

In the Court of Quarter Sessions of County
of Cambria County

Holl. March. Term, 1888

Road in Carroll Twp.,
Depositions of Witnesses, produced, sworn
and examined before me this 28th day of June
AD 1889 at the office of Henry Scamman Esq.
between 9 o'clock A.M. and 9 o'clock P.
M. by virtue of the annexed rule of
Court and notice hereto attached, for
the examination of Witnesses in the case
above stated on the part of Suerer.

H. B. Scamman, Esq. appears for Suerer.

Raphael Hilde, being sworn,

I am fifty six yrs of age past
reside in Carroll Twp. have for
Twenty Eight years. Report of Viewers
shown witness and asked to state
if he is acquainted with the
road in question as shown by
the draft thereto attached.
Answer I am The old road
is not passible in winter time
and cannot be travelled unless snow
is shoveled out on either side.

For

every snow storm it must be
shoveled out I am acquainted with
the route view and supply I was
present at time of view The new
road would be more advantageous
being a shorter route and less hills
The new route would improve the
road It would be more convenient
to have the new road on account of
less hills and much shorter
The new road is necessary
It would not injure any one as
much as Peter Bertram and myself
and we are satisfied with the
new road There was notice
given before the view was held
they all should have known for there
was notices stuck up in several
places The proposed road would
be handier for going to church
and school The new road would
cut off five hills I was present
at the review I saw a notice
in Gorrelltown The reviewers
never stuck a compass grade
on any thing else nor even chained
it The reviewers were J. A.
Shoemaker Simon Link and
James Douglass The new road
would not be as liable to drift
as the old one because the wind
would blow the snow away

The proposed ~~new~~ road would leave the land in better shape than the old one. The proposed road is very near the road used in winter time.

Raphael Nite

Peter G. Flick Produced and Sworn I am forty years old I am acquainted with the view of the road in question I was one of the Viewers I live in Allegany Twp About one mile from where this road in question starts I have occasion to travel this road often The proposed new road would be more advantageous to the public in general it would be nearer and a better grade and more handier to schools & church for the Corroll Twp people It would be less expense to keep in repair than the old one There is about three quarters of a mile of the old road that is always full of snow in winter time.

The route they have been traveling in winter time is near where the proposed new road is.

I was one of the viewers and
see page 2

~~road~~ commenced at Paul Strittmatters
 alters and run the old road
 down to Hiles where the new
 road commenced as shown in
 black colars on the draft attach-
 ed to views now in my hands
 we then started in near Ralph
 Hiles lane and followed the line
 Between Hershel and Hile next
 to Bertrams through his place
 then to M. Farbaughs then to
 Strittmatters and came out at
 place we commenced. we assessed
 damages to all but Farbaughs
 and Strittmatters their land
 being unimproved I was present
 at the review the reviewers were
 J. A. Shoemaker James Douglass
 and Simon Linn. They just
 walked along the old road then
 up the new road The reviewers
 did not chain or stick a
 compass on either old or new
 road or take the grade of
 either one The reviewers when
 they went to dinner said they
 would come back and take
 another route but did not

come back we waited on them
until 3 o'clock.

Peter C. Fildt

Peter A. Bertram Sworn
I am forty eight yrs of age
reside in Carroll Twp have for
about 30 years. Report of viewers
shown witness and asked to
state if he is acquainted with
the road in question as shown
by the draft thereto attached
Yes sir I am. The old road is
not passable in winter time
I am acquainted with the new
route as laid out & by the
Viewers The new road would
be more handy for the public
in general being less hills and
shorter distance The new would
injure Ralph Hill and myself
most it being more convenient
I am satisfied I was notified
before the view. The proposed
road would be handier for
going to School and Church
The new road would cut off
fine steep hills that are not
passible in winter The new
road would leave the land
in better shape and be better
for the public

Det. & Barbur

Philip Herzog Sworn

I am 32 yrs of age I reside in Carroll Twp have during my lifetime Report of Viewers shown witness and asked to state if he is acquainted with the road in question as shown by the draft thereto attached I am Part of the old road is not passible when it is drifted in winter time I am acquainted with the new proposed route The new road would be nearer for some people to go to Church and Schools adjoining the road.

Philip H. Hartzog

Henry Scanlan Produced and Sworn
I have been County Surveyor of Cambria County since 1856 with the exception of 3 yrs I am at present County Surveyor
Question Order of the court of Quarter Sessions of Cambria County

No 11 March session 1888

R. C. report of Viewers. Shown
Witness and asked to state if he
was the Surveyor and if the report
is in his handwriting Exhibit A

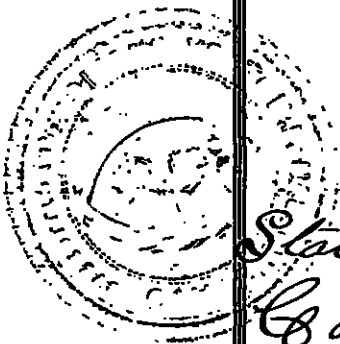
Answer

The report is in my handwriting
The draft thereto attached is correct
as far as I know. The report and
draft both show courses and distances
of the old and new road as near
as I can tell I have been acquain-
ted with the old road for the
last 30 years I only know it
from its location a road that
is located as it is generally drifts
If the old road was properly opened
there would be heavy cut on John
Billers on the west side of the road
and it would be a cost to the
Township on the old road. There
would also be a cut on both of
the new route I was one of
the Viewers on the new route
I wrote 3 notices and had them
put up before viewing the new
route a copy thereof is hereto
attached to the paper I have in
my hands,

No 3

then assessed damages to all improved land as we passed through. The old road is Two Hundred and Seventy Eight perches. The new road is Two Hundred and Fifteen perches. The new road is the shortest by Sixty Three perches. The new road is an ordinary grade of according to our new public roads. The new road is necessary for public in general when properly opened it is really necessary for a Church and school road. The new road if opened would be a benefit to the adjoining it would make their fields more square in the improved land, I live about 4 miles from the fork of the road to be supplied

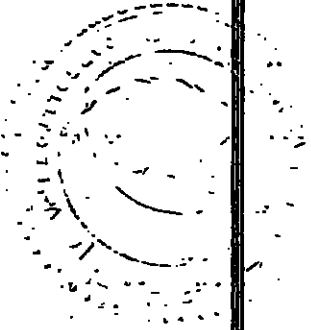
Henry Seabury



State of Pennsylvania }
County of Cambria } S.S.

I do hereby certify that the above witnesses were duly qualified and examined at the time and place stated in the above caption and

Subscribed their depositions in my
presence in witness whereof I
set my hand and Notarial Seal
this 28 day of June A.D. 1889
C. A. Sharbaugh
Notary Public



Dees. H. Scanlan, Sub.	50.
" " " Witnesses	1.06
Peter A. Bertram "	1.24
Ralph Hill "	1.24
Philip Herzog "	1.30
Peter C. Flick "	1.36
Constable J. Wardlaw	
Serving Subpoena }	1.74
C. A. Sharbaugh N.P.	4.00

County of Cambria

ss.

The Commonwealth of Pennsylvania, to Peter C. Bertman, Peter C. Elbert, Philip Hartog, Henry Scoulan, Peter Kuber, Raphael Stet,
We Command You, and each of you, that, laying aside all excuses, you severally be and appear in your proper person before Henry Scoulan Esq.,

a Justice of the Peace for said County, at his office, on Monday the 28th day of June A. D. 1889 between the hours of 9 o'clock, A.M., and 2 o'clock, P.M., to give evidence in a certain action pending before our said Justice of the Peace, wherein

Supply Mill Merchants Plaintiff and of a law to locate and
Shelton of Cambria Defendant on part of the County on part of June 1889. In the Court of Quarter

Herein fail not, at your peril. Witness the hand and seal of the said Justice of the Peace, at Carrolltown aforesaid, this 21st day of June A. D. 1889.

Henry Scoulan



No 11. March Term 1889
R. H.

Subpoena on part
of Inver to Vacate & Supply

June 17th 27 1887
subpoena same
on all
servest 90
miles 44
174

do and

Isaac J. Weakley

603

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

Read in
Carroll Exp Of *March* Term, A. D. 1888, No. *11*

And now, to-wit, the *20th* day of *June* A. D., 1889.

Rule on part of *Viewers* 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 *20* of *June* 1889
H. H. Schumaker Prothonotary.

To *Alvin Evans & Co.* atty for *Respondent*

Take Notice, That in pursuance of the above Rule the depositions of witnesses to be read
in evidence on the *matter* of the above stated *case* on part of
the *Plaintiff* will be taken at the office of *Henry Seaulous*
at *Carlisle* on *Friday*
the *28th* day of *June* A. D. 1889, between the hours
of *9* o'clock, A. M., and *9* o'clock, P. M., before *Henry Seaulous*
by a *Justice of the Peace* 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.

H. R. Seaulous
June 20th 1889 atty for *Plaintiff*

No. 11 Mar Penn 1888
20,

Road in Carroll
Twp.

Filed Oct. 1879;

Rules on part of
Veto & take App.

June 20th 1889 service
of the within rule was
accepted. Alvin Evans
Atty for Review
& Explanations

Scoutman

North seven degrees East fifty Eight perches to line of unimproved
land of heirs of M Norobough thence North nine and one half
degrees West sixty nine perches to point in old road at
mouth of Foul Shittmotters Private road all of said road
being in Cornwall Township located parts in Block Supple
parts in Red. See Draft No And we do further report
and assess a damage to Raphael Wite of twenty two dollars
also a damage to John Hershel of twenty two dollars also
a damage to Peter Berham of one hundred dollars other
land which road passes over being unimproved
All of which is respectfully submitted

Witness our hands this 21st May 1888

Henry Seaborn
Henry J. Koppell
Peter C. Flicht

White

To the Honorable Wm Johnston Esquire President
Judge of a Court of Quarter Sessions and for the Peace for
the County of Cambria at June Term A.D. 1888

We the undersigned
jurors appointed by said Court do report that we gave due
and timely notice by three written notices put up in three
public places near said road And we do further Report
that having met at time place designated by said notices
and after all being first Sworn according to law
and after viewing road mentioned in Order of Court
we did locate the following parts of said road in Camague
two steep Hills and strifting in written Beginning at a
Point on said road where Paul Struthollers road connects with
said road three South twenty seven degrees East one hundred
perches thence by same South thirteen degrees East twenty two
perches by same South forty nine degrees West forty eight
perches by same South forty degrees West fifty four perches
by same South thirty one and one half degrees East twenty two
perches by same South seventy four and one half degrees
East thirty two perches to Point in said road near Machine
of Raphael White which said parts of said road in our opin-
ion should be located And supplied as follows
for a public road or high-way viz Beginning at a Post
in old road on line of land of John Hurshel and Raphael White
thence by said line North twenty one and one half degrees West
forty four perches thence through improved land of Peter Be-
ntroun North eighteen and one half degrees West thirty two
perches thence North thirteen degrees West twelve perches thence

Road Notice

We the undersigned Juries, appointed by the Court of Quarter Sessions of the Peace in and for said County of Cambria Pa, will meet at the residence of J. X. Strittmatter in Carroll Twp, in said County on Monday the 21st day of May A.D. 1888 for the purpose of viewing etc as directed a road leading from a point at or near Hungen Bridge near R. Hele to a point at or near J. X. Strittmatter in said Township, when and where all persons interested may attend if they see proper, at 9 o'clock A.M. of said day
May 19. 1888,

Henry Scaulau

Peter C. Fleck

Henry J. Hoppel,

Witness

Commonwealth of Pennsylvania,
County of Columbia, } SS.

At a court of Quarter Sessions of the Peace of the County of Columbia
held at Chesham in the said County, on the 2nd day of
April A. D. 1888, before the Honorable the Judges of the same
court: Upon the petition of divers inhabitants of the township of Carroll
in the said county, setting forth that they labor under inconvenience for want of a
road ~~was formerly laid out~~ ^{road or highway}, to lead from
and opened by order of Court from a point on Chest
Creek at Flanagan's Bridge to Carrolltown beginning
at a point on said road at or near residence of Raphel
Hite to a point on line of land of Michael Meunier con-
tinuing from a point on line of land of Francis K
Stettin to a point on lot of Francis Deane; that
in consequence of these several steep hills and drift
of snow in winter time roads are impassible and
waste of private property which road your petitioners
conceive has become useless inconvenient and bur-
densome.

and therefore praying the court to appoint proper persons to ^{view & supply} view and lay out the
same according to law. The Court upon due consideration had of the premises, do
order and appoint, Henry Sculland SURVEYOR,
and Peter C. Fitch, & H. J. Hopple.

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

BY THE COURT.

Attest:

H. A. Meunier
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. 11

Mar. Dec. 1888 Rd.

Order to view a road vacate
and supply a public road
leading from a point near
Shawangam Bridge near
Raphaels Mill to a point
near farm of Michael
Mann in Carroll Pop
Canton in Co.

Viewers:
Henry Seaborn
Peter C. Smith
H. J. Apple

Acceptance:

John J. May 1888

ack. Shannahan 90
for atty

Sealer

June 13, 1888. Confirmed Rise, and parts supplied
ordered to be opened 30 feet wide.

By the Court
8 Oct. 1889 Report of viewers confirmed. Exceptions
overruled. Re-view set aside. By the Court.

To The Honorable, The Court of Quarter Sessions
 of the Peace in and for The County of Cambridge
 We the undersigned Reviewers, appointed by
 Your Honor in the annexed order - Do Report,
 That legal notice of the time and place of
 meeting having been given - We met according
 to appointment - And having been sworn
 We reviewed the present road, proposed to be
 vacated, with the several courses and distances
 starting at a point on land of Paul Strimatter and
 ending at a point on land of Raphael Hite, and shown
 by Red lines on draft - We then review'd that por-
 tion proposed to be supplied, with the several courses
 and distances, starting at a point on land of Raphael
 Hite (the terminus of the proposed vacation) and ending
 at a point on land of Paul Strimatter the place of
 beginning, and shown by black lines on annexed draft
 In our opinions we believe the present road, or that
 portion proposed to be vacated, is on far better ground with
 no steep grades and no more liable to drift than the
 proposed supply - We recommend leaving the road where it is
 at present. Witness our hands this 26th day of
 November A. D. 1888

J. A. Shoemaker
 James Douglas
 Simon Link

J. A. Shoemaker 2d. 26712
 James Douglas 1 n 12
 Simon Link 1 n 6
 W. R. R. 1 n 12
 W. R. R. 1 n 12

Commonwealth of Pennsylvania,
County of Cambria, } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria held at Chesham in the said County, on the third day of September A. D. 1888, before the Honorable the Judges of the same court: Upon the petition of divers inhabitants of the township of Carroll in the said county, setting forth that they labor under inconvenience for want of a ~~upon the petition of divers inhabitants of the township of~~ road or highway, to lead from of said township to create and supply part of the public road ~~leading from Chestnut to Carrolltown from a point at or near~~ Rabhalet Hites to a point on the property of Paul Strickmatter in said Township the Court granted a view for the same that in pursuance of said order to view the same the within named viewers proceeded to perform said duty and returned said view and proceedings therein to the Court which view was on the 13th June AD 1888 confirmed view ~~view~~ to be supplied ~~to be opened 30 feet wide~~ The petitioners now represent to the court that if said road a part thereof be confirmed absolutely by the Court it would be injurious to some of the inhabitants through which said road runs as now laid out as well as to the people generally

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. Shaukel SURVEYOR, and James Douglas & Simon Dick

the VIEWERS, to view the ground proposed for said road, and if they 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:

J. A. Shaukel

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. 11
March Sessions 1888

Order to re view a road leading from Lewis near Flanagan Bridge near residence of Raphael White to a point near farm of Charles H. Haines in Marshall Township

The viewers—
J. A. Hainsworth
James Langston
Thomas Clark

Feb 2 Dec 1888

Sept. Hainsworth of 90
Pet. by all owners

Comm

10 Jan 1889 Confirmed view and ordered to be opened 20 feet wide

P. A. C. W.

To the Honorable R. L. Johnston Judge
of the Court of Quarter Sessions of the Peace in
and for the County of Cambria, Penna,

The petition of undersigned citizens of the
Township of Carroll in said County respectfully
represent that upon the petition of sundry
citizens of said Township to vacate and supply
part of the Public Road leading from Chest
Creek to Carrolltown from a point at or near
Raphael Hites to a point on the property of
Paul Hittmatter in said Township the Court
granted a view for the same that in pursuance
of said Order to view the same the Viewers then
in named proceeded to perform said duty and
returned said View and proceedings therein
to the said Court which View was on the
4 June, A.D. 1888 confirmed Hites and pertained
to be supplied to be open 30 feet wide.

The petitioners now represent to the said
Court that if said road or part thereof be
confirmed absolutely by the Court it would
be injurious to some of the inhabitants
through which said road runs as now laid
out as well as to the Taxables generally.

Your petitioners Therefore pray your
Honor to make such Order as required by
Law and we will ever pray, &c,

John Bitter.
Ellaib Billar
J E Bender
Albert Tarabough
Francis B Tarabough
John Alister
John - Threshel
Joseph Stiller
Lawrence Wymer
Charles Heyfron
E. L. Thiriot
John B Doll
Henry Bender
Andrew Miller
N. L. L. L.
William Miller
Joseph Bender
Edward Bender
John L. Miller
Michael Taylor
Peter Wimmer
Peter Tarabough
John Link
A. Gost
P. D. Schuber

Mo. 11 March Session, 1888.

Petition for appoint-
-ment of Reviewers in
the matter of the inch.
-in mentioned road, les-
-ing from a point near Filanogah
bridge near residence of Raphael
Holt to a point near farm of
Michael Weaver in Carroll Coun-
-ship.

Filed 3 Sep. 1888.

And now, September 3rd
1888, the within petition
read, &c, whereupon

J. A. Shoemaker

James Douglass ^{and}

Simon Link

appointed reviewers, to
report at next term

By the Court

Coram.

To the Honorable R. S. Johnston Esquire Presi-
dent Judge of Court of Quarter Sessions
in and for the County of Cambria at Elland
Tenn. Feb. 1888

The petition of the subscribers of
Carroll Township respectfully represents That
a road was formerly laid out and opened by
order of Court from a point on Chest Creek
at Sulawagus Bridge to Carrolltown beginning
at a point on said road at or near residence
of Raphael Hite to a point on land of Michael
Hoover continuing from a point on line of land
of Francis X. Schmittmatter to a point at lot of
Francis Beamer, that in consequence of these
several steep hills and drifts of snow in
winter time roads are impossible and waste
of private property which road your petitioners
conceive has become useless inconvenient and
burdensome and petition your Honor to ap-
point suitable persons to locate and supply
said road agreeably to the several Acts of Assem-
bly in such case made and provided for
and they ever will pray &c

Peter A. Barton Philip, A. Hartzog
Thomas H. Hoover John Link Sr.
Anthony Leitz John A. Chester
John L. Miller Peter Garbough
Zimery J. Kenrold
Crest Page for signers

Signers Continued

By a yot

W. T. ~~Sturtevant~~

W. L. Bean

Charles Yacoble

Charles Dunlap

Wm F. Goodenham

Thomas J. Foster

Isaac A. Hooker

J. J. Dymus

Charles Frazier

No. 11 Mar Ser 1888. Rd.

Road.

Petition of the Citizens of
Carroll Township
for Vacate & Supply

A public road leading from
a point near Glenagart
bridge near residence of
Rhopheal Miller to a point
near farm of Michael
Wearer on Carroll Gap
Cambria Co. Pa

Verme

H Scaulan

Peter C. Flick

H. J. Hoppel,

App^d By the Court

Filed Apr 2, 1888.

In the matter of the
petition to vacate ^{and sup-}
ply a public road lead-
ing from a point near Flan-
-agan's Bridge near the resi-
dence of Raphael Vili to a
point near farm of Michael
Heaver in Carroll Township

In the Court of Quarter Sessions
of Cambria County.

At 11 March Sessions 1888.

Exception to confirmation
of the report of viewers vacating and supplying parts
of the road mentioned above, as follows:

1st, That the change made and reported by the
viewers in the matter of the above mentioned road
does not improve the same from beyond its pre-
sent condition

2nd, That if the report of the viewers is confirm-
ed and the road ordered to be opened as changed
and supplied it would only impose additional
and unnecessary burdens upon the inhabitants of
the Township, without adding to their convenience in
the matter of travel.

3rd, That the change proposed is not necessa-
ry for public use or convenience and would be in-
jurious to private property.

4th, That the viewers did not perform their
duties in the manner prescribed by law, nor in
conformity with the order of Court.

Alvin Evans,
Atty for E. P. Bender et al
Exponents.

September 29th 1888.

10.11 March Sessions 1888.

In the matter of the
report of viewer vacating
and supplying a public
road in Carroll Township

Exception to report of
viewer.

Filed Oct. 1. 1888.

Cause.