, Church, Grist Mill, Flynn City and other points.

3. That such road is necessary for public use, and if vacated would result in very great hardship to a number of the tax payers and owners of land along the line thereof.

4. That the parallel road referred to in the report of viewers, cannot be used by persons living along the line of the road proposed to be vacated, without traveling quite a distance around, and the present road is the only direct route for a number of persons to travel in going to and from the points named in exception 2nd.

5. That large quantities of bark and timber are now being hauled over this road, and to close same by confirming the report of viewers,

would subject persons living or owning property along the line thereof, to great loss.

6. That Daniel Strayer is the only property owner, along the line of the road sought to be vacated, who complains that the same is injurious to private property.

7. That the report of the viewers, for the several reasons suggested in the foregoing exception, should be set aside.

Alvin Evans,

att'y for James H. Gallagher
et al. exceptants.

No 4 Mar Sess 1887

In the matter of the Report of viewers to vacate a road, leading from a public road at or near the residence of Christopher Steel in White Township to Beaver Dam.

Exception.

Filed 27 June 1887

Evans

In re petition to vacate } In the Court of Quarter Sessions
a road from near } of the County of Cumberland
Christopher Backs to } Of March Term, 1887
The Beaman Dams in } No. 14
White Township

DEPOSITION of witness taken before me this Twenty-eighth day of
December, A. D. 1887, at The Arbitration Room in
the Court House in the Borough of Chambersburg in
said County between the hours of 8 o'clock A. M.
and 11 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
on the part of the petitioners to vacate above
mentioned road in White Twp. from Christopher
Backs to the Beaman Dams

Defendant

John C. Gates being produced, sworn and examined
on the part of the Petitioners, doth depose and say:

My name is John C. Gates; am years of age;

I am a resident of White Township. I am acquainted
with the road in controversy, I have known the
road twenty or twenty-five years; perhaps longer.
It has been principally used to haul saw logs
and timber; of late years some bark has been
hailed over it. Where the road passes through
the land of Mrs. Stupper at the end next the
Beaman Dams, the road has been fenced
in in summer time, but open in winter.
The road at this point might have been
used in summer time occasionally, I am
not certain that it ever was.

Ques: State whether or not the land over which
this road was laid out at the end next the

"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."

Beaver dams has been under cultivation for years.

Mr. Quinn objects for the reason that the violation of the rights of the public by Mr. Thayer in cultivating the land upon which the public road in question passes over does not change its character. The evidence is irrelevant and immaterial.

Ans: Yes sir it has.

This road has never been opened out for public travel or worked on by the Supervisors to my knowledge. The ground over which this road runs, most of the way is soft ~~shallow~~^{marshy} ground; rather swampy. There is a public road on the south side of this road and about parallel with it, at a distance of about a hundred yards at some places and I don't think over a quarter of a mile at any point. That public road connects the same public roads as the one in controversy does. It has been a public road ever since I can remember anything about roads. It is a good road.

Ques: State whether or not in your opinion the road you have last mentioned affords sufficient facilities for the public traveling between the road running past Christopher Mills and the Beaver Dam road?

Ans: Yes sir I think so.

Ques: State whether or not in your opinion the road in controversy is necessary for public use?

Ans: I think not.

I think that the road on the ridge, the other road referred to, is sufficient for the public travel. There may be some timber up there yet but I don't think it's necessary to have a public road to get it out.

Cross-examined by Mr. Evans.

Mr. Stayer is married to my sister. The road in question does not lead to Mr. Walter's mill but it leads out to a road that does run to Walter's mill; crosses it. The road in question leads in the direction of Walter's mill. There is no school house near the end of this road in question. I don't know its distance from the end of the road. I suppose about a quarter of a mile. There is a church convenient to the school house. The road in question intersects the road leading to Flynn City. Mr. Stayer has been farming the bed of this road since he has been farming on that farm. I could not say just how long it is. The fences across the road were there before Mr. Stayer got the place. I think likely he has built fences across the road since he came there. I think the fences were not taken down this summer. They put gates there. I think Mr. Stayer did not put gates in all the fences he had across this road. He did not take the fences down in the places where he did not put gates. I am not certain whether there are fences across that road now or not. They may be down just now. There has been some considerable hauling along

that road this summer at least along a portion of it. The road is being used at the present time I think.

Ques: Please state what road would James Gallagher and his neighbors be required to travel going to church ^{school &c.} if the road in question was vacated and closed.

Ans: I don't know. I can not answer that question but in that way.

Mr. James Gallagher does not live far from this road in question. There is another road running parallel with this road. I never measured the distance between the two roads from or near James Gallagher's. The other road is generally called the Glen Cornell road, i.e.

The road from the neighborhood of Walter's mill up into Glen Cornell. It is on the ridge most of the way. It is on higher ground than the other road. I don't know what a public road from James Gallagher's to this road would have to be built. It might be a private road. To get on to the ridge road there would have to be a ~~road~~ road

from James Gallagher's i.e. for James Gallagher. There would be some hill to get up. I have never been over ^{the} ground. I could not say how much of a hill. I don't know as the road in controversy is necessary for James Gallagher and his neighbors. I don't know as he has any neighbors close by. The road would be convenient for James Gallagher. I have heard that the latter lives not far from

James Gallagher. I heard so today, Valentine's
Good does not live far away. I don't know
whether John Pennington and Simon Noel live
near James Gallagher or not. I don't know
that there has been any work done on this
road this summer. I have not been over
the road this last summer. It is a good
many years since I have been over the
whole length of the road: probably ten
years.

Re-examined by Mr. Parker

The road leading to Walter's Mill and the one
leading to Flynn's are the same road.
Part of the ground of this road was farmed
before Mr. Styer went there, I saw Mr. John
Stephen working at the gates across this road,
but I don't know who he was working for. This
road ~~was~~ used during the ^{last} summer by Mr.
Ellcott in getting boat out from the land
of Judge Krebs of Bearfield. Excepting the
parties logging the Krebs tract I don't know
of any one using this road this winter. It
is in the neighborhood of a half a mile from James
Gallagher's to the ridge road, possibly a
little more.

Re-examined by Mr. Evans.

It is about one mile and a quarter or a
mile and a half from this road. Parties
could travel this road without seeing
them.

Re-examined by Mr. Parker.

I pass this road on an average of every

couple of days. Sometimes twice a day in the last year and a half.

Re-Cross examined by Mr. Evans.

In passing there I would go on the Pease dam road, passing Maltus mill, going from Skeddah to Coalport. Mr. Shayer lives on the West side of the Pease dam road. It would be on the same side of the road as Maltus mill is in going to Flynn City. His house is on one side of the road and his barn on the other.

John C. Gates

Adam Cusk ~~sworn~~ Affirmed.

I live, in a direct course, from this road in Antwerp, about three quarters of a mile. I was one of the men who helped lay out this road originally. I cant tell how long ago it was but I think about thirty years. It was never opened by the Supervisors to my knowledge. There was never any work done on the road by the Supervisors to my knowledge. The road was laid out for the purpose of getting the timber and logs out. I think that this winter will about finish up the timber that is there. They may be a little there not much. The road was never used before this summer for any other purpose than as a logging road. It has been generally used in the winter. It was never used in the summer that I know of until last summer. It has been fenced across and cultivated at

the end next the Beaver dams and at the upper end likewise. Mr. Beal owns the land at the upper end that has been fenced in and cultivated. It has never been traveled to my knowledge at the upper end only in the winter. I suppose they took the fences down to get through in the winter. I generally see them down in the winter when I pass. No one worked on this road but the man that has the job in there. These people who have the job there are not residents of White Twp.

Ques: State whether or not the work done during the last summer on this road was at the expense of the Parkers logging the Kibb's tract. If you know?

Ans: Mr. Beers the jobber told me himself that the work was done at their expense. (Mr. Evans objects that the answer of the witness is not evidence and is inadmissible for the reason that he simply states what another party told him and is irrelevant and immaterial) The greater part of this road is swampy. I would not have liked to have put a horse on the road this summer. I think that until this summer the road could not be used at all for wagons. I was along this road the day that the last view was held. That was after this work was done on the road. I don't know whether the road as used this summer is on the exact ground as laid out by the original receivers or

not. It's near it. Mr. Johann, the surveyor
in the last year, used his Compass in running
down through there. He used ~~on~~ this com-
pass on this road as used until he got
down in Thayer's field when he made
an offset of probably two rods. He just
stepped aside and started over again.
He ran part of the way through Thayer's
field about two rods from where the road
is now laid out. He started about two rods
away and come out, I think, just where the
road now ends. Mr. Christopher Noel and
Luke Durbin are the supervisors of our Town.
At the time the road was originally run
the ridge road south of it was in use.
There was no one living long this line of this
road when it was first run I think.
The parties living near there now are James
Gallagher, John Perrineau, Valentin Good,
Mr. Baker. They live inside of a quarter of
a mile I suppose it might be a little
further. Mr. Gallagher has lived there in
the neighborhood of twenty-two years. Mr.
Good is a brother-in-law of Gallagher, and
Mr. Perrineau is a son-in-law. Mr. Baker
moved in there this fall. Mr. Gallagher has
between twenty-five and fifty acres of land.
There is a road on the north side of there
that is a better road than the one in controversy
before the work was done on it this summer.
I don't think its as far from Gallagher as to
the one in controversy. It has been used

by the public probably thirty years or longer
as long as I can recollect. It connects the
road from Glendale to Hutton mill - and the
one from Christ Sales down to Lillo. It con-
nects the same roads as the one in Contonery
does. I think these parties living in there
used this road pretty much altogether until
this summer. I think it would be an
advantage for them to go to School, Church
and mill over this road as over the one
in Contonery. Mr. Gallagher never sent any
children to the school at Beavers Dams that
I know of until this winter. He has a pretty
good sized family. There are three or
four grown up. One married. I think he
sends two children to school this winter.
Valentine Good never sent any children to
the school until this winter. Mr. Gallagher
family does not attend church at Beaver
Dams that I know of. I attend that church
myself occasionally. I generally go when
there are services there. I don't pretend to
say that I go every time. I have ~~been~~
~~been - exposed by the Census~~ The work
done on the road in Contonery this summer
was done on the lower end of it. I have
been collector of school tax for about eight
years. I collected the County tax one year.
I think to make this road in Contonery in
good road would take near a Hammond
dollar. I would not like to undertake it
for less.

Leaves - examined by Mr. Evans.

I don't live on any road. I live off the Glenn Cornell road about 50 or 60 rods. My property does not run up to the Glenn Cornell road. I make my own road to the Glenn Cornell road. I come up between the places of the two Mr. Gates. It takes as much to seek that road in order as my taxes are worth. My house is all of 60 rods from the Glenn Cornell road. If it was opened clear through it would be most expensive to open the lower end of the road in continuation - it is the wettest. That is the end next Strayus. Part of the upper end of the road is on higher ground. About the half way - a little over half the the road runs through swampy ground. I don't know ^{at} through whose land the swampy part runs. Through Strayus & Gill and I think Krebs runs part of it, and then through part of Gallaghers. The swampy part runs up as far as Gallaghers and I think a little above it. I was along this road last when they had the last view on it; since harvest. I don't know as it would cost as much to open the upper end up toward Archela's place. It is on dry ground. They hauled bark from Krebs' land down through Strayus this summer. That would be going over the swampy portion of the road. The people who hauled the bark repaired the road themselves last summer. So I understood from the Parkers

themselves. I don't know what condition the road is in now. At the time I saw it it was passable. It runs in a dry time they always quit hauling when it gets wet. I was one of the original viewers of the road. It was opened for a log road. I did not make report to the court of that fact for my part. It was expressly understood at the time by all the viewers, I don't know what report the surveyor returned. I couldn't say. I signed the report of course. It was opened by the citizens; those who wanted to use it, for logging - Part of it had been opened before. ~~All public roads~~. This road was not opened by taxes. I ~~never~~ ~~don't~~ know that in order to open this road was put in the hands of the Superior. The Superior never worked on it that I know. The road was opened from ~~Sticks~~ ~~Sticks~~ to the Beaulieu dam, hence for timber. This road crosses another public road before it reaches the dam. I never knew it to be used for any other purpose than timber and logs. I live about $\frac{3}{4}$ of a mile from where this road leaves the Sam Cornell road at the upper end. I can not see the road from my place. People could travel the road without my seeing them. Part of this road at next Christ Sticks was closed the same as the other end, by fencing it up and people using it. The land at the lower end was not cleared when the road

was opened originally. There was no road
way left when they did the clearing up
at Christ Chals. There was not a road
left open on the ground. that it was
new on, I dont know any thing about
any other. I dont know that the road was
changed when they cleared up in that
direction. I was there last at the time of
the new - last new. I followed the road
from Christopher Chals down to the other
Twp. road. The road was not open at the
upper end. There was a fence across it.
It run through from one Twp. road to the
other. Part of it run through fields when
it had been fenced up at the upper end
and the lower end likewise. I dont know
how long the upper end has been cleared
and closed. I dont know how long it is
since the lower end was cleared. Its time
is seven years since the first clearing was
done in there. I dont remember the time it
was opened - i.e., how long exactly. I dont
know whether the road took of James
L Gallagher was laid out by order of Court
or not. It was beyond my time. I dont
know what it was opened for. Its been
open ever since I can recollect any thing
about it. The Supervisors never did any work
on that road as I know of. I dont know
the condition of the road now. I have not
been over it for years. I could not say
any thing about it. I suppose it would

be more expensive to open the lower end of
the road in controversy, that the upper end
became its wetter. - If the other road is
not a public road, then the road in
controversy is the only ^{public} road by which James
Gallagher can get to school, church or mill.
They are not making improvements along the
line of this road that I know of. I don't
know that Mr. Baker has made any improve-
ments. He has only been in there a couple
of months, and couldn't make very much.
I have not been there since he moved in.
I heard it said that Baker had built a
new house. I never saw it. There are about
four families living in there. The reason I
said Gallagher had not sent his children to
school at Beaver dams was because he
never did. He sent them below. His
children - a couple of them - go to school at
the Beaver dam this winter. I believe one of
Mr. Good's children goes sometimes. Gallagher
sent his children ^{before} - what little he did send
to Charfield Co., I guess. There is a church down
the creek west to the school house. When I attend
church I go there. There are gates in some of the
fences on Mr. Stages land over this road.
This was last summer. I did not see Gallagher
hauling any hay over this road. He said
he hauled some bark. The land near this
road is good except that it wet. It can
be made into good meadows. The land
about the upper end of the road is higher

drier ground. I suppose it would make good farm land.

Re-examined by Mr. Parker.

Last season was a very dry season. The terminus of this road was at the creek where the logs were put in the dam. This road was not passable before this summer in the summer time by any means. From the fuel clearing to the Stage clearing is all improved land it was the last time I was over it. The clearing at both ends of the road has been done since the road was laid out to the best of my knowledge. The land on which Parker has moved has been known as the Helen Gallagher land for years. Parker claims it now. Parker is from the other side of the mountains some where. I don't know exactly. About a year or so he has been on our side. He was not a resident of White Top before he moved on this land. James Gallagher said he cared nothing about our damned church. (Mr. Evans objects that this last statement of the witness is not evidence and irrelevant) He said this the day that Yahum made his survey.

Re-Cross examined by Mr. Evans.

I am not a member of this church. I do not attend the services every time. A man by the name of Cook officiates there now as a clergyman. The man before him was named Summers. There is very little timber along the line of the road. I have not been in

there lately to examine as to the amount of timber, I have not been in since the
view, I made no special examination then
as to the timber. Krebs & Shaw land was
all cleared off this summer. I think,
I have nothing positive in regard to it more
than a man had the job of clearing it off.
Mr. Gallagher's improved land is on the side
of this road. I don't know that Gallagher's
land crosses the road. I heard him say
that the road run through his land. Peter
is a resident of White Fork river I suppose
he is living in it.

Admiral Esch

Christian Walter (Sworn)

I live about a fourth of a mile from this
road in controversy. I have lived there about
28 years. I know where Mr. Gallagher and
Mr. Good live, I have been there. They
can travel this ^{North} ridge road in coming to
our mill. It is a nearer road to the mill
than the one in controversy. This north has
been used in my recollection about twenty
years. It runs clear through from the
Deann dam road to the road past Christopher
hills. It runs through land formerly owned
by my father. I am the present owner of
the Walter mill. Gallagher and his neighbors
come to the mill occasionally with small
grist, it means Gallagher and Good. I see
them at the mill some times with small

quint - two or three bushel maybe per acre. I think this north road is the most convenient road for Gallagher to get out on. The road in Contonary has been used for hauling logs, timber and bark of late. I don't know that it was used in the summer until last summer. I don't think that this road in Contonary is necessary for public use at the present time. The ridge road is a good road and a dry road. I suppose at the lower end, the ridge road and the north road, are about $\frac{1}{2}$ mile apart. I could not say but I suppose at the upper end they are a mile apart. At the upper end, the road in Contonary would be nearer the ridge road and at the lower end about midway between the two. The lower end of the road in Contonary has been fenced in for a number of years. I know nothing about the upper end. The ground over which this road passes is not marshy ground. It ~~crosses~~ has been a long time since I have been over all of it.

Cross-examined by Mr. Eames.

I live at Maltus Mill. The creek or dam is between Mr. Woyers property and mine. The north road crosses the public road at Mr. Kers blacksmith shop. It intersects the road from Gendale to Maltus Mill - and the road from Glenburnell to Gills. It is traveled or has been for a long time. It has not been laid out by order of court that I know of. Some

portion of the road is quite hilly. I could not state what is the number of degrees in the elevation of that road. It has been used for hauling logs and timber. I do not know what the condition of this north road is at the present time. I can not say whether it is passable or not. This north road is probably 50 or 60 rods from Gallagher house probably more I don't know. There was a mine on the road in controversy. I don't know whether the mine was confirmed or not. The road was opened; part of it was opened before there was a mine at all. If the north road was closed, Gallagher could go over another road to mill chain the one in controversy; he could use another road that comes to the creek below our mill. I think this last mentioned road is not a public road. If the road in controversy and the north road were both closed Gallagher could go out the ridge road, if he could get to it. Gallagher, to use this road, would probably have to travel a mile and a half to get to the church. The ridge road is a public road, laid out by order of Court. I don't think it would be more than I have stated to the church. I am only guessing. If the north road and the road in controversy & the old log road were closed Gallagher would have the ridge road to get out on. I don't know if Gallagher would have any road to get from his

place to the ridge road. It has probably
been four or five years since I passed over
the lower end of the road in controversy.
In going from my place to Gallagher's I
would go up past M. Kee's shop if the
road is open. I have not been along the
road in controversy since the work was
done on it last summer. I don't know that
the road in controversy would be the best
road to travel now. If the North road were
open, you could not take up a very
heavy load. The reason is because the road
is rough and hilly. I don't know that Gal-
lagher's children attend the Burr's dam school.
The church is convenient to the school. The road
leading to Flynn City leads past the church.
I think Gallagher has brought some grit
to our mill ever since he has lived there.
I said he would bring two or three or maybe
five bushels of grit to the mill. Mr. Strayer
brings grit to my mill.

Ques: How does the quantity of grit which
Mr. Strayer takes to your mill compare with
the quantity of grit that Mr. Gallagher takes
there?

Mr. Parker objects that the question is irrelevant
immaterial and impertinent that Mr.
Strayer is not a party to these proceedings
any more than any other citizen of the
Twp. and that it is alleged in these pro-
ceedings that it is necessary for Mr.
Gallagher to have a road by which to go

in going to school his children never attended the Beaman dam school before this winter. Neither Baker or Pennington have any children to send to school. I think Pennington lives on part of Mr. Gallagher's land, Pennington is a laborer not a farmer. Mr. Good lives on a vacant piece. Good farms a little where he is and then he works in the woods whenever he gets a chance. He has about 5 acres cleared. I don't think Mr. Gallagher has over 30 acres cleared. His farm land looks rough. I don't think he raises much of anything but hay. Gallagher's house is about a half a mile from this road in Centronary. Good does not live over 100 yards from the North road. You can not see Gallagher's cleared land from the road in Centronary. I have measured the distance over the Christopher toll road between the end of the ridge road and the end of the road in Centronary. It is 572 steps. My steps are about one yard long. The distance between the same roads at the Beaman dam road is two hundred and five steps. I think it would be about a half mile across from Gallagher's house to the ridge road. He could either go through Kibb's or Flynn's. It is well tilled land. He would have good ground but a little hilly. This road in Centronary has been used since I knew it for hauling logs and timber. The timber was taken off the Kibb's lands this summer. I don't know

of any other timber that could be taken
out this road unless it would be good
timber. I have seen the house built by Mr.
Baker. He moved there this Fall. He has
a small plank house there. He has not
one acre cleared. I would not open this
road to make it passable at all times
for a thousand dollars. I know of a man
by the name of Thuss having a steam saw
mill near Gallagher's. It was within 30
rods of Gallagher's house. It was there or
four years last summer that the mill was
there. They hauled the lumber that was
sawed at this mill out over the North
road. They took the engine and boilers in
and out over the North road. I suppose
about one hundred and sixty rods from
the Beorn Dam road to the line Mrs.
Shay's land ~~and~~ where the road runs
over Mrs. Shay's land. About 150 or
155 rods is cleared land. There has never
been any travel over Mrs. Shay's cleared
land in the summer until this last
summer. The road was never open that
I know of through Mrs. Shay's cleared
land.

Cross-examined by Mr. Evans.

I am a farmer. I am generally engaged
slightly ~~engaged~~ at the lumber business
in the winter time. I don't know that the
North road is a public road laid out
by order of court. There is no firm log

to mill, and therefore evidence as to such necessity is relevant, as to him but not as to Mr. Strayer who lives upon another road.

Ans: Mr. Strayer comes there sometimes with a bag of wheat in his buggy, some times on his horse, and some times ^{with a large horse wagon} ~~on his horse~~. I know from whom James Gallagher bought his place. He bought from my father.

It is the same place that Mr. J. Winter owned. Re-examined by Mr. Barker.

I don't know who opened this road in controversy, Part of it was opened before there was a vein on it. I never knew of a Supervisor or men under him working on this road. Part of the road from Gallagher's down to the creek below our mill has been used ever since I can mind. It is used occasionally yet. I think it is nearer for Gallagher to use the better road in going to Flynn City and to mill than this road in controversy.

Christian Walters

John D. Gill, sworn.

I live about a quarter of a mile from the road in controversy. I have lived there about fourteen years. I know of them hauling logs and timber on this road for 20 years. The work done on the road last summer was done on the same road by Geo. Beers. He was working for J. M. Elliott; and

was logging the tract that Judge Krebbs owns. I have been over this road three or four times in the last three or four years - it is clear though I have been on the lower end most every day during last summer, during Aug and Sep. The best months for hauling bark. The road was in good condition during the dry season. Every time it rained we had to stop, I refer to the part ~~on~~ where the Beers worked on it. During the Spring and Fall it is not passable at all. It seems that every hard rain has the effect of softening the road. Then you can not haul over it at all. Beers worked on about one mile of this road. The road was never used before last summer in the summer time in my life. I don't think the road could be made passable in the Spring and Fall at any reasonable expense. About two-thirds of the length of the road is swampy and marshy. I have known the North road to have been traveled by the public about 18 years. I traveled the North road once in every two weeks at least, during the last 14 years. As compared with the road in controversy, the North road was last summer and is now in good condition. It has been passable at all times. It runs within 40 rods of Gallagher's house. It runs through part of his land. I have known Mr. Gallagher to use this road. He has used it for the last 14 years. I saw his children use this North road this winter

on the north road but myself. I am
not logging on it now, I am hauling a
few logs across that road. I am hauling
them about East. I am hauling to the
Clearfield creek. I am hauling over a
road that leads from this road to the
clearfield creek past Mr. Eames. This
north road has been used in my recollection
about 18 years. Mr. Shuss hauled
out the other end of this road he did
not come down by my place. He did
not haul down towards McKees black
smith shop. The road that Mr. Shuss
hauling is connected with the road
past leads to Gills crossing. Part of
this road from Gallagher to McKees
blacksmith shop is some hilly not
very steep though. I don't know what the
number of degrees in the elevation would
be. No one that I know of used this
road (north) for log and timber, ^{except myself} I don't
know the length of the road in contouring.
I was not living there when the road was
first opened out. The soil along the marshy
part of this road I suppose is good enough.
Its very soft. I did not make whether
it was yellow clay. Mr. Seeb's worked
on this road for about a mile up. It
would run up into Judge Kebb's land.
It would be above where Mr. Gallagher
lives. I have traveled the other end of
the road several times. The ground is

not quite as low as the other end. I was
hauling on the lower end of this road this
last summer, I was hauling bark, I was
hauling from up the road about $\frac{3}{4}$ of a
mile. I was hauling to Flynn City. It
I suppose a distance of about two miles.
Geo. Diers was also hauling there. He
each made three or four trips a day to
Flynn City. He commenced to haul in
Sep. I think. I could not say exactly when
we quit. I don't think we were hauling
there for three months. He had to quit sever-
al times while we were hauling on account
of the condition of the road. This road is not
as good as the ordinary Twp road. The rain
don't have the same effect on any road I
traveled. In estimating one thousand dollars
as the amount to open this road I would
mean to make a road so that the public
could pass. The reason the people from
above did not use this road during the
summer was because it was not pass-
able. The road was not kept open. It was
fenced shut. It was fenced shut through
Mr. Shragus land. I did not measure
the distance northward from the ridge
road to Gallagher's house. The ridge road
runs pretty nearly straight. It has several
crossings in it. I traveled it pretty frequently.
Mr. Gallagher & his neighbors would get over
to the ridge road by making themselves
a road I guess. There is no road that I

Know of one which they could trail to
get to the ridge road. I live within a
quarter of a mile of the road in contro-
versy. I live on the road that leads
to Flynn City. I live, I suppose north
East of the road in controversy. The Gallagher
neighbors are Mr. Parker, John Pennington
Valentine Good. I never went directly
south from Gallagher to the ridge road.
There is rising ground before you get
to the road. The road in controversy is ^a com-
paratively well road. The north road
is some hilly. The north road running up
past McKee is passable now. I have no
logs or timber in that road now at least
there was none on Saturday when I went
along there. Some of my men are hauling
out there every day. They may have the
road closed sometimes for any thing I know.
I have never been Supervisor. I have had
no experience in opening Park roads.
Re-examined by Mr. Parker.

I was along at the review when Sg. Yahn-
ner was Surveyor. Part of the time Yahn-
ner was on this road as laid out, with his
Compass, sometimes he would get off it.
He would get off a road sometimes. I
never saw the north road closed up.
It is not more hilly than ordinary Park
roads in our vicinity.

J. L. Gill

Daniel Strayer, sworn.

I have lived when I now live about seven years. When I went to where I live the field, ^{through which this road} now in ^{was laid out} ~~Continental~~ ^{primary} ~~through~~ ~~now~~ ~~was~~ was fenced in on both the East & West sides. I did not see any road through that field. It was all sowed in wheat. The whole of that field has been cultivated ever since. When I went to where I now live the part of the road between the Beaver dam road and the Beaver dam creek was fenced in and in wheat. The land on the West side of the Beaver dam road was cleared about 5 years ago. The fence along the Beaver dam road was put up about that time. There seemed to be a road through the woods there. The road has been used to haul logs and some timber since I came there. It was used during the winter season. It was not used in the summer season at all until the last summer. Mr. Stephen and Mr. McKee put up the gates that were on each side of this cleared land. I know who employed them to put up the gates. It was J. M. Elliott. Mr. Elliott is the man who bought the Treble timber. Ques. State whether or not they first obtained permission from game warden who own this land to put up these gates and go through this land in the summer.

Mr. Evans objects for the reason that the fact of the closing of this road by the

either or any one else does not change its character from that of a public road, as legal proceedings for the opening of the same has been had in the Court of Quarter Sessions and that all testimony of this nature and character is irrelevant and immaterial.

Ans: He did through me. He pays her for the right of way. This road was used by different persons for logging since I came there. The first winter I came there Mr. Joel Gater hauled logs through there by permission. He also hauled some logs on that road. I do not recollect of ever seeing Mr. Gallagher use this road for logging or for any purpose until last summer where he he hauled back on it. He has always used the North road in going to the Deane dam road. The North road is a great deal better road than the one in controversy. The North road is more convenient for Gallagher to get to the Deane dam road than the road in controversy according to my judgment. Cross examined by Mr. Evans I do not know whether that portion of the road in controversy West of the road to Flynn City was closed at the time I moved on the place or not. I know shortly after wards it was closed by trees falling across it. That portion of my wife's land lying North of the road to Flynn City through which this road passes was unincorporated.

land at the time I went on the place. I commenced to clear that land about 5 years ago. I made a fence about my clearing. I don't know about a public road. I built fences across the road in controversy. I did not know that it was a public road. I was told by the neighbors that it was simply a timber road and as a stranger I knew no better. It has been used in the winter before I commenced to clear there. I know of Mr. Gallagher using the road last summer. I did not know of Mr. Gallagher using the road before I cleared and fenced it in. Joel Gates and the Gals and some other parties I don't just remember hauled hay on it. Joseph P. Michaels hauled along this road some years ago. I don't know how long. I don't remember of any one except Elliott and Joel Gates getting permission to pass through my wife's land. Mr. Gallagher did not ask my permission to go through the land that I recollect. I don't remember of Mr. Gallagher hauling hay through there. He might of. I have frequently seen Mr. Gallagher use the road that comes out at McKee's blacksmith shop. I don't remember when I saw him. I have seen him since I shut the road in controversy up and don't remember whether I saw him before or not. He couldn't use the road in controversy because I had shut it up and there besides because there was tree

own it and then again he couldnt get through. It was too swampy. The trees across the road were not ones I had chopped across it. They were ones that had blown across it. I mean trees outside of the fields, all along the road. I think it would be more convenient for Mr. Gallagher to use the both road because he can get on it better, because it is better ground and nearer to the mill and the rail road than the one in controversy. It is hillier than the other road. I dont know that it would be more to my convenience that he would use the McKee road. I closed up the road because I wanted to clear the land and no body was using it in the summer. I could not say whether the both road is a public road or not. It was there when I came there. The Church and school house are on one place. They are close together.

Re-examined by Mr. Parker.

This both road is not more hilly than other Dub roads in our Dub. The road in controversy will be used this winter to haul the Kibbs logs through. They have not commenced yet. The gates on this road are open so that they can be used. They are swinging gates. Mr. Gallagher's children have been using the road up by McKees this winter, that is, part of the time. I saw them pass up this road often. It

- the McKee road - is a very nice road for children to travel, it's dry and warm. I have no special interest in having this road in controversy, shut up not any more than as a citizen of the Twp. I do own real estate in the Twp, but not there. I have refused to bear any active part in these proceedings or bear any of the expenses from the fact that if the road is opened we expect to be remunerated. We expect damages for injury done our land.

Re-examined by Mr. Eames.

The North road is on higher ground than the one in controversy. The ridge road are not as a rule warmer than low roads, but this one is through woods and so sheltered from the storm. I know of Mr. Gill clearing across the North road. When he made his clearing he moved the road a little South just at the clearing and I think made a better road. When he cleared across the road he put the new road on the outside of the clearing. I do not remember of Mr. Gills having that road closed up with logs by any around last winter. It may have been so. I could not say that I know of any one having that road ^{in the early part of} last winter. ~~and~~

Re-examined by Mr. Parker
I wish to say that this North road is not an old log road. It connects two Twp roads. It is ^a near route. I traveled it myself.

seven years ago. Mr. Gill moved the road a very short distance and only a short distance in length.

Re-cross examined by Mr. Enam,
I traveled this North road seven or eight years ago. I knew of this road before I moved to where I now live. The first I knew of the road was about seven or eight years ago. Before that time I know nothing about it. I think Mr. Gill hauled some bark on this North road. He hauled some bark down the North road. I hauled some bark over the road last summer myself.

D. Strayer

Luke Durbin sworn.

I am one of the supervisors of this Twp. The rate of tax for road purposes for 1856 was 10 mills to the dollar. I have not had a great deal of experience in opening roads. I have worked on them and have opened some. I was on this road from Gallagher down to the Beaver dams for the purpose of estimating what it would cost to open it yesterday. To make the part of the road from Gallagher ^{road} to the Beaver dams so that Mr. Gallagher could travel it would take about 5000 but to make the road so that you could haul lumber on it from one of these steam mills where they load honey it would take fifteen hundred dollars.

I was at Mr. Gallagher's farm yesterday.

I went up the road from Mr. Kees' shop to Gallagher's farm and then I walked out to this road that runs from Christ Falls to Gills Crossing. That's a dry road. It's a ridge road. There is one steep hill on it and the balance of it nice road.

Cross-examined by Mr. Evans.

For Fifty hundred dollars I mean that I would make a road that heavy loads could be hauled on. I would make it of stone, and stone is not handy. The ground that can not be made with out stone to haul heavy loads over. We don't have many road made of stone. We don't have much hauling on that kind of ground. I don't know any thing about the hauling on this road this Fall. I believe I could not be mistaken as to the character of the ground. I would think that they couldn't haul at all over that road in wet weather. I don't believe that they could haul them in dry weather in the present condition of the road. I don't believe it would get dry enough. We have a great many Top. road that it would break up badly to haul very heavy loads over. I believe it would cost Five hundred to make that road like the ordinary Top roads. The reason it would cost Five hundred dollars is because its low wet ground. A man could

1
1
walk safely over the road for less than
\$500 but could not haul over it.
I walked over it yesterday. I don't think
you could wagon over that road and
load heavy without first expending
\$500. At certain seasons of the year
it would take the \$500 to make it so
that it could be traveled ordinarily
but it might freeze up then its a hard
ice road. I don't believe that this road
would dry up now in dry weather. It
was cut up last Fall and part of the
way through the woods. Part of the road
is swampy. Its wet ground from where
Gallagher's road comes out on it to the
Beaver dam road. There might be a road or
so swampy, I believe, that a team would
swamp in it in wet weather. There is
a steep hill on the old Kee road. I don't
know anything about degrees. We have
other hills on our roads as steep as it
is. I never worked on the old Kee road.
It is not a Park road that I speak of. It
was not in my district when I was Super-
visor. There was no log across the road
to Gallagher; but from there to the Christ-
ian road, some one had left several
logs across the road. The North road runs
from old Kee up to Gallagher fence and
then this other road I speak of runs off
to the right to the road from hills to
Gills. A man could log on he could

go with a wagon along this road. It don't look to be used but very little. I would not want to haul heavy loads with a wagon along that road.

Ques: How much would it cost to make that road fit for hauling heavy loads over it i.e. from M^r Kees to Gallagher.

Ans: Well I would say \$500⁰⁰. I could make a good twp road out of it for \$500⁰⁰. A better twp road than \$500⁰⁰ will the other road. The hill is straight up and could not be graded. Its a dry hill and if ploughed upward made solid a team will haul a good load up it. A new road is solid enough to haul a heavy load on. It will require more power to go up a hill on a new road than on a level new road.

Steve Durbin

John S. Gill, recalled.

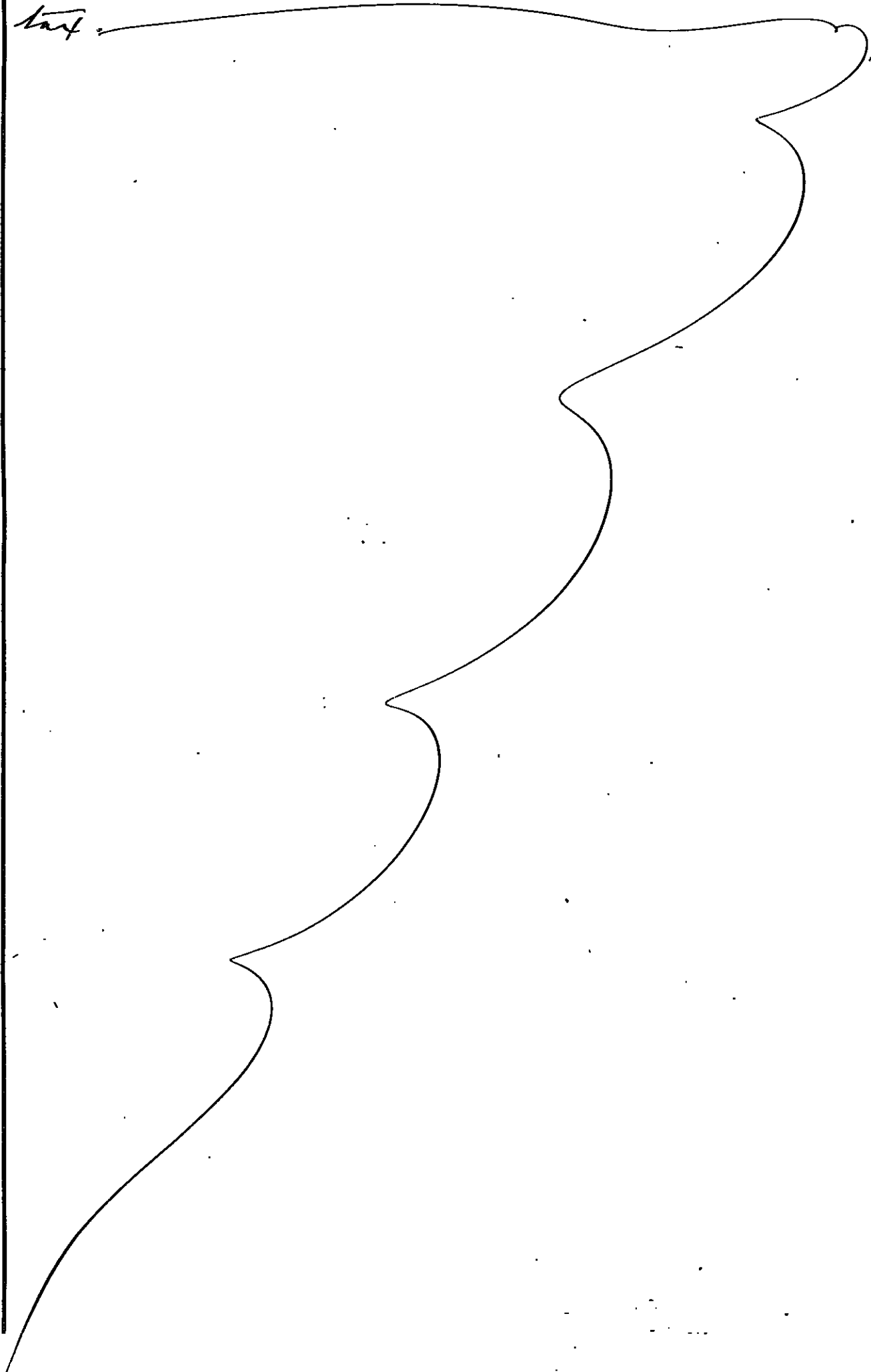
I know where Mr. Gallagher's road comes out on the road in controversy. Where that road comes out is not near half way the length of this road. It is nearest to the Pease dam end.

Cross examined by Mr. Evans.

I did not go over it specially to ascertain the distance from the Pease dam up.

J. S. Gill

Mr. Parker offers the seated and unseated
assessments of White Twp. for the years
1886, & 1887. for the purpose of showing the
valuation subject to assessment for road
tax.



Baker In re Petition to
vacate award from
road near Smith's
to Beaver Dam
White Top
and
Evans Review on same

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

Of *March* Term, A. D. 1887, No. *1*
vs *View and Review*

And now to-wit, the *23* day of *Dec* A. D. 1887:
Rule on part of *Petitioner to vacate* 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. A. Shomaker Prothonotary.



To *Alvin Evans Esq. Atty for Review*

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 *View to vacate* will be taken at the office of *Arbitration*
Room Ebensburg Pa. on *Wednesday*,
the *28* day of *December* A. D. 1887, between the hours
of *8* o'clock, A. M., and *11* o'clock P. M., before *Wm H Meyer*
Esq Notary Public in and for said *Borough*
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
Atty for View

Post March Term 1887
R. D.

In re the vacate road
in White Township
from C. A. Cook to Adam Davis

Dec. 23^d 1887 Served
on Alvin Evans Esq,
by copy. -

A. W. Parker

Rule to take deposition on
part of petitioner to
vacate -

Parker

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 witness and having been first read over to them they subscribed their names thereto in my presence and in the presence of A. V. Barker Esq. Counsel for the Petitioner and Alvin E. Barker Esq. Counsel for the answer.

Witness my hand and Notarial seal.

H. H. Myers
Notary Public

No. 14 Mar Term, 1887
In re vacation of a
road from Christ Falls
to the Beau Laune

vs.
versus.

White Township

Deposition

of Witness on part of the
Petitioners

Fees for taking Deposition, \$ 13 ⁶⁰/₁₀₀

Pd. by M. V. Barker Esq.,

Filed Apr. 4th 1888

M. A. Haenke
Prothonotary.
Barker Attorney.

To the Honorable Robert L. Johnston President
Judge of the Court of Quarter Sessions of Cambria
County, Pennsylvania:

The petitioners of Michael J. Gibbons, Supervisor
of Allegheny township, and Vincent Rieg Supervisor of
Carroll Township said County, and sundry inhabitants
of both Townships, respectfully represents:

That about fifteen years ago, a Bridge was erected
over Chest Creek near Eckersides' Mill, said
Creek being the stream dividing said Townships;
which said Bridge has become dilapidated, and
that it is useless to attempt to repair the same
sufficient for Public use; said Bridge being on the
road from Carrolltown to Chest Springs, which road
is now daily travelled by quite a number of the
inhabitants of said County; They further represent,
that the expense of erecting a new bridge in the
place of the present one would be greatly in excess
of what said Townships could bear.

Your petitioners therefore pray the Court to appoint
proper persons to view the premises, and take such
order on the subject as is required and directed
by the law. And they will ever pray &c.

Michael J. Gibbons

Supervisor of Allegheny Tp.

Vincent Rieg

Michael E. Geyer

Supervisor of Carroll Tp.

M. H. Truck
M. E. Stevens
J. Loomman
N. Naylor
J. L. Buck
J. L. Conrad
J. Perry, Son
Thos. Loomman
James L. Langer
D. C. Little
Henry Mellon
John L. Barnett
L. M. McConnell
James Adams
A. L. Adams

Charles L. Langer
William Bille
Henry J. Eckenrode
Joseph B. Bender
John L. Smith
J. W. Sharbaugh
C. A. Buck
Francis Strickland
John Buck
W. J. Goodrich
Charles L. Langer
John J. Dietrich
Joseph L. Karlheim
Paul Watson

John H. Horner
Paul Strickland
Los Beavers
John L. Barton
Henry J. Lick
W. A. Luthers
James L. Langer
John L. Langer
E. L. Langer

To 5 March 1887

Petition

of sundry citizens of Allegheny
and Canad. Townships for a
View for County Bridge
over Chest Creek near
Eckermans Mill in Canad.
Township

And now June 6th 1887
petition read and
J. A. Shoemaker
W. A. Noel and
Benjamin Vertner
appointed viewers to file
their report to the present
term. By the Court

Filed 6 June 1887

Parker

And now June 6th 1887 Shereby appears
for the Commissioners of Canad. County and
waives the service of any further notice
of these proceedings. And agrees that the
report of viewers shall be accepted when by
the Court during the present term.

M. A. Stettin
County Commissioner

To the Honorable R. L. Houston, President Judge
of the Court of Quarter Sessions of Cambria County
Pennia:

The petition of the Commissioners of Cambria County
respectfully represents:

That it having appeared to the Court, to the Grand
Jury and to the Commissioners of said County that a
bridge over Chest Creek near Edeurades Mill where
the road leading from Carrolltown to Chest Springs
crosses said creek, was necessary, and that
it would be too expensive for the townships of Allegheny
and Carroll in which said bridge is situated to
erect the same; and the same having been
entered of record as a County bridge; your
petitioners procured an estimate to be made
as nearly as might be of the expense of the
same, amounting to \$2462.⁴⁰, and proceeded
to have said bridge erected by entering into con-
tract with The Morse Bridge Company for the building
of the same; and the same being now com-
pleted, your petitioners therefore pray your Honor
to appoint six fit persons to inspect said bridge
and the workmanship thereof agreeably to the Act
of Assembly, and to make report thereof to this Court.

And they will etc
J. L. Seay
John Kirby } Commissioners
of Cambria
County

No 5 Mar Term 1887
R. L.

Petition of the County Com-
missioners for the appoint-
ment of inspectors to inspect
the workmanship of a bridge
erected over the Chest Creek
near Eckersode Mill
~~between~~ Allegheny and Carroll
townships.

Filed Mar 7. 1888,

And now March 7th, 1888
read and the following
persons appointed inspectors.

J. J. Thomas,

Vincent Reig

Henry Eckersode

William Biller

John L. C. Beares

Nicholas Nagle

By the Court

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
of Court - to view site for bridge over
Chest-Creek near Eccusades Mill, where
road leading from Carrolltown to Chest-
Springs crosses said creek.

His Report: That having been sworn
according to law - we met at the place
designated - and find the old bridge in
a dilapidated and dangerous con-
dition for teams to cross. We therefore
recommend the immediate erection of a
new bridge. and further believe it would
be too expensive for said townships of
Carroll and Allegheny to bear the expenses
of its erection, and that it should be built
by the County, and the prayer of the
petitioners be granted.

Witness our hands this 7th day of June
A.D. 1887

J. A. Shoemaker }
Wm A Noel } viewers
Benjamin Wetzel }

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 21th 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 Allegheny & Carroll
in the said county, setting forth that they labor under inconvenience for want of a
Bridge over Chest Creek ~~road or highway, to lead from~~
near Eckerd's mill when the road leading
from Carrolltown to Chest Springs crosses said
creek

and therefore praying the court to appoint proper persons to 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 H. A. Noel and Benjamin Hestner

Bridge ~~road~~, and if they view the same, and shall agree that there is occasion for such
Bridge ~~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:

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. 5
March Sess 1887

Order to view a road site for
a bridge over Cheloh
Creek near Eckman's
Mill, when said lead
from Carrolltown to
Robert Spring crosses
said creek

Viewers
J. A. Shomaker
W. A. Noel
Benjamin Wintner

And now June 7th 1887
report of viewers read, and
it appearing to the Court
that the bridge is necessary,
and would be too expensive
for the townships, said report
approved and referred to the Grand
Jury.

J. A. Shomaker
(for Atty-Genl)
9.0

Parker

And now June 8th 1887 it appearing to the
Grand Jury that the within named bridge
is necessary and would be necessary
too expensive for the townships, the within
report approved, and the Grand Jury are
of the opinion that the County of Cambria
should build the same.

John H. Fisher, Foreman

Carrolltown Pa

March 30th 1888

To Hon. R. L. Johnson
Judges of Court of Cambria Co. Sir:

The undersigned inspectors appointed to inspect the new iron bridge across Chestnut Creek at Eckenrodes Mills in Carroll Twp. Cambria Co. Pa. respectfully report that they have this day viewed said bridge and find it well constructed in every particular.

Very Respectfully

J. J. Thomas

1 day - 1 mile

H. J. Eckenrode

1 " -

W. N. Miller

1 " -

Vincent Rieg

1 " -

1 1/2 m

John E. Pearce

1 " -

3 "

Nicholas & Nagle

1 " -

1 1/2 m

Cambria County Pa.

At a Court of Quarter Sessions
held at Elmshurst in and
for the County of Cambria
on Monday March 5th 1888
before Hon R. L. Johnston President
Judge, the petition of the County
Commissioners was presented setting forth
"That it having appeared to the Court, to the Grand
Jury and to the Commissioners of said County that
a bridge over Chest Creek near Eskerodes Mill where the
road leading from Carrolltown to Chest Springs crosses
said creek was necessary and that it would be
too expensive for the Township of Allegheny and Carroll
in which said bridge is situated to erect the same
and the same having been entered of record as a
County bridge your petitioners procured an estimate
to be made as nearly as might be of the expense of the
same amounting to \$2462.⁰⁰ and proceeded to have
said bridge erected by entering into contract with
The Stone Bridge Company for the building of the same
and the same being now completed your petitioners
therefore pray your Honor to appoint six fit persons
to inspect said bridge and the workmanship thereof
agreeably to the Act of Assembly and to make report
thereof to this Court. Whereupon the Court appointed
J. F. Thomas Vincent Reig Henry Eskerode, William
Piller, John F. C. Bauer, Nicholas Ayler, Inspectors.

By the Court,
Attest
Prathomberg.

No. 5 Mar Term 1887. R. & S.

Order to inspect the work-
manship of a bridge over
the Chest Creek near Eastern
road Mill between Alle-
gheny and Carroll Twp.

Inspectors,
J. F. Thomas
Vincent Reig.
William Diller
John G. C. Deane
Nicholas Stagle.
Henry Eckersode.
Filed Apr. 3, 1888.

Cep. Staenmaker

Kittell

Read now April 3rd, 1888, the minutes
report of inspectors approved
by the Council