

No. 1 Dec. Term, 1887 R. D.

And now May 6 1889 Jos. A. Gray  
James J. Thomas and Raphael White  
appointed viewers to view and examine  
the road constructed by Henry Mellen  
in pursuance ~~of~~ the order and  
decree of the Court in above pro-  
ceeding and to report at the next Term of Court  
whether the same has been constructed in  
accordance therewith. -

By the Court

No. 1 Dec Term 1887 Re

In re road from  
Mark's Mill to  
Carrolltown.

Appointments of  
viewers to view the  
Construction of said  
road.

Filed 6 May 1887

J. S. [Signature]

In case road near  
Mary's Mill in  
VERSUS  
Caswell Township

In the Court of Quarter Sessions  
of the County of Cambria  
Of December Term, 1887  
No. 1, R.D.

DEPOSITION of witnesses taken before me this thirteenth day of  
September, A. D. 1888, at Arbitration Room in  
Court House in Chambersburg Borough  
between the hours of 9 o'clock A. M.  
and 10 o'clock P. M.; by virtue of the annexed Rule of Court and notice thereon  
endorsed, for the examination of witnesses in a certain cause there pending, wherein  
the road near Mary's Mill in Caswell  
Township

Defendant

Paul Gibson being produced, sworn and examined  
on the part of the Petitioner for view, doth depose and say:  
My name is Paul Gibson; am        years of age,

I was one of the viewers on a view to vacate  
part of a road near Mary's Mill in Caswell  
Twp. The ground for some distance where  
the change has been made has been laid  
out in building lots, I made a draft  
of these ~~roads~~ <sup>lots</sup> relations to the old & new roads.  
The bridge at Mary's mill looks to me as if  
it would not last very long. The new road  
could be used to within about 10 or 12 rods  
of the bridge and then the old road could  
be used as long the bridge would last.  
I laid out these lots for the property holder  
near Mary's Mill some time last Spring.

(Draft shown within) This draft correctly

"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."

show where the new and the old roads run through these lots. The names of the parties written on the lots are the names of the people who own them. I laid them out for some of them. I can see no difference in the ground of the old and new road. It lays along side of it. It would not require any more filling than it has required on the old one. I think it would not require any more culverts. The one swamp is already drained, Mr. Mellon has dug a ditch across it and into the creek. That was the largest swamp on the road. Two houses have already been built on these lots, there is lumber hauled there for another. I don't know whether they have commenced building or not. I was not there very lately. Henry Mellon & Simon Torrey have already built there - houses & stables. They built to the line of the proposed road. Part of the proposed road has already been graded by these parties. Draft identified by witnesses offered in evidence and marked "Exhibit A"

Mr. Saulau objects to draft - diagram as not showing courses and distances of the proposed road, and road vacated and further it purports to be a town which is not of record and is apt to mislead parties from the original view.

Examined by J. R. Saulau & I made "Exhibit A" about the beginning of filling. I made it for Henry Mellon Simon Border, Augustus Purkey

Samuel Kelley et al. The grade of the old road was nearly level excepting a short piece where Eick's land begins and a another near the bridge. The grade of the new road is near about the same of the old one, It was so near level I did not take the grade. It may be 4 or 5 degrees at the upper end. The vacated road is good and solid when there's dry weather. The new road would pass over two swamps or ravines, I don't think it would be expensive to open the new road. The inhabitants of the Truk generally would be benefited by the new road because its straighter, and those living on its ground would be greatly benefited as it would put their lots at right angles with the road. Simon Borden, Dr. Sloan, A. J. Tucker, Antoni Klein, Ed. Mellon, Gen. M. Keuzie, Henry Mellon Jr. Bennett, Samuel Kelly, A. Anna E., Char. Anna Ali. D. Rice, Emmanuel Mueby would be benefited by the new road, Paul Short would be benefited to. The old road is no good enough condition except when it crosses the culverts and where the bridge is. Mellon, Borden & Short of those named above are residing on the ground now.

Paul Yatman

Henry Mellon (sworn)

I live in Carroll Truk, near Mast Mill. I have lived there since last October. Paul Short owned the land around there, and jointly among

as we had it surveyed and laid out in  
lots. (Exhibit A show witness) I think that  
this draft correctly represents the old and  
new road, relatively to the lots. The turns  
of the road, shown in red lines on the draft, are  
not as sharp as represented I don't think.  
They are more rounded. I was with the first  
measures on this road. The new road crosses  
the old one about three different places  
in that short distance. I don't just know  
the distance. The new road might be about  
50 ft away from the old one at the farthest  
place. Where the new road crosses the old one  
there are several places where quite a distance  
of the old one could be used. There is 20 rods  
or so of the new road above our home grade  
so that it would take very little work to make  
it as good as the old one. There are four culverts  
on the old road. These culverts are made now  
of old rotten rails, old hemlock logs with  
the knots on them, a few plank some places.  
They are in very bad shape. Two culverts is  
all that is necessary on the new road. The  
new road is on as good ground for the pur-  
poses of a road as the old one. It will make  
a better road than the old one when traveled  
on. There is one corner of the pier of the bridge  
at Mary Mill that is undermined and will  
not stand another flood. It will be washed  
down. The planks are about worn out too.  
If the new road is opened to the last point  
where it crosses the old one, next to the bridge.

'cross Little Chest, they can still use the old bridge as long as it lasts. This last crossing is near about the line between Eck & Manf. To make this new road as good as the old one to the last crossing before the bridge would cost \$100. I am willing to file a bond with security to do this work for \$100 - providing I have the use of the Prop: tools to work with. This last crossing is about 6 rods from the bridge. This 6 rods would be on the old road. It would be ~~about the same~~ It is about 150 yards from my house to the last survey of the Chest Creek <sup>R.R.</sup> Manf's Grist mill is about 100 - or 150 yards from these lots. The parties, <sup>whose</sup> names are <sup>on</sup> the draft Mosher Exhibit A<sup>c</sup> have purchased lots there. Circumel Strutz has bought five lots. His name is not on the draft. Portman & myself have built to the line of the new road. Portney has lumber there to build. The old road was very crooked, winding round like a snake through the grass.

Lesson - examined by Mr. Scaulaw.

The old road as marked on the <sup>draft</sup> is a little sharper angled than the road itself I think. There has been about six surveys made for the Chest Creek R.R. in the last five years. I don't think that this old road was ever laid out by a survey or as it runs now. It's 20 years since I first seen the old road. It may have been changed some since. If the new road is opened as laid out by the survey it will require

a new bridge over Little Chest. There are  
~~four~~ bridges across the Chest creek now.  
It will require one bridge across Little  
Chest if the road is opened. The span of the  
bridge would be about 16 feet. There are  
two new houses built in this place, one  
by my self and one by Fortman.

Re-examined by Mr. Parker.

The stream on the old road already bridged  
is not the Chest Creek but the Little Chest. It  
is not the same as the one with the four bridges  
over it. It empties into the Chest Creek.

The road crossing one of the four bridges  
has been vacated. It is about 2 or 3 rods  
between the old bridge and the place where the  
new road crosses the stream. If the old bridge  
were worth moving it could easily be moved  
down. The late flood undermined this old  
bridge to the center of the road bed, and it  
was impassable until I went and repaired it.  
It was not safe for horse & man to cross.  
I filled this hole up with old logs & brush  
and covered it with dirt, just a temporary  
fix for the present time.

(Paper showed witness and he is asked to state  
if he saw Paul Short and the other parties  
sign their names thereto.) I saw Emanuel  
Shultz, Saul Kelly, Simon Fortman, D. J. Rice  
& Anthony Anna & Chas. E. Anna, Anton Klein  
& Paul Short sign it (Paper offered in evidence  
and marked "Exhibit J")

Mr. Scanlan objects as it does not designate



the roads in question.

Cross-examined by Mr. Scanlan.

A bridge like the old one over Little Chest would not cost very much. It would only require felling up on one side. To build a bridge over Little Chest on the new road of new material would not cost over \$40.

Henry Mellon

Augustine Purkey. (sworn)

I own a couple of lots at Montville. I propose to build a house there. I have the lumber on the ground ready to build. I am a cooper. I have been delayed in building on account of this road proceedings. When my lot is built to the new road I would have to build on the bed of the old one. Vincent Reig a supervisor told me he had no objection to me going on and grading the new road and straightening it up. He said I could build up to the new road when I got it graded up past my place. I wanted to build on lot next cross street as shown on draft. I did grade part of the way. I would be satisfied to take the grading of the new road and make it as good as the old one for \$100.

Cross-examined by Mr. Scanlan

I purchased from Paul Short. I bought some last fall some this spring after it was laid out. The first I bought before either the town or road was laid out. The

last after, Paul Short owned the land on which this house is laid out. Paul Short had part of it laid out in lots & we had part of it. This conversation between Reig & me was in Corraltown. He said he had no objection how much I graded. He did not bid or pay me for the grading. Re-appeared by Mr. Parker.

He gave me permission to set my house on the old road after I had graded the new one. He offered me the loan if the Twp. scoops & tools.

Re-appeared by Mr. Seaman.

He was not joking - that I know of I was in earnest. He did not ask me if I had bought the Twp. road, he did not tell me that if I built my house in the Twp. road and he came along he would plough it down. He did not tell me that he had not the power to grant me permission to build on Twp. road.

Augustine Burkay

Anthony Amos. (sworn)

I own some lots at Mark Mill. I intend to build on them. I was over this road and saw where there had been some grading done on the new road. The grading was done in front of my lot between mine & Burkay's. To open the new road and make it as good as the old one - excluding of the bridge would cost about \$100.

Cross-examined by Mr. Scaulan.

The new road is the whole length of Mr. Shook's land I suppose something over 100 rods. It ~~does not~~ cost would cost off a corner of Oberlin's lot if that has not bought it. I think the upper end of the new road runs through woods. I don't think it would cost \$1000 alone to open that part of it.

Anthony Anna

Samuel Kelly (sworn)

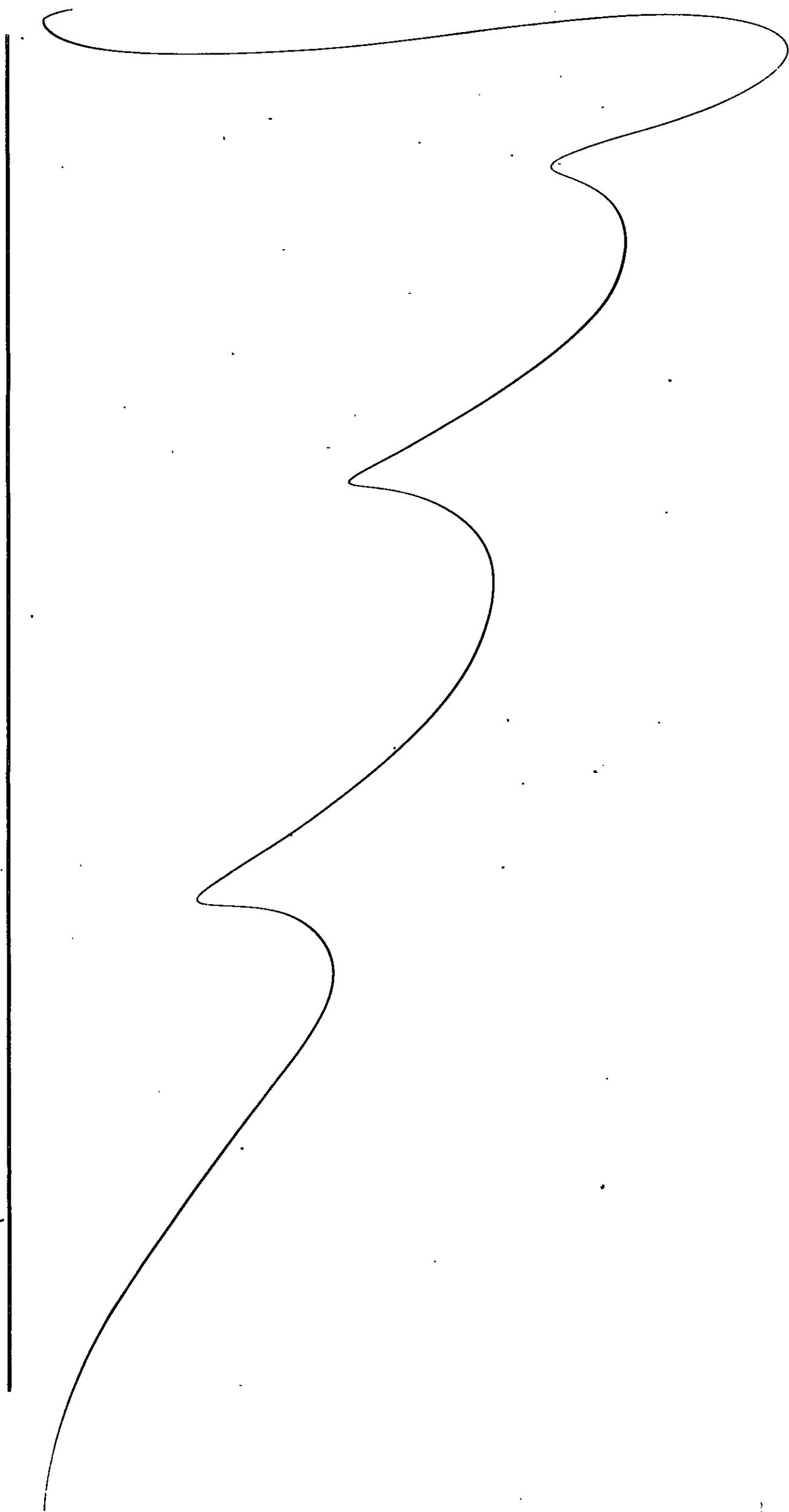
I was with Agnes Gabner when he laid out some of these lots at Mork's mills. I have been acquainted with this old road about 20 years. I was on it that long ago. It crooked, there is no need for it. It winds round there through a piece of level ground. There is no hills there that would make it necessary to wind the way it does. I own lots there on which I intend to build.

Cross-examined by Mr. Scaulan.

I was on this road 20 years ago. I don't think that the crookedness of the road was caused by getting around swamps.

Re-examined by Mr. Parker.

I have handy this vicinity once. I think that a much better road can be made ~~can be made~~ on the ground of the new one than the old one is. Samuel Kelly



100

100



Marksville Pa

July 10th 1888

We the undersigned Property holders  
along the route of proposed New road  
from Mary Mill to John Overboyers  
Lane do hereby relinquish all claim  
for damage

Geo. McKenzie  
Frank Slown  
John Barnett  
E. Wentz

(Witnesses  
John Faller)

Samuel Kelly  
Simon Bostonian  
Henry Mellon  
W.S. Rice  
Anthony  
Chas. L. Gonia  
Gustav Thain  
Edward Mellon  
Paul Chart

*Baker*  
*Imrie road*  
*in Carroll Sp*

In the Court of ~~Common Pleas~~ <sup>Quarter Sessions</sup> of Cambria County, Pa.:

of *Dec* Term, A. D. 1887, No. *1 RD*

And now to-wit, the *19* day of *Sept* A. D. 1888:

Rule on part of *Petitioners for review* to take depositions of witnesses to be read on the hearing of the above stated case.

**Cambria County, ss.**

Extract from the Record of said Court. Certified

the *19* of *Sept* 1888

*N. A. Shinnick* Prothonotary.



*The petitioners for review on J. P. Scullen their atty.*

**Take Notice,** That in pursuance of the above Rule the depositions of witnesses to be read in evidence on the *hearing* of the above stated *case* on part of the *Petitioners for review* will be taken at the office of *Arbitration Room, Court House, Elkinsburg Pa.* *Thursday* the *27<sup>th</sup>* day of *Sept.* A. D. 1888, between the hours of *9* o'clock, A. M., and *10* o'clock P. M., before *H. H. Myers Esq. A. Wherry 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.

*A. W. Parker*  
*attys for view*

Sept. 20<sup>th</sup>

Served on J. H. Seaman

Esq. by giving him a  
copy.

Henry Seaman



STATE OF PENNSYLVANIA, }  
Cameron's 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 J. W. Barker Esq Atty for Petitioner and J. P. Scoulan Esq Atty for Executants

Witness my hand and Special seal.

H. H. Myers,  
Notary Public

No. 1 Sec Term, 1887

In me read over  
that will be

VERSUS

Correll Journal

# Deposition

of witness on part of *Plaintiff*

Fees for taking Deposition, \$ *11.00*

By *Wm. E. Thompson*

Filed *20 Oct* 1888

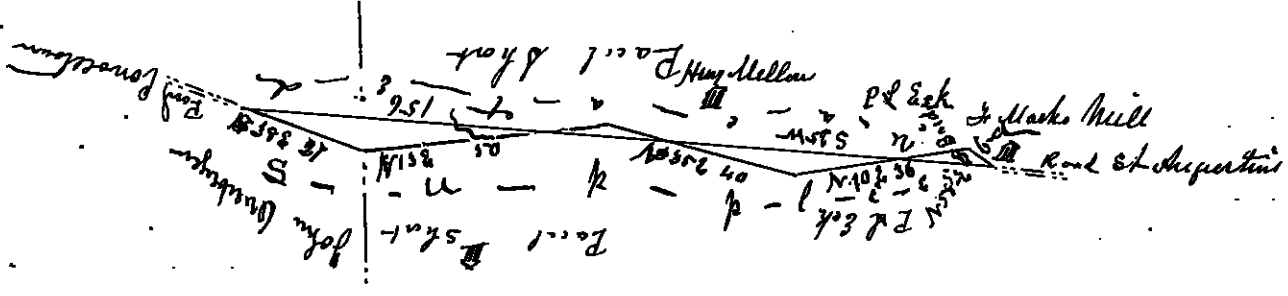
*Wm. E. Thompson*  
Prothonotary.

*Jack*  
Attorney.

To the Honorable R. H. Johnston Esquire  
President Judge of Court of Quarter Sessions of  
Columbia County

We the undersigned Surveyors appointed  
by Order of said Court do report that we gave due  
and timely notice by three written notices posted  
in public places of this place of view to the citizens  
of Carroll Township and we do further report that  
having met at this and place designated by said  
notices and after all being first sworn according  
to law we proceeded to the duties of our appointment  
and did view and locate the following Big Squaw  
at a Post near Brit Mill of Ferdinand Marks in Carroll  
Township thence South twenty five degrees West one hundred  
and fifty six perches to Point in Old road on land  
of John Overberger in Carroll Township which in our  
opinion will <sup>be</sup> to Expense to Carroll Township as it  
will require a new bridge and buttments over Little Chest  
Creek and the bridging three several Swamps which in  
our opinion would entail an Expense of from five  
to six hundred dollars to open up and make said  
road fit for travel damage asked on this located  
part being by P. Short and J. Marks would be seventy  
five dollars as damage to their improved land  
Block located Red supplied

for a Public road or highway  
 And supply the same as follows viz Beginning at  
 a point in old road on farm of John Overberger  
 in Carroll Township thence North thirty eight degrees  
 East twenty seven perches to line of land of Paul Skout  
 thence North thirteen degrees East fifty perches thence  
 North thirty five degrees East forty perches thence North  
 Ten degrees East thirty six perches thence North fifty  
 Eight and one half degrees East six perches to Point  
 in old road near Marks Mills which road is called  
 and in good repair and the road not exceeding  
 three degree Block located. Red supplied  
 all of which is respectfully submitted



Witness

- |                             |            |         |
|-----------------------------|------------|---------|
| Henry Seaulan Surveyor      | 3 days and | 8 miles |
| Lawrence Koontzman Receiver | 1 "        | 8 "     |
| James Douglas               | " 1"       | 6 "     |
| John Overberger Chairman    | 1 "        |         |
| Vincent Reis                | " 1"       |         |

Witnesses on lands this 3<sup>d</sup> July 1888  
 Henry Seaulan  
 James Douglas  
 Lawrence Koontzman

Notice

Notice is hereby given to the Citizens of Carroll Township  
that the undersigned have been appointed by the Court  
of Quarter Sessions to receive public road leading  
from Mark's Mill to Carrolltown, will meet at  
School House near Peter Shittmatter on Monday  
30 July 1888 at 8 O'clock A.M. for the purpose  
of surveying said road  
June 19<sup>th</sup> 1888

James Waples }  
Samuel Rootman }  
Henry Seaman }  
The undersigned

Commonwealth of Pennsylvania,  
County of Cambria } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria  
held at Cambria in the said County, on the 4 day of  
June 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 ~~has been lately laid out~~ road or highway, to lead from  
by order of Court to vacate and supply part of said lead-  
ing from Black Mill, to a point on the property of John Owen  
berger in said Township, if confirmed by the Court  
as now laid out and supplied will be very injurious  
to your petitioners and burdensome to the inhabitants  
of said Township, through which the same will pass.

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, Henry Seaman SURVEYOR,  
and James Langford, Lawrence Kuntzman

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. Hancock  
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. 1  
Dec. Term, 1877.  
R. D.

Order to view a road from  
North Hill to Carroll  
township Carroll County  
Ohio.

*James H. Scoulan*  
*James H. Scoulan*  
*James H. Scoulan*  
*James H. Scoulan*

Filed 3 Sept 1877

Wm. H. Scoulan 909  
Printed by W. Reig.

Scoulan

Commonwealth of Pennsylvania,  
County of Cambria } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria  
held at Clearburg in the said County, on the 5th day of  
December A. D. 1887, before the Honorable the Judges of the same  
court: Upon the petition of divers inhabitants of the township of Cannell  
in the said county, setting forth that ~~they labor under inconvenience for want of a~~

~~road or highway, to lead from~~  
whereas a town or village is about to be laid out  
at Mark's Mill on the public road leading from  
said Mill to Cannelltown, which said road on ac-  
count of being very crooked is not suitable for  
regularly laying out streets and allege there is  
a point near the said Mark's Mill to a point  
within a short distance of John Overberger's lane on  
said road

and therefore praying the court to appoint proper persons to <sup>vacate & supply</sup> view ~~and lay out~~ the  
same according to law. The Court upon due consideration had of the premises, do  
order and appoint, Paul Johnson SURVEYOR,  
and James Medler, W. H. Paul

<sup>vacate</sup> VIEWERS, to <sup>vacate</sup> view the ground proposed for said  
<sup>vacate</sup> road, and if they <sup>vacate & supply</sup> view the same, and shall agree that there is occasion for such  
<sup>vacate & supply</sup> 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:

W. H. Schenck  
Clerk.



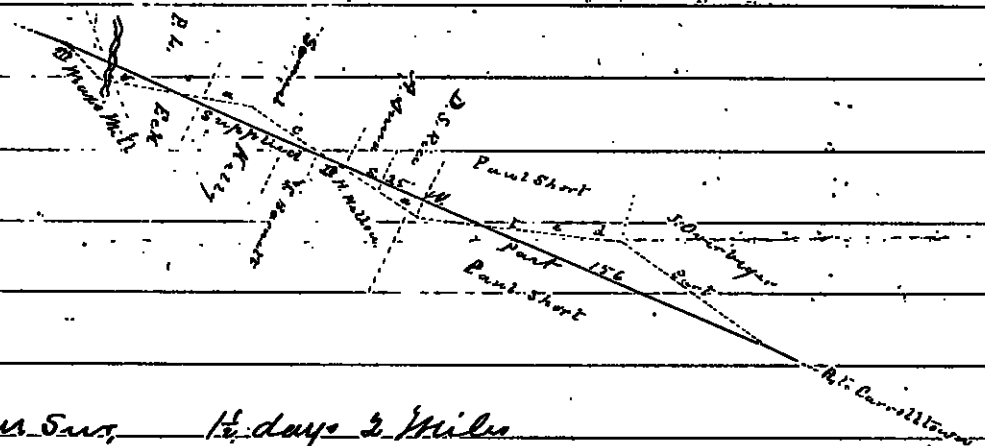
We also report that said road causes  
 also damages to the land holders along same

To the Honorable the judges within named.

We the undersigned persons appointed by the within  
 order of Court to view the road within mentioned respect-  
 fully report: That having given due notice of the view, we  
 met at the time and place appointed for the same, and  
 having been first duly sworn in pursuance of the within  
 order we did view the same and have laid the following  
 road viz: Beginning at Marx's Mill thence South twenty  
 five degrees west one hundred and fifty six perches to a point  
 in the old road a short distance from John Overberger's lane  
 which said road as so laid out we deem necessary for a  
 public road instead of that part of the old road lying  
 between the two points above mentioned as shown by the  
 draft or plot accompanying this report which said part  
 of the old road we are of opinion ought to be vacated on account  
 of being inconvenient and unsafe for the purposes named in  
 the within order.

Witness our hands the 13 day of February A.D. 1888.

Paul Yahner  
 James Mellon  
 W<sup>th</sup> A Noel



Time,

Paul Yahner	5	1 1/2 days	2 Miles
James Mellon	1	"	1 "
W. A. Noel	1	"	4 "

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. 1  
December Term 1887

R.D.

Order to view road connects  
and roughly part of the  
road from Market Street  
to Carrolltown.

Viewers:  
Paul Gibson  
James J. Hillman  
M. J. Hillman

Oct. 26th 1888

Filed July 20, 1888.

Leck Staunton 904  
Ord. by Henry Hillman  
St. Albans

April 4, 1888 Confirmed View and ordered  
to be opened thirty feet wide  
By the Court  
(See confirmation on Road Book)  
(letter from Beach Bank)

Court of Quarter Sessions Cambria County

In the matter of the petition to vacate and supply part of public road leading from Marks Mill to Carrolltown in Carroll Twp.

5 Dec 1887 Petition filed -

Same day Viewers appointed

By the Court.

20 July 1888 Report of viewers filed

2 Oct 1888 Upon condition that Henry Mellon give bond for the construction of the new road in accordance with his testimony in the sum of \$100.<sup>00</sup> in 20 days the view is confirmed absolutely -

By the Court

20 Oct 1888 Bond of Henry Mellon filed.

"To make this new road as good as the old one to the last crossing before the bridge would cost \$100.<sup>00</sup>. I am willing to file a bond to do this work for \$100.<sup>00</sup> providing I have the Township tools to work with; this last crossing is about six rods from the bridge."

Now May 6, 1889 - Jos. A. Gray, James J. Thomas<sup>2d</sup> Raphael Hite appointed viewers to view and examine the road constructed by Henry Mellon in pursuance of the order and decree of the Court in above proceedings and to report at the next Term of Court whether the same has been constructed in accordance therewith.

over

By the Court.

Extract from the Record  
Oct. 22 May 1889  
H.A. Shumaker  
Club 25.

To the Honorable W. E. Johnston, Pres.  
 Judge of the Court of Quarter Sessions  
 of the County of Cambria;

The undersigned persons having been appointed by your Honorable Court to perform the duties hereinbefore set forth respectfully report that they met on the ground on the first day of June, A.D. 1889 and having first been duly sworn to perform the duties of their appointment with fidelity and to the best of their skill and judgment proceeded to view and examine the road constructed by Henry Mellon and they do report that we find the new road as made by Henry Mellon as good or better than the old one and should be taken off of his hands as the public have been traveling the new road for some time

Witness our hands this  
 1st June AD 1889

Joseph A Gray  
 J. J. Thomas  
 Raphael Hite

Witness

Time			
Raphael Hite	6 miles	each	1 day
J. A. Gray	5 "	"	1 "
J. J. Thomas	3 "	"	1 "

No 1 Dec Term 1887  
Road Docket

Certificate to  
surveyors to examine  
work

July 1. 1889 Confirmed  
By the Court  
and the Supervisors  
ex. hereby directed  
to pay the same.  
By the Court

Filed July 1889

To Honorable R. L. Johnson, President Judge  
of the Court of Quarter Sessions of the Peace in and  
for the County of Centre.

The petition of the undersigned, inhabitants of the Township of Carroll, in said County; Respectfully sheweth; That a road hath been lately laid out by order of Court to vacate and supply part of road leading from Mark to Mill - to a point on the property of John Overberger in said Township, - if confirmed by the Court as now laid out and supplied will be very injurious to the petitioners, and burthenous to the inhabitants of said Township, through which the same will pass, Your petitioners therefore pray Your Honor, to appoint proper persons to view the said road and parts adjacent and make report to the Court, according to law; And they will ever pray.

- |                    |                    |
|--------------------|--------------------|
| Paul Schmittmatter | P. L. Eck          |
| Shas Leistner      | Peter Schaubert    |
| Michael Taylor     | Michael Karheim    |
| Andr. Miller       | Joseph Karheim     |
| John B. Gall       | Charles Anna       |
| Peter Koss         | Valentin Dumm      |
| Crist Spasler      | Jacob a. Hooser    |
| Joseph Link        | Herward Link       |
| Harrod Palow       | Richard Link       |
| Michael Link       | Ry. D. Spinger     |
| Simon Link         | P. J. Gasberger    |
| John Hessie        | Thomas B. Neapler  |
| Francis Aishaax    | John Karheim       |
| John Scimiel       | William H. Karheim |
| John Overberger    | Charles Durrig     |
| Henry J. Link      | Peter A. Karheim   |

John J. Sharbaugh  
P. L. Sharbaugh  
Peter Strickmatter  
Joseph A. Strickmatter



No. 1110, Term 1887  
R. D.

Petition of Citizens of  
Carroll Township Cambria Co.  
for Appointment of Revenues to  
be levied on road leading from Marko  
Mill to a point on premises of  
John Overberger in Carroll  
Township

Filed June 4, 1888.

And read June 4, 1888  
petition read and upon due  
consideration the following named  
Sewers are appointed,

Henry Scaulaw,  
Jesse Douglass  
Lawrence Kountzman,  
By the Court

Scaulaw

Know all men by these presents that we Henry Mellon and Joseph A. Day & John A. Klein both of Cambria County are held and firmly bound unto the Supervisors of Carroll Township, Cambria County Pa. in the sum of One hundred Dollars, lawfully money of the United States to be well and truly paid to the said Supervisors their successors and assigns;

Whereas in a certain proceeding in the Court of Quarter Sessions of Cambria County on petition of citizens of Carroll Township to vacate and supply part of a road near "Mark's Mill, the said Henry Mellon testified as follows: "To make this new road as good as the old one to the last crossing before the bridge would cost \$100 I am willing to file a bond to do this work for \$100 providing I have the township tools to work with, this last crossing is about six rods from the bridge." and whereas the Court made the following order on hearing of the aforesaid road case "and now October 2<sup>d</sup> 1888 upon condition that Henry Mellon give bond for the construction of the new road in accordance with his testimony in the sum of \$100 in 20 days the view confirmed absolutely"

Now the condition of this obligation is such that if the said Henry Mellon construct said new road as aforesaid for the sum of \$100 to be paid by the Township of Carroll, then this obligation

to be null and void otherwise to be in full  
force and virtue —

Witness our hands and seals this 18 day  
of October A.D. 1888.

Witness Present	}	Henry Mellon Seed
H. A. Englehart		Joseph H. Gray Seed
C. A. Langbein		John S. Blair Seed

No. 1 Sec. Penn 1887 P. 10

And read Oct. 19 1888.  
the within bond  
Approved.  
R. L. Johnston  
Pres. Judge

Filed Oct. 20, 1888.

To the honorable Judges of the Court of  
Quarter Sessions in and for the County of  
Cambria.

The petition of the undersigned inhabitants  
of Carroll Twp. in said County respectfully  
sheweth: That whereas a town or village is  
about to be laid out at Market Mill on  
the public road leading from said Mill to  
Carrolltown. Which said public road on ac-  
count of being very crooked is not suitable  
for regularly laying out streets and alleys  
there to from a point near the said Market Mill  
to a point within a short distance of  
John Overberger's lane on said road. Your  
petitioners therefore pray the Court to appoint  
proper persons to view and vacate the said  
road between the points above mentioned,  
and supply by straightening the same accord-  
ing to law and they will ever pray etc.

Henry Mellon  
Anthony Anna  
Clara Blair  
J. K. Stewart  
J. L. Barnett  
Charles Anna  
Augustine Burkoy  
Joseph F. Frankley  
J. A. Short  
John J. Dietrich  
J. L. Peare  
A. S. Rice

No. 1 Dec Term 1887  
R.D.

Petition for viewers  
to vacate and supply  
<sup>part of</sup> ~~the~~ straighten Public road  
at Mark's Mills  
on road leading from  
Mark's mill to Carrolltown.

And now Dec. 5<sup>th</sup>  
1887 petition read  
and Paul Zahner  
James Mellen <sup>and</sup>  
W. A. Noel  
appointed viewers

By the Court

Filed Dec 5. 1887

Barber

07  
Depositions of Witnesses produced and sworn  
and affirmed and examined at the Office of  
Henry Scaulau, Esq. Notary Public in and  
for the Borough of Carrolltown, County of Cambria  
and State of Pennsylvania, on the 29<sup>th</sup> day of  
September, A.D. 1888. Between the hours of 9 o'clock  
A.M. 11 o'clock P.M. and notice herewith  
attached to be read in a certain hearing  
depending in the Court of Quarter Sessions  
of the Peace in and for the County of Cambria  
re road and petition to 1. December  
Term. 1887. R. W. on part of Petitioner. —  
J. R. Scaulau, Esq. appears for Petitioner re road,  
J. C. Early, Esq. appears for Sacote and supply

Vincint Reg. produced and sworn,  
I am Supervisor of Carroll-Twp  
I am acquainted with the road leading  
from Carrolltown to Marks Mill  
Question. order of review of No. 1  
December session 1887 road in question  
Showing witness and ask if he  
identifies the same  
Answer yes says the road in  
question has been located about  
twenty three years I was  
Supervisor about eleven years  
ago and part of said road was

Swampy and I filled <sup>part of</sup> it up  
with logs and stone says the  
said road at present is fair  
firm and suitable for all travel  
at present in his judgement  
I know the location of the new  
road proposed It covers some  
fair ground and a great deal of  
swamp in my judgement the  
old road they tried to get around  
the swamp in the new one they  
got through them to make the  
new road as solid as the old  
one it would not cost less  
than two hundred dollars excepting  
the bridges of

Question who to vacate and  
supply shown witness and ask  
to state what it would cost  
to make said road and build  
a bridge as laid out by the  
Viewers Answer says it would  
cost not less than five hundred  
dollars Question will it benefit  
the general public to have this  
new road as laid out any better  
than the present road Objection  
that the witness is apt absolutely  
to contradict the sworn report of  
those Viewers

Answer not in his judgement  
Says it might benefit a few

That want to build by building  
on the old Township road  
I am acquainted with Augustine  
Borley from hear say I know  
that he has purchased some land  
says Augustine Borley came to  
him on Sunday and ask him  
to move said road that he  
wanted to build and wanted to  
put his house on the Township  
road I told him that I had no  
right to move a road he said  
he wanted to commence building  
at once I told if he build  
in the road I would fix road  
if I had to plow his house down  
Question would it be advantageous  
for the general public to have  
this new road made  
Answer It would not pay the  
trouble of opening it. Two persons  
have built since the road was  
opened Mr H. Mellon had built  
before there is none of the  
new road graded fit to travel  
on only a few furrows plowed  
and thrown up the township  
has no surplus money to make  
new roads

~~Committee~~



Cross Ex

No 2

I was elected Supervisor by the people of the Township

I now there was a view some two weeks later cart. tell who petitioned for the new road any road about there must cross swampy ground

Question. Did not Mr. Henry Mellon die not drain one of the worst swamps on the old or new road

Objection. It is immaterial and not a cross examination and no matter what Henry Mellon done it was done with Authority of the Township

Answer. I think he drained his cellar and drained part of the swamps to keep water out of his cellar. It would take years to make the new road as good as the old one. The new has not been opened nothing but a few furrows ploughed

Question. Did you authorize Augustine Borley to open part of the road so that he could locate his dwelling house

(5) see next page

my principle travel was on account of my being Supervisor there has been work done on the road in dispute the last two summers it is immaterial to me whether the road is opened or not only there is no taxes to work out to open it.

Question if this road as we've could be made for nothing would it then be a benefit in your judgement to the land owners along it.

Objection No matter what the witness might think in answer to the question it would not be material as no person has offered to open the road for nothing or has given any guarantee that the same would be opened for nothing it might be a benefit to them if it becomes a city as a street.

Vincent Rieg

Answer I did not he came  
to me and told me he wanted  
to build his house in the  
Lanership road and himself  
with Mr Mellon with the  
rest of the Property Holders  
would open the piece of road  
from Mellons house to Rowmans  
at their own expence and  
make it as good as the old  
one for their own benefit  
I told him if ~~they~~ <sup>they</sup> ~~were~~ <sup>were</sup> all  
satisfied I would have no  
objections to make a job  
of it the building of the Bridges  
would cost about Three Hundred  
dollars there would be new  
bridges in place of the old ones  
there will be no new bridge  
needed at Marks Mill for a  
few years.

Question in your estimate  
what did the old bridge cost  
at Marks Mill

Objection. it is immaterial  
if the new road is granted  
it will require a new bridge  
at great expence and cannot  
compare it with the old bridge

Answer. the old <sup>Bridge</sup> cost between fifty  
and Seventy Five dollars where

The new one would cost 3 times  
as much at least

The reason of the new bridge  
costing so much more than the  
old one it is so much longer  
and would take more filling  
would have to be raised higher  
the new road would not benefit  
any one it may benefit some  
and be injury to others

Henry Mellon P. S. Eck and others  
the land owners are tax payers  
Questions you have stated that two  
persons have built in what is  
called the town Henry Mellon &  
before the road was widened  
and Boardman since How many  
persons are waiting to build  
on the settlement of this road  
question

Objection the matter is  
immaterial what would be  
now and what was in vogue  
at the time of the application  
of this new road and further  
that the witnesses would speak  
from hear say if he knows  
at all None to my knowledge  
excepting Aug. Borley he told  
me he would build  
Have traveled that road five  
or six times this summer

Go back  
5/31

Go back  
5/31

J. J. Thomas produced and  
Sworn

Mr. Thomas resides in Carroll  
Township Cambria Co

I am acquainted with the road  
leading from Carrolltown to  
Marres Mill

Question: Please showing witness  
ask if he is acquainted with  
the road as designated by the  
draft. I am I have traveled  
that road it is in pretty  
good condition.

Question

Please state if the road as  
present located is not all that  
is necessary for the general  
public for travel.

Objection that the question is  
leading and improper and  
suggests the answer.

Answer: I think it is am not  
acquainted with the new road  
I live about a mile and a half  
from the new road

Question

Please state if you know that the  
present location was made

to avoid swamps and at  
a grade in conformity to views  
to locate the canal and how  
long ago was it since it has  
been open.

Objection Answer dont know anything  
about any part of the question  
Question

do you know if it is necessary  
to vacate and supply any portion  
of the road leading from  
Corvettown to Marks Mill  
and if so designate the canal

Objection That the question is becoming  
immaterial and irrelevant  
and cannot in any manner  
affect the question before the  
court.

Answer There might be an improve-  
ment made on Streetmatters  
Hill Point <sup>just</sup> East of Overbergers  
land. Have not traveled over  
said road since the flood of  
the 21 of August 1888

Dont know the condition of  
the road at present. I do  
not live along said road  
I helped to repair said old  
road about seventeen years ago

Question if three viewers under

Question if three viewers under  
Oath do report that the said  
road could be advantageously  
vacated and supplied would

You regard their opinion as  
entitled to respect after care-  
fully receiving the said road  
objection

it is irrelevant and immaterial  
that the report of viewers and  
viewers are made now records  
of court and no evidence  
can be received to enlarge  
explain or discriminate

Answer Certainly I would

J. J. Thomas

No 4

James Douglass produced  
and sworn

Mr. J. Douglass

I reside in <sup>(what is now)</sup> Carrolltownship  
have for sixty years I am acquainted  
with the present road leading  
from Carrolltown to Marks  
Mill so far as I know  
said road is in as good  
condition as other Township  
roads

Question please state if it is  
necessary to burden the Town-  
ship with a vacate and  
supply for public travel of  
said road

Objection

Question is leading and it does  
not inform the witness as to  
what kind of necessity is  
meant but leaves him to answer  
entirely by guess

Answer I don't know as it is more  
than the Stettin matter will  
there could be an improvement  
made

renew showing witness and as  
said to state if the draft



is correct.

Answer correct as far as I know The Strittmatter Hill is South west as where the draft shows.

Question what is if any difference for the new road on police ground for the present one as located now as traveled.

Answer the old road has more police ground than the new one

Question Should it be any benefit to the general public to Evacuate the old road and supply the new one

Objection

The question is leading and asks only the opinion of the witness and not a fact from which the court should draw the opinion

Answer Not any as I can see The cost of the new road would not be less than Five thousand dollars

Cross Examination

I have not been over it  
since the late high water  
do not show the condition  
of the road at the present time.  
Do not live on that road  
I live about two miles from  
Marble Mill  
Some seasons I travel quite  
good middling often other seasons  
not so often  
I would regard it as necessary  
to change a road where new  
settlers move if it is to their  
advantage and is not too  
expensive to the Township

Question

State if in your judgement  
it would be unreasonable to  
change this or any Township  
road to the advantage of a  
number of citizens if it could  
be done for one hundred dollars  
and made good.

Objection

Question asked it is immaterial  
and irrelevant as in chief there  
is nothing said about any  
inhabitant being benefited by  
this new road over

Answer. It would ~~cost~~ if it could  
be made for One Hundred dollars.

James Douglas

Peter Strittmatter produced and  
Served.

I reside in Carroll Township  
Cambia Co. I am 63 yrs of age.  
I am acquainted with the road  
leading from Carrolltown to Marks  
Mill. I am acquainted with  
said road for about twenty years.  
Said road passes my house.  
I live about  $\frac{3}{4}$  of a mile from  
Marks Mill. The road from  
my place to Marks Mill is  
as good as the average roads.  
When the old road was laid out  
it was laid out crooked to avoid  
swampy places. I was present  
part of the way when the new  
road was viewed. The present  
road is sufficient for the  
general travel. There are two  
houses now where the new road  
is laid out. Mr. Mellon built  
one before the new road was  
viewed and Mr. Foreman since

quested

at the time to vacate & supply the  
road who was interested in  
the matter

I have been over the bridge since

Objection That the question is immaterial and misleading as the question in dispute is in necessity of the road now as well as at any prior time

Answer All ~~that~~ that I know about that is here say

Question If the proposed road to be built for Henry Mellon & Simon Boardman that expense would it put upon the Township

Objection

That the question is impertinent in form & immaterial as to fact as the voters are only required in such cases to report the necessity or wanted necessity of such roads and further in this instance they report a public road as necessary and not one for Henry Mellon and Simon Boardman

Answer

The bridge in my estimation would cost about Three Hundred dollars and the road about Two Hundred There is more swampy land over the new road is laid out than there is were the road is at present

Question

If there was to be a vacate upon the road leading from Marks Mill to Corneltown for the general public should it <sup>not</sup> be done at other places <sup>than this proposed</sup> and if so designate them

Objection

as leading immaterial and irrelevant and that the witness cannot decide this question but only at best given opinion which is for the court under the facts

Answer

I don't think it necessary to vacate any part of the road leading from Corneltown to Marks Mill

Verdict

Examination

Question please state if the swamp crossed by this road either as viewed or reviewed is nearly as bad now as it was twenty years ago

Objection

that the road in question to be ~~proper~~ reviewed by their owners endeavored to avoid swamps and placed it upon good ground and the question now would be to mislead the court

Answer Not quite so bad as it was twenty years ago

I have been over the bridge since the last high water I did not pay ~~any~~ <sup>much</sup> attention as to its condition. Should the bridge be swept away it would take as much to the road to build it as the new one in view.

I only heard of three property owners on this new road in view Mr. Mellard Mr. Borden and Mr. Augustine Borley.

Question Whether or not any of the property owners along the road as viewed being some dozen in number as shown by the report object to this road.

Answer Don't know never heard. Don't know the length of the road in question.

Where a road is easy made it don't cost much to make it.

No 6

P. Stittmayer Continued

Question If you owned property along  
this road as supplied would you  
deem it necessary for yourself  
and neighbors

Answer I do not know.

Peter Stittmayer

Y



No 7

Joseph Carlheim produced & sworn  
I reside in Cornell Township  
Renew shows witnesses and a craft  
There to attach and asked to  
state what he knows about it  
I do not believe the road is  
necessary for the public in general  
I live about 1/4 mile from the  
new road renewed The proposed  
new road would cost about  
Five Hundred dollars to grade  
and build bridges

I was present and heard a convers-  
ation between Augustus Borsey and  
Supervisor V. Reig

Mr Augustus Borsey asked for  
the ~~use~~<sup>use</sup> of the scraper and the  
teams on the following day to  
work on new road from H Mellors  
to Boardman I heard no rights  
given by Mr Reig as to building  
purpose

It is just my idea that it  
would cost about Five Hundred  
dollars do not know exactly

Joseph Carlheim

Cross  
Examination

John Overberger Produced & Sworn  
I reside in Carroll Township  
I am acquainted with the road  
leading from Carrolltown to Marks  
Mill. Draft of new road shown  
to witness and asked to state  
if he is acquainted with the  
ground new road is viewed on  
The road we have at present is  
a reasonable good road and  
the supposed new road runs through  
more swamp than the old one  
The proposed new road is somewhat  
shorter but can not be made as  
good as the old for much less  
than five hundred dollars including  
bridges.

John B. Overberger

Henry Fox Produced and Sworn  
I have been a resident of  
Carroll Township for about twenty  
four years I am acquainted  
with the road leading from  
Carrolltown to Marks Mill  
I dont know any reason why  
the road should be changed.  
I have drove <sup>that road</sup> since it was  
made I dont think it is  
necessary to change it.

any place from Carrolltown to  
Marro Mill The old <sup>road</sup> is located  
on pretty good dry ground and  
the new one would be through  
a Swamp. I dont think it  
would cost less than five hundred  
dollars to make a new road  
to the best of my knowledge.

I dont think a new road is  
necessary for the public travel.

~~Estimation~~ <sup>Opinion</sup> I never made any calculation  
of what it would cost I suppose  
it would cost about Five Hundred  
dollars.

Heinrich Fuchs

Jacob A Hoover produced & Sighted  
I have lived in Carroll Township  
for forty two years I am acquainted  
with the road leading from  
Carrolltown to Marro Mill

The road we now have is a  
pretty fair road considering  
the ground I think it is the best  
ground we have about there for  
a road There is no necessity  
for a change in the present road  
that I know of I live about  
two miles from Marro Mill  
The new proposed road is partly

very Swampy ground and could  
not be made without considerable  
expense

Jacob D Hoover

Henry Scanlan produced and I would  
I have been County Surveyor  
for over thirty years I was one  
of the viewers to lay out a road  
from Corvettown to at or near  
McGuines now Marks Mill  
about 20 years ago which was  
confirmed and opened The grade  
from Marks Mill to Overbergers  
did not exceed three degrees  
except at a bank at Little Chest  
Creek Draft of view shown  
witness and asked if draft  
shows the present location of  
road answer it does  
I think were the present road is  
is the best location can be  
got for the public I run  
the line of the proposed new  
road running from Marks  
Mill to Overbergers report of  
viewers to vacate and supply

No 78

road leading from Marro  
Mill to Carroltown handed  
to witness and asked if  
the draft corresponds with  
that of ~~view~~ view. They compare  
as course and distance.  
I believe the report of the view  
to be in the hand writing of  
Paul Yahner.

Question

Mr Seaman is there not something  
written on the margin of a  
different hand write than that  
embodied in the report

Objection

that the report of view being part  
of the G. S. of Cambria County  
it cannot be explained, varied  
or contradicted by parol  
testimony

Answer

The words "we also report that  
said road causes no damages  
to the land holders along same  
in my opinion is not in the  
handwriting of Paul Yahner"

Henry Seaman

P. S. Eck produce and Sworn  
I am owner of over Three Acres  
of Land at or near Marks Mill  
I bought before there was a  
view or review of new road  
I knew shown witness and asked  
to state and designate if it is  
correct as designated

It is correct as far as he  
knows I was asked for a  
release but refused on account  
of not knowing where the  
rail road might run

I know James Mellon.  
James Mellon is a brother of  
Henry Mellon

The new road is partly swampy  
There has been a rail road laid  
out through said place but not  
fulfilled I did not release thought  
it would be more suitable after  
a railroad would be located

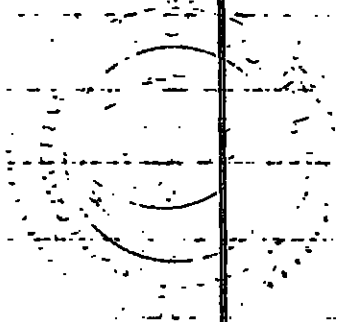
P. S. Eck

I certify that the above witness  
were duly qualified and  
examined at the time and place

9

stated in the caption, and  
subscribed their depositions  
in my presence.

Before Me Witness My hand and Notarial  
Seal Sept. 29. 1888 C. A. Sherbaugh



In-re-view  
in Carroll's  
book for re-view

In the Court of <sup>Quarto Term</sup> Common Pleas  
of Cambria County, Pa.:

Of Dec Term, A. D. 1887, No. 120

And now, to-wit, the 22 day of Sept A. D., 1888:

Rule on part of Petitioner for re-view 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 22 of Sep 1888  
Notary

To Petition of said or A. V. Barker & their Attorney

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 removers & Reluctants will be taken at the office of Henry Scouler

by Carrollson Pa on Reluctant  
the 29<sup>th</sup> day of September A. D. 1888, between the hours

of 7 o'clock, A. M., and 11 o'clock, P. M., before Henry Scouler

A Justice of the Peace in and for said County of Carrollton  
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. Scouler  
Atty for Removers  
Sept 22<sup>nd</sup> 1888



No. 1 Dec. 1887  
Depositions re  
the matter of the  
Review of a road  
from Barnstable  
to Tracy's Mill  
taken on part of  
the Review

Filed Oct. 2, 1888

Filed for  
Public Use  
\$500

Sept. 22<sup>nd</sup> 1888, Read the within upon A. V. Boston,  
Attorney for ~~Smith~~ by ~~James~~ and making  
Cubate Henry

A. P. Leavelle