

To the Honorable R. G. Johnston Esq; President Judge now  
holding a Court of Quarter Sessions and for the Peace in and  
for the County of Cambria at June Term A.D. 1888

signed Recorders do report that we have seen and timely no-  
ticed by their written and printed Notice posted in three pu-  
blic places of true and place of Meeting of Recorders And  
we further report that having met at true and place des-  
ignated by said Notice and after being all first duly  
Swore did view and Vacate the following parts of said  
Wood viz Beginning at Pine Stump on said Wood in Ellington  
Township thence North forty seven degrees East twenty four  
perches thence North fourteen degrees East four and one half  
perches thence North eighteen degrees West thirteen perches  
thence North twenty five degrees West fourteen perches thence  
North forty four East Seven and one half perches thence North  
Seventy seven degrees West nine perches thence North Eighty  
three degrees East thirteen perches thence North thirty two  
degrees East twenty three perches thence North thirteen per-  
ches thence North four West twenty five and one half per-  
ches in field of Heis of G. Eberly Also beginning in lace of the  
of G. Eberly thence North Eleven and one half degrees West four  
and one half perches thence North forty six and one half  
degrees West Seven perches thence North Eight degrees West  
Crossing line of Ellington & Allegheny Township line twenty perches  
thence North eight and one half degrees West seventeen  
perches thence North Nine and one half degrees East  
Nine perches thence North twenty one and one half degrees  
East sixteen perches thence North thirty degrees East twelve  
perches thence North fifty one degrees East Crossing line of Ellin-  
gton & Allegheny Township ten and one fourth perches

thence North eighteen and one half degrees East thirteen perches  
thence North six degrees West twelve perches thence North  
one degree East eighteen perches thence North thirteen  
and one half degrees East twenty eight perches thence  
North twenty three degrees East twenty six and one half per-  
ches thence North two and one half degrees East thirty  
nine perches thence North fifty six degrees East fourteen  
perches to Point in Public road leading from Taylors  
Station to Loretto at Gate of Franciscan Brothers  
in Alleghany Township which said road in our  
Opinion is low flat and swampy land for a great  
portion upon which this road is laid Maceted  
posts in block with

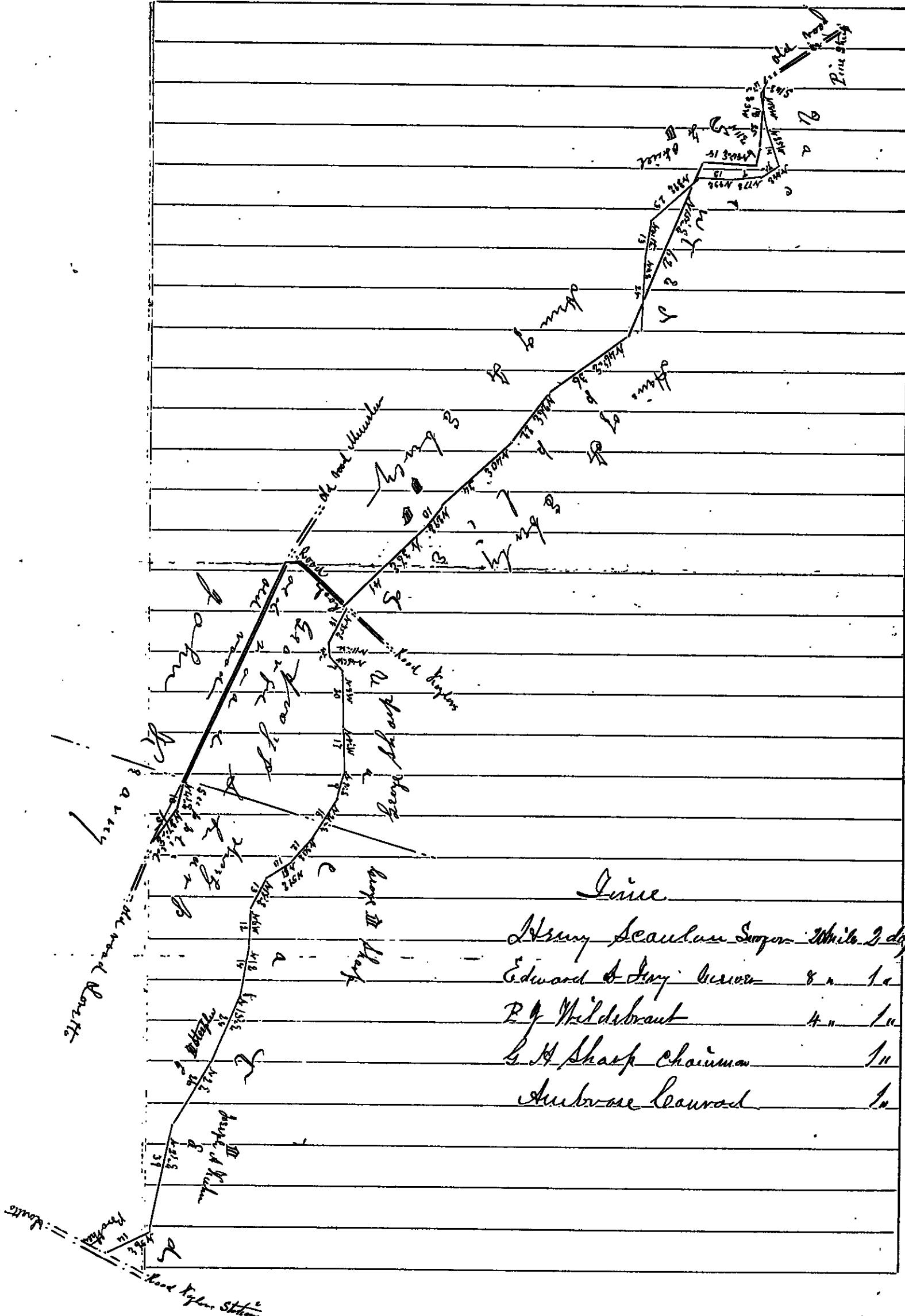
And supply the following for  
a Public road or high way viz Beginning at a  
Point in old road on land of Elias of Barber  
Beginning at Pine Stump by old road North forty eight de-  
grees East twenty four perches thence North thirty degrees  
West twenty five perches thence North Eleven degrees East  
Sixty perches thence North eighty four and one half degrees  
East Eighteen perches thence North fifteen and one half  
degrees East Sixty two perches to Post at End of Ebelys  
Lane thence beginning in Township road leading to  
Doals on line of land of Ebelys & Sharp thence by said  
road and line to old road from Hunter to Loretto  
following said old road to lane of John Kanes  
thence into fields of George Sharp North four and one half degrees  
East ten perches thence North twenty seven and one half  
degrees East fifteen perches into old road on line

of land of John Keany and George Sharp see draft  
Supplied parts in red ink Old road in doable  
lines red ink

We have run bounds this 16<sup>th</sup> April A.D. 1888

Henry Scoular

E. D. [unclear]  
P. J. Willebrand



June.

Henry Scauldun Soper While I lay

Edward S. Gray Brown 8 a 12

R. J. Wilder 4. " 1 "

L. H. Sharp Chairman 11

Aubrey Leeward 1.

# ROAD NOTICE!

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County to view the ground

*for a Public Trail, in  
Lounsherry, Allegany Township,  
bearing from the village of  
Lounsherry in the Township of Limestone*

will meet at *Public House of John James* in the township of  
*Limestone Branch*, aforesaid, on the *16<sup>th</sup>* day of *April*, *1885*,  
at *9 o'clock A.M.* for the purpose of viewing said ground.

*P. J. Willard*  
*Edward L. Gray*  
*Henry Scanlon*  
Viewers.

*April 2<sup>nd</sup> 1885.*

Commonwealth of Pennsylvania,  
County of Cambria, } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria, held at Clearfield in the said County, on the 5<sup>th</sup> day of March A. D. 1855, before the Honorable the Judges of the same court: Upon the petition of divers inhabitants of the township of Munster, Allegany in the said county, setting forth that they labor under inconvenience for want of a proper affiliated by the Court refused to lay out or highway, to lead from West town thereof (which report was filed on Dec. 5, 1854, to the 10<sup>th</sup> Sept. 1855, R. D. that they had laid out and returned for public use the following road viz. "the Standard path the publick turnpike designated in the order and now that portion proposed to be located running North 42° East 205 perches, thence N. 40° East 76 perches thence N. 21° E. 16 perches thence N. 34° E. 76 perches thence N. 36° E. 10 perches thence N. 26° E. 38 perches thence N. 16½° E. 58 perches thence N. 19° E. 45 perches thence N. 15½° E. 65 perches thence N. 7½° E. 56 perches thence N. 76° E. 27 perches thence N. 70° E. 44 perches thence N. 68° E. 26 perches thence N. 61° 24 perches thence N. 17½° E. 15 perches to a point on the publick road near Lomita. Finding the grade on several portions of this road to exceed the (10) degrees we believe it to be inconvenient and dangerous and therefore recommend the vacating of said road as a publick road and supplying it with the following road from the said Standard N. 47° E. 24 perches N. 14° E. 11½ perches thence N. 18° W. 9½ perches thence N. 25° East 14 perches thence N. 48½° E. 7½ perches thence N. 08° E. 9 perches thence N. 83° S. 13 perches thence N. 39° E. 23 perches N. 11° W. 25½ perches N. 13° E. 13½ perches thence N. 29° E. 26 perches thence N. 11½° E. 16½ perches thence N. 35½ E. 12 perches thence N. 35° E. 10 perches thence N. 11½° N. 4½ perches thence N. 46° W. 7 perches thence N. 8½° W. 17 perches thence N. 9½ E. 9 perches thence N. 21½° E. 16 perches thence N. 30° E. 11 perches thence N. 5° E. 10½ perches thence N. 18½° E. 13 perches thence N. 6½° W. 12 perches thence N. 10° E. 18 perches thence N. 13½° E. 58 perches thence N. 23° East 26½ perches thence N. 27° E. 39 perches thence N. 56° E. 18 perches to a point on the River Linn and leading from Keyton Station to Lomita. This portion supplied, we recommend to be opened as a publick road for the accommodation of the publick. We alledge having been abridged by us the following damages. Francisco Brother of Mr. Joseph Kliney of 100<sup>00</sup> George Christ of 140<sup>00</sup> Mrs. Mary Liberty of 117<sup>00</sup> or working at the said turnpike a sum of money for the same and suffering other loss amounting up to 100<sup>00</sup>. That the said road is unnecessary for publick use. The petitioners therefore showing that they are persons interested, pray the Court,

and therefore praying the court to appoint proper persons to re-view and lay out the same according to law. The Court upon due consideration had of the premises, do order and appoint, Henry Sedgwick SURVEYOR, and Edward D. Gray and Peter J. Willibrant

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

BY THE COURT.

Attest:

H. A. Schenck,

Clerk.

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

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

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

No. 10

Asst. Clerk 1857 No. 10

Order to re-view a road in the  
District of Milbank and Allegany  
leading from the village of  
Milbank to the Branch of  
the Genesee.

McGraw  
Henry Stearns  
Edward S. Long  
Peter J. Miller  
*Approved per  
John C. Long*

Sept 1858 Execution file

Monday 16th inst  
A.D. 1858  
Cost Shanty \$1.00

Rader

June 13 1858. Read and confirmed nisi and  
ordered to be opened soft aids. By the Court

To the Hon. R. L. Johnston - Judge  
of the Court of Quarter Sessions of  
the Peace in and for the County  
of Cambria.

We the undersigned Surveyors ap-  
pointed by your Honor in the  
afored order to view vacated and  
supply road from the village of  
Minster in Minster Township, to  
the Borough of Loretto in Allegheny  
Township. Do report. That legal notice  
of the time and place of meeting having  
been given - J. Ashcemaker, went to the  
appointed place at the appointed time  
and gave public notice of an adjournment  
until the following day at the same  
place and same hour - At which  
time & place we met, and after having  
been sworn to perform the duties  
of the appointment. We started at  
the Pine Stump designated in the order  
and viewed that portion proposed  
to be vacated running N 48° E 205 ps.  
thence N 40° E 76 ps thence N 23° E 40 ps  
thence N 31° E 28 ps thence N 36° E 10 ps  
thence N 20° E 38 ps thence N 16½° E 56 ps thence  
N 19° E 45 ps thence N 15° E 65 ps thence N  
74½° E 38 ps thence N 76° E 27 ps thence N 73° E  
44 ps thence N 68° E 24 ps thence N 34½° E 18 ps

Thence N 52° E 24 ps thence N 17 $\frac{1}{2}$  E 15 ps to  
a point on Public road near Loretto.  
Finding the grade on several portions  
of this road to exceed (10°) ten degrees  
we believe it to be inconvenient and  
burdensome and therefore recommend  
the vacating of said road as a  
public road and supplying it  
with the following road from the Pine  
Stump N 47° E 24 ps - Thence N 14° E 4 $\frac{1}{2}$  ps  
thence N 18° W 13 ps thence N 25° W 14 ps thence  
N 48 $\frac{1}{2}$  E 7 $\frac{1}{2}$  ps thence N 77° E 9 ps thence N  
83° E 13 ps thence N 39° E 23 ps thence North  
13 ps thence N 4° W 25 $\frac{1}{2}$  ps thence N 48° E 36 ps  
thence N 24° E 26 ps thence N 29 $\frac{1}{2}$  E 16 $\frac{1}{2}$  ps thence  
N 38 $\frac{1}{2}$  E 30 ps thence N 32 $\frac{1}{2}$  E 12 ps thence N  
35° E 40 ps thence N 4 $\frac{1}{2}$  E 11 $\frac{1}{2}$  W 4 $\frac{1}{2}$  ps thence  
N 46 $\frac{1}{2}$  W 7 ps thence N 8° W 20 ps thence N  
8 $\frac{1}{2}$  W 17 ps thence N 9 $\frac{1}{2}$  E 9 ps thence N 20 $\frac{1}{2}$  E  
16 ps thence N 30° E 12 ps thence N 51° E 10 $\frac{1}{4}$  ps  
thence N 18 $\frac{1}{2}$  E 13 ps thence N 6 $\frac{1}{2}$  W 12 ps thence  
N 102° 18 ps thence N 13 $\frac{1}{2}$  E 28 ps thence N 23° E  
26 $\frac{1}{4}$  ps thence N 27 $\frac{1}{2}$  E 39 ps thence N 56° E 18 ps  
to a point on Township road leading from  
Kaylors Station to Loretto - This portion supplied  
we recommend to be opened as a public  
road for the accommodation of the public  
no releases having been obtained  
We assess the following damages

Franciscan Bros (\$20) Twenty dollars  
Joseph Kunz. (\$100) One hundred dollars  
George Sharp - (\$140.) One hundred & forty dollars  
Mrs Mary Eberly Ex (\$175.) One hundred & seventy five \$  
~~\$435.00~~

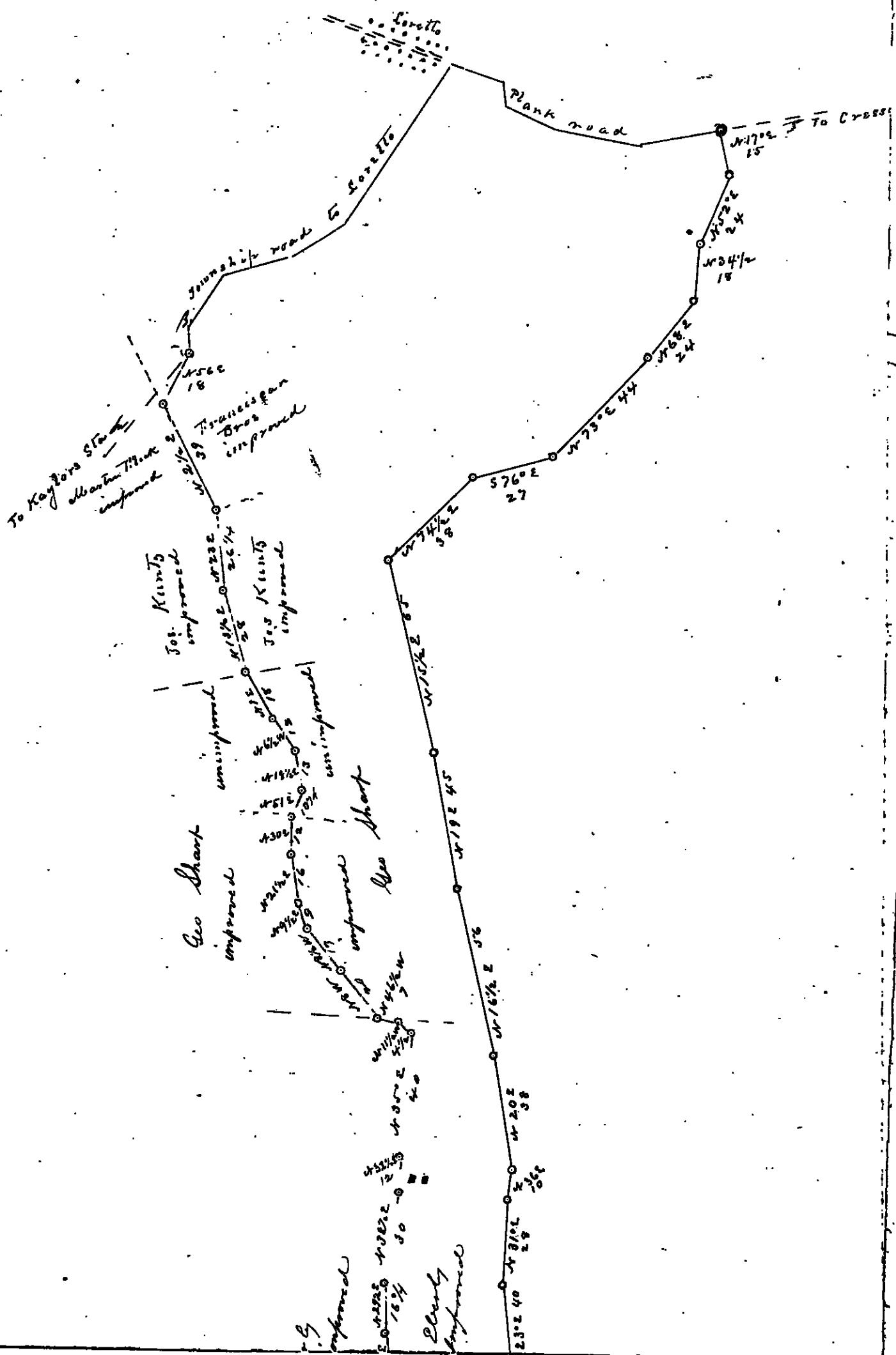
Witness our hands this sixteenth day  
of November AD 1887

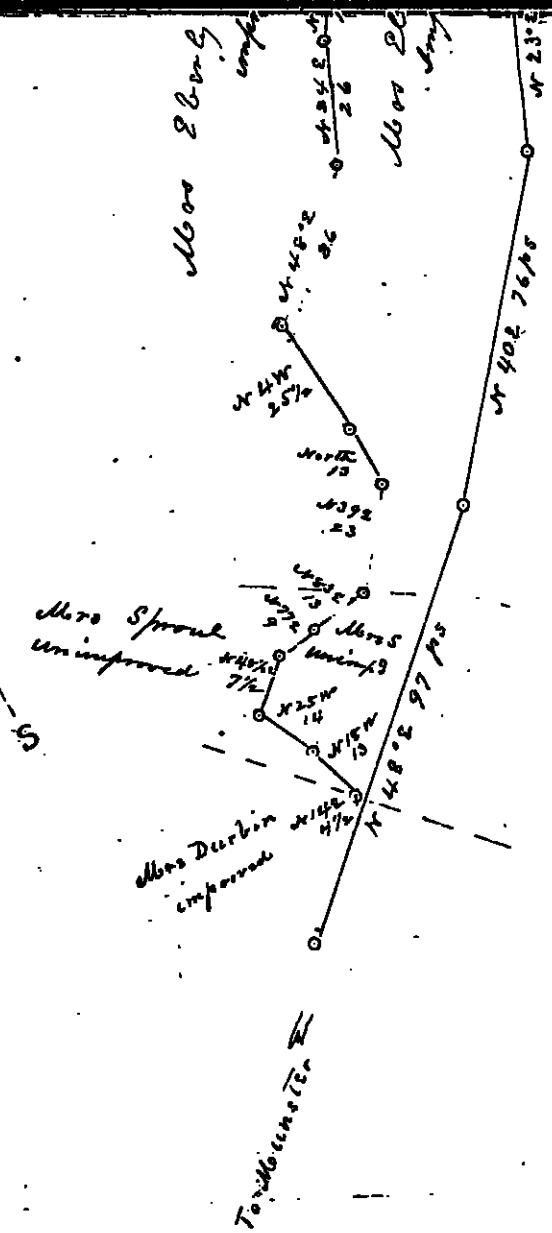
J. A. Thomashen J. J.  
James Taylor J. J.  
A. Shiber J.

Time

J. A. Thomashen	4 d.	12 Miles
J. J. Taylor	3 d	14 "
A. Shiber	2 d	06 "
Geo Sharp	2 d	Chairman
Ed Thomashen	2 d	"

Scale 40 ps to 1 m





The red lines shown part vacated  
" Given = = = supplied

Commonwealth of Pennsylvania,  
County of Cambria, } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria  
held at Olexashurg in the said County, on the 26 day of  
September A. D. 1887, before the Honorable the Judges of the same  
court: Upon the petition of divers inhabitants of the townships of Allegheny, Ellsworth  
in the said county, setting forth that they labor under inconvenience for want of a  
road or highway, to lead from  
part of a public road long since laid out from  
the village of Ellsworth in said Township of Ellsworth, and  
ending at the lower end of the Borough of Loretto  
has become useless, inconvenient and very burdensome  
to the inhabitants of said Township. They there-  
fore pray your Honor to appoint three suitable persons  
as necessary to vacate the said burdensome tract of  
the same, and to supply the same by a new road  
to commence at a point shump in Augustine Bur-  
ke's lane and to end on the old road about  
about on a line between the property of the Fran-  
ciscus Brothers and Martin Fink. The road lead-  
ing from Taylor's Shink to Loretto.

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. Schaeffer SURVEYOR,  
and James J. Kaylor and Anthony Shiner

vacate and supply  
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:

H. A. Schaeffer,

Clerk.

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

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

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

No. 10

Sept. 1. 1887 Recd.

Order to view & to locate  
and sightly road from  
the village of Sherrill's  
Mills to the  
Branch of Lake St.

Received J. H. Green for  
James F. Taylor  
of Sherrill's Branch  
Aug 1887

Filed Sept. 1. 1887.

Received  
for J. H. Green  
8 Oct. 1887  
Act. Sherrill's Branch  
S. D. by whom

stated

Jan. 6. 1888. Confirmed this, and part supplied  
to be opened 60 feet wide. By the court  
Oct. 3. 1888 Confirmed absolutely.

By the court

To the Honorable R. L. Johnston, President Judge  
of the Court of Quarter Sessions of Cambria  
County Penna.

The petition of the undersigned, citizens of  
Allegheny and Munster Townships respectfully  
represents:

That <sup>part</sup> of a public road long since laid out  
from the village of Munster in said township  
of Munster, and ending at the lower end  
of the Borough of Loretto has become useless  
inconvenient and very burdensome to the  
inhabitants of said township. They therefore  
pray your Honor to appoint three suitable  
persons as viewers to vacate the said burdensome  
parts of the same, and to supply the same  
by a new road to commence at a fine  
stump in Augustine Durbin's lane, and to  
end on the old road at or about on a  
line between the property of the Franciscan  
Brothers and Martin Flick. The road leading from  
Rayton station to <sup>Loretto</sup> And they will ever pray.

Allegheny Twp

Martin Pearson  
Bros Alphonse  
Matthew Hank  
Michael P Thomas.

Munster Twp.

Samuel Murphy  
Matthew Connelly  
James Connelly  
Frank Glass  
Herman Glass  
W.A. O'Hara

John M Latimer  
Thos Sargent  
Luke Rodgers  
Cornelius Deyer  
Dr J Sanders  
Philip Garrison  
Ignatius Beiter  
Wm Beiter

~~J. B. Lester~~  
J. B. Lester  
John Lester  
Dennis O'Donnell  
H. L. O'Leary  
John Murphy  
Samuel Stoll  
Joseph Stodd  
John Mulcahy  
Matthew Murphy  
Matthew Sharkey  
D. J. Slattery  
James McAnally  
~~J. G. Tracy~~  
John Tracy  
John Griffin  
J. P. Griffin  
John Tracy  
William O'Hearn  
Robert Brady  
Nicholas O'Neill  
Michael H. McHugh

No. 10 Sep Term 1857 R.D.

Petition of citizens of the  
townships of Allegheny and  
Minster for the appointment  
of viewers to view and  
vacate parts of the road  
leading from the village of  
Minster to the Borough of  
Loretto

J. A. Thormaker,  
James Taylor  
Anthony Shriver

And now Sept 26<sup>th</sup> 1857, read  
and  
J. A. Thormaker  
James Taylor and  
Anthony Shriver appointed  
viewers.  
By the Court

Filed Sep 26, 1857.

Bittell.

In the Court of Justice Session  
of the County of Lancaster  
of September Term, 1887  
No. 10, R.D.,  
In the road from  
Munster to Loretto  
in Lancaster County

VERSUS

Munster to Loretto  
in Lancaster County

DEPOSITION of witness estaken before me this Twenty-ninth day of September, A. D. 1887, at Notation Room in Court House in Lancaster Town between the hours of 8 o'clock A. M. and 10 o'clock P. M., by virtue of the agreement of counsel Rule of Court and notice thereon endorsed, for the examination of witnesses in a certain cause there pending, wherein  
In the road from Munster to Loretto in

Defendant

Peter J. Hildebrand being produced, sworn and examined on the part of the Plaintiffs for Plaintiff & Defendants, doth depose and say: My name is Peter J. Hildebrand now am years of age, I was one of the reviewees on this road from Munster to Loretto. I was over the ground with the other reviewees.

Ques: State what in your judgment it would cost to build the fence you rod through the land of Geo. H. Sharp & brother where the Review is laid? Mr. D. Keltell Esq. objects that the testimony sought is irrelevant and immaterial for the reason that as above-reviewees did not pass upon the question of damages as that question can not be taken into consideration in this proceeding. And also for the reason that the true measure of damages is the difference in the marketable value of the farm before and after the opening of the road.

"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."

Aus: It would <sup>cost</sup> a man about a dollar per rod. The damage done to their land would be about equal to the cost of fencing.

Ques: State why the reviewees did not assess damages to the owners of the land through which the road was laid at the time of the review?

Mr. Kettell objects that the testimony sought is irrelevant and immaterial for the reason that the failure of the Reviewees to assess damages is fatally defective to the proceedings and for the reason also that the Reviewees can not explain afterwards what motives prompted them in the making of their report.

Aus: They understood that they had no right to assess damages, because it was a re-view I believe that the ground laid out by the re-view would make the <sup>best</sup> road.

Cross-examined by Mr. Kettell

I don't see any - the new or re-view is the longer. There is not much difference. The Review may be a little the longer. A portion of the land of Mr. Sharp through which the re-view passes is unimproved - but its all fenced. I don't know whether the road if laid out would be a convenience to Mr. Sharp or not. There is no public road at present passing through Mr. Sharp's farm.

Re-examined by Mr. Reade.

I believe it would be cheaper to build the re-view than the road.

PJ Willibrand

J.

F. H. Itel (sworn)

I was raised about a half a mile from the  
Shook farm.

Ques: State what would be the expense of paving the road from Munster to Loretto per rod as laid out by the men and review in question through <sup>the land of</sup> Geo. H. Shook & brother.

Mr. Kittell repeats his former statement  
Ans: It would cost about one dollar per  
rod, for iron or board fence. I have put  
up board fence and wire fence - The wire  
fence cost one dollar per rod. We have nothing  
else, but boards & wire to build fence with in  
our country. The ground of the review would  
make a more salable road than the first view.  
The review would be the least expensive to open  
from Loretto to Fairley's and from there out I  
could make no difference in the two roads.  
The review would accommodate more of the  
farmers living along the old road than the view-  
named. F. H. Itel

Geo. H. Shook (sworn)

I am one of the land owners through which  
the road and review passes in the case. I  
know the ground on which the road & review  
are laid. I was along with both the review  
& review when the road to ground. The  
first view runs through my land about  
132 or 155 rods. I measured it. It will  
cost one dollar per rod to build ~~fence~~  
this review on my land (Mr. Kittell repeats

former abjuration to this testimony). It will require fencing on both sides of the road. The damage to my land would be a great deal. At the same time if I could get do equivalent of the fencing I would not mind the land though it cuts up my field a good deal. The view goes through my cleared land 75 or 80 rods. The balance of the road through my land goes through land that has always been fenced up since I can mind. It has been fenced up since before my father came there about 40 years ago. I don't say how many rods of the re-used crosses my land. It would be cheaper to open the re-used than the new for either foot. I think the new would make the better road of opened by far. Because its more solid than the view would be.

Ques: State whether or not any one of the reviewers at the time of the re-view informed you that they could not assess damages <sup>for it generally</sup> and why not?

Mr. Kitter objects that the evidence sought is but hearsay evidence and because if any one of the reviewers made such a statement at the time the view was made it could not be legal evidence even though he were now to testify to it.

Ans: Henry Scudder tells me that the first viewers had a right to report damages but that the reviewers had not.

Cross-examined by Mr. Kitter

I can not tell you which - the new or  
re-new is the longer road. I don't know.

Geo. H. Sharp

C. D. Fry. (sworn)

I reside in Allegheny Twp. I know the location  
of the road and re-road in this case. I was one  
of the re-reviewers.

Ques: State why the re-reviewers did not assess  
damages to the owners of the land through  
which the review was made?

Ans. Mr. Kettell objects that the reason why the  
reviewers did not assess damages can not be  
shown by the testimony of witnesses.

Ans: I asked Mr. Scanlon why we should <sup>not</sup>  
pay damages and he said the review before  
us had laid damages. He said we had  
no right to lay damages as because it was  
through timbered land. Part of the re-review  
was through cleared land. It would cost  
as good but more to open the road than  
the re-review. It might cost ~~more~~ <sup>than the review</sup> & more to open

the first road. I don't know which as the  
new or re-new would be the more convenient.  
I have not been over the road more than  
once or twice in 15 years. Mr. Conroy, Mr. Frank  
Early, Fisher, Still, Lubin & Deny, Early, I  
suppose would use the re-review if opened, I  
mean Simon Fisher, I don't know whether Sam  
Still would run it or not. P. J. McDebrand  
would use it. I suppose these same citizens  
would use the road if opened. I can not

say whether the review would be more conve-  
nient to these parties named than the own or  
not. Part of the need is over-scrutiny, well  
granted. The review is on better ground in  
Allegheny Prop., but about the same as  
Monong., but it goes straight. I don't know  
how many ands the review runs through  
Mr. Sharp's land.

Cross-examined by Mr. Kettell  
I never opened out any public roads,  
I have been supervisor. E. D. Gist Jr.

In re Road from } No 10 Sept Term 1887 R. v.  
Minster to Dorsetto }

It is hereby agreed that depositions may be taken  
on part of petitioners for view and also on part of  
petitioners for Review and Exceptions, before H. H. Myers  
Esq., Notary Public, at the Arbitration Room in the  
Court House Ebensburg on Saturday 29<sup>th</sup> Sept 1888  
between 8 a. m and ten f. m.

M. D. Kettell  
*Atty for Petrs for View.*

G. M. Read  
*Atty. for S. N. & G. H. Stark*

In re - Road  
from Münster  
to Dörpthe.

Agreement in regard  
to taking depositions

STATE OF PENNSYLVANIA, }  
Columbia County. } ss.

I DO HEREBY CERTIFY, That the above witness~~s~~ 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 name thereto in my presence and in the presence of Full  
Ready & Atty, Runion, Ex-plaintiff and Mr. Kitter  
Ex-Atty for original action

Witness my hand and Notarial seal.

H. H. Myers,  
Notary Public.

No. 10 of the Term, 1887

Present from  
January to October.

versus

## Deposition

of witness on part of Plaintiff

V. G. H. Hobart

Fees for taking Deposition, \$10.00

Barry L. Shattock,  
Kingsbury  
Filed March 18, 1887

Walter S. Clark  
Prothonotary

George  
Heade  
Attorney.

In the Quarter Sessions of Cambria  
County.

No. 10 Sept. Session 1887. Road Docket. —  
Review

Exceptions

First:— The proceedings are erroneous and void because the viewers do not report upon the question of damages to the persons through whose land the review of said road is laid out as required by law.

Second: The report and proceedings are erroneous and void because, the viewers admitting damage were sustained, yet did not report or find the damages in favor of the person and persons injured, erroneously supposing that the viewers had no jurisdiction over the question of damages on the order of review.

Third: The proceedings are erroneous and void, because sufficient notices were not given to the owners of improved land, through whose land the same was laid out.

G. H. Reade  
Atty. for G. H. Sharp et al.

No. 10th Sessions 1887.

Road Docket.

Exceptions to  
Review.

Act 3 Sep 1888

Please.

To the Honorable R. L. Johnstone President  
Judge of the Court of Quarter Sessions of  
Monmouth County.

The petition of the undersigned, Respect-  
fully Represents.

That viewers appointed by this court,  
reported to the last Term thereof, (which  
report was filed on 5<sup>th</sup> Dec. 1887 to No. 10 Sept.  
Sessions 1887 A.D.) that they had laid out  
and returned for public use the following  
road viz.: "We started at the pine stump  
designated in the order and viewed that  
portion proposed to be vacated running  
North 48° East 205 perches, thence N. 40° E. 76  
per., thence N. 23° E. 40 per., thence N. 31° E. 28  
per. thence N. 38° E. 10 per. thence N. 20° E.  
38 per. thence N. 16½° E. 56 per. thence N. 19° E.  
45 per., thence N. 15½° E. 65 per. thence N. 74½°  
E. 38 per., thence S. 76° E. 27 per., thence N.  
73° E. 44 per., thence N. 68° E. 24 per., thence  
N. 34½° E. 18 per., thence N. 52° E. 24 per. thence  
N. 17½° E. 15 per. to a point on the public  
road near Zoretto. Finding the grade  
on several portions of this road to ex-  
ceed Ten (10) degrees, we believe it to be  
inconvenient and burdensome, and therefore

2

recommend the vacating of said road as  
a public road, and Supplying it with the  
following road from the pine stump N.  
 $47^{\circ} E.$  24 per. thence N.  $14^{\circ} E.$   $4\frac{1}{2}$  per., thence  
N.  $18^{\circ} W.$  13 per. thence N.  $25^{\circ}$  West 14 per. thence  
N.  $48\frac{1}{2}^{\circ}$  E.  $7\frac{1}{2}$  per. thence N.  $77^{\circ} E.$  9 per.  
thence N.  $83\frac{5}{8}^{\circ}$  E.  $23\frac{1}{2}$  per. <sup>N. 39\frac{6}{8}^{\circ} ~~23 per.~~ thence North 13 per. thence  
N.  $4^{\circ} W.$   $25\frac{1}{2}$  per. thence  
N.  $48^{\circ} E.$  36 per., thence N.  $24^{\circ} E.$  26 per.  
thence North  $29\frac{1}{2}^{\circ}$  E.  $16\frac{1}{4}$  per. thence N.  $35\frac{1}{2}^{\circ}$   
East 30 per., thence N.  $32\frac{1}{2}^{\circ}$  E. 12 per. thence  
N.  $35^{\circ} E.$  40 per. thence N.  $11\frac{1}{2}^{\circ}$  W.  $4\frac{1}{2}$  per.  
thence N.  $46\frac{1}{2}^{\circ}$  W. 7 per. thence N.  $8^{\circ} W.$  20  
per. thence N.  $8\frac{1}{2}^{\circ}$  W. 17 per. thence N.  $9\frac{1}{2}^{\circ}$   
E. 9 per. thence N.  $21\frac{1}{2}^{\circ}$  E. 16 per. thence  
N.  $30^{\circ} E.$  12 per., thence N.  $51^{\circ} E.$   $10\frac{1}{4}$  per.  
thence N.  $18\frac{1}{2}^{\circ}$  E. 13 per. thence N.  $6\frac{1}{2}^{\circ}$  W.  
12 per. thence N.  $1^{\circ} E.$  18 per. thence N.  
 $13\frac{1}{2}^{\circ}$  E. 28 per. thence N.  $23^{\circ}$  East  $26\frac{1}{4}$  per.  
thence N.  $2\frac{1}{2}^{\circ}$  E. 39 per., thence N.  $56^{\circ} E.$   
18 per. to a point on Township road  
leading from Kaylor's Station to Loretto.  
This portion supplied, we recommend  
to be opened as a public road for  
the accommodation of the public.  
No releases having been obtained, we  
assess the following damages.</sup>

Franciscan Brothers	\$20.00
Joseph Koontz	100.00

George Shank \$140.00  
Mrs Mary Oberly 175.00"

Starting at the Pine stump aforesaid in Munster Township and ending at the Borough of Tarento.

That the said road is unnecessary for public use.

The petitioners therefore showing that they are persons interested, pray the Court to appoint three persons qualified as aforesaid to review the ground proposed for said road and the assessment of damages, and make report of their proceedings at the next term of this Court.

And they will ever pray

James Driskell

J. C. Fisher

Bil. Baker

J. J. Bratley

Blennet & Hill

K. Alden, C. G. &

F. H. Laird

George. Ghaid

John E. Tomlinson

Patrick Aerns

W. A. P. Ell

George F. Guire  
Valentine Bishop  
P. J. Willman  
John Cicero —  
John Muller,  
William Tomlinson  
F. L. O'Hara  
Francis Maloy  
George Miller  
John Charles  
Richard Denny  
Henry Basel  
J. W. Dailey  
F. A. Dinger  
John C. Dinger

Lafayette Grimes  
John Burns  
William Lamb  
Daniel Larkins  
M. J. Leapher —  
~~W. L. Larkins~~  
D. J. Ladd  
J. E. Ladd  
John Banan  
W. J. Cranmer  
John Moore —

E. V. D. J. 1909  
Simon Fisher  
Add. ffccccc  
late Hester  
L. M. Anderson  
Valentine Anderson  
F. itel.

No. 10. Sept. Term 1887 Recd.

Petition of citizens  
of Munster Township  
and part adjacent for a  
re-view of the road  
leading from Munster  
to Loretto filed to No.

And now, March 5<sup>th</sup>  
1888; Henry Scanlan;  
Edward D. Tiry; &  
Peter J. Willbrant  
appointed re-viewers.  
By the Court

Filed Mar 5. 1888,

Reade