

Take note upon George W. Kullen to show
cause why he should not pay the costs awarded
on the exception filed by him in No. 6 above in
October 1889

P. L. 1887 n. 139.

In the Court of Quarter Sessions of Cambria County.

In the matter of a private Road in Reade Franchise ^{VERSUS} on the petition of Jacob A. Toppell et al. of March Sessions Term, 1889. No. 6, Jacob A. Toppell petitioner. Petitioners Bill of Costs. at Argument Court April Sessions Term, 1890 Before H. H. Myers Esq. Notary Public.

			\$	cts.
John Lees	in attendance	1 days	1.00	
Berry Toppell	2.3 Miles direct travel,		1.38	2.38
	in attendance	1 days	1.00	
Alexander Toppell	Miles direct travel,		1.50	2.50
	in attendance	1 days	1.00	
Isaac Glas	2.5 Miles direct travel,		1.50	2.50
	in attendance	1 days	1.00	
Geo. M. Toppell	2.3 1/2 Miles direct travel,		1.41	2.41
	in attendance	1 days	1.00	
Thad. Eakin	2.5 Miles direct travel,		1.50	2.50
	in attendance	1 days	1.00	
John A. Toppell	2.4 Miles direct travel,		1.44	2.44
	in attendance	days		
	Miles direct travel,			
	in attendance	days		
	Miles direct travel,			
	in attendance	days		
	Miles direct travel,			
	in attendance	days		
	Miles direct travel,			
	in attendance	days		
Jacob A. Toppell	serving Subpoena 6 witnesses	90		
" " "	5 1/2 Miles distance traveled			
in serving subpoena		2.00		2.96
H. H. Myers Esq. taking depositions on part of petitioners				\$8.80
Whole Amount of Bill				726.49

Cambria COUNTY, ss.

Personally appeared before me Jacob A. Toppell who, being duly sworn, saith the above bill of costs is correct, that the witnesses named were necessary, material, and in attendance as above stated. and that the mileage stated is correct.

Sworn and subscribed in open Court this 17th day of May 1890

Jacob Toppell

No. 6 March ^{Sessions} Term, 1891

In the matter of a private road in Reade

VERSUS

Township, on petition of Jacob R. Troppell et al.

Petitioner's Bill of Costs.
on taking depositions
under Rule of Court.

Dated 17th May 1890

Amount \$26.49.

Filed June 4th, 1890

Prothonotary.

Reade

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

The petition of Jacob Troppell,
Alexander Troppell, Geo. M. Troppell, Katherine
Bakin, Thaddeus Bakin, Joseph S. Glass,
John G. Gates, Wm. A. Smith, G. G. Mulhollen, B. H.
Myer, Mrs. Hannah Aeh and others.

Respectfully Represent:

That they labor under inconvenience
for want of private road, to commence
at a point on the public road leading
from Fallen Timber to Glasgow, on the
land of Joseph S. Glass, and thence to
lead by the nearest and best route to
a point on the public road leading
from Glasgow to Walter Mill on the
land of Geo. M. Troppell and Geo. M. Kuhn,
in Reade Township Cambria County.

They therefore pray the Court to
appoint three persons qualified ac-
cording to law, to view the place
where said road is requested, and make
report of their proceedings to the next
Term of this Court.

And they will &c.

Geo Brown
John M. Schaller
B. A. Treeling
W. H. Chaplin
Oleiver Lewis
A. H. Huntington
John Bay Teyce.
Daniel Matthews

John M. Schaller
Blair Myers
E. H. Spencer
H. I. Trowell
W. E. Eakin

John Teyce
John B. Hartin
Shed F. Dunn
S. H. Beers
S. S. Rice
L. Y. Warthley
P. A. McCough
Daniel Cummings
B. W. Wilson

No. 6 Salem Term 1889.
In the Quarter Sessions

Petition of Jacob Proxell
and others for a private
road to lead from a point
on the public road from Fallen
Timber to Glasgow on the
land of Joseph D. Glatth, to
a point on the public road
Glasgow to Walten-mill on
the land of George W. Proxell
and George W. Kuhn in Reade
Township.

And now; May 6, 1889,
J. W. Turner; W. E.
Glatgow and W. H. Beers
appointed viewers &c.

By the Court

Filed 6 May 1889.

Reade.

depositions of witnesses produced
were and examined before me
this 20th day of Sept 1884
in pursuance of the rule of Court
and Notice hereto attached in the
matter of the exceptions in the
Troxell Road

G. W. Bowman affirmed
I lived in Read
Township I know the road leading
from a point between Geo W Troxell
and G W Kuhn from the Plymouth
City Township Road running
south East to the Fuller, Limber
Township Road there has been a road
for about the last twenty five years
from about Samuel Eakin's to the
Plymouth City Township Road
Liri Bens lived on the Eakin property
at that time and the Jacob Troxell
property was formerly owned by Liri Bens

the Road is still in use as far as
I know it has not been vacated
or supplied

G W Dowdman

G W Kuhn. affirmed

I live in Read

Township here has been a road leading
from the Telym City Township Road
to south east to Levi Bess property
now Samuel Eskins Estate for
the past twenty eight years the road
runs along the line of the Jacob Brooks
property the Road is still in use I
do not know of it being vacated
or supplied

G W Kuhn

James M. Dyer sworn

I live in Read Township

I was with Henry Scanlon when
he ran the division line between
G W Kuhn on the one side and
G W Troxel and Jacob Troxel on
the other side. I know the Road running
from the Flynn City Township
Road running south East a part
Jacob Troxel and Eakins property
at the mouth on the Township Road
the line runs near G W Troxel
fence about twenty rods south
it runs near G W Kuhn fence
and through Jacob Troxel the line
runs about the center of the Road.

I was carrying chains for Henry Scanlon
and he called our attention to the location
of the line in two or three places
Mr Kuhn at that time told

I signed the petition of Jacob Trappell
on his representation that he wanted
my name simply as an influence
with the court to get an opening
Wm L Smith

I here by certify the foregoing
depositions were taken by me
at the time and place mentioned
in the caption and the witness
subscribed their name thereto
in my presence

Witness my hand this
12th of Sept 1859.

Wm H Bens

Justice of the Peace

A. C. Traxel and Jacob Traxel
that he would move his fence
where the line run close to him
and he would give his share of the
road

J. M. Dixon

Mr S Smith affirmed
I live in Read
Township I have known the Kuhn
and Truell Road for twenty six
years it has been used continually
ever since I at one time owned the
Jacob Truell property when Levi
Benn gave this Truell land off to
me he excepted a road through it
for his own use he living on
the Calkins property and that
road accepted by him was used
by him and the Calkins ever since

March Term

*In the matter of
exceptions to
report of view
in Ironall Road in
Reade Township*

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

Of *March* Term, A. D. 1889, No. *6*

And now, to-wit, the *13* day of *Sept* A. D., 1889

Rule on part of *Exceptants* 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 *13* of *Sept* 1889

N. A. Schumaker Prothonotary.

To *The Defendant or his Atty, G. M. Rader Esq*

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 *exceptions* on part of
the *Exceptants* will be taken at the ^{house} office of *W. S. Smith*

in *Reade Township Cambria Co* on *Friday*

the *20th* day of *Sept* A. D. 1889, between the hours

of *one* o'clock, P. M., and *12* o'clock, P. M., before *W. Howard Burr*

a justice of the peace in and for said *County*

or before some other person of competent authority, at the time and place aforesaid, when
and where you may attend if you think proper.

Schumaker

*Atty. for Exceptants
Sept. 14th 1889.*

No. 6 New Term 1889,
R. I.

other dep.

In The matter of The
Exceptions to the report of
Juries on Inquest road
in Read Township

Filed 5. March 1890

Sent on G. M. Roads Eng. on
Saturday the 14th Sept. 89

A. A. Shumaker

Justice fees	\$ 1.75
Witness costs	
L. M. Borman	.56
James H. Dixon	.56
Wm S. Smith	.50

Shumaker

Caption

Deposition of Witnesses Produced
in Affirmed and Examined at
the Hotel of Joseph F. Durbin
in Read Township Cambria Co
Pa on the 10th day of April
AD 1890 between the hours of
8 O'clock A M and 12 O'clock P M
of said day in Obedience to the
rule of Court and Notice hereto
attached to be read in a cause
depending in the Court of
~~Commons~~ 1. Quarter Session of
Cambria County No 6 in which
Jacob Groves Plff and G W Kuhn
Deft

Bill of Cost	
Justice	\$ 2.00
Witness	2.54
Total.	<u>4.54</u>

Deposition of

1st Wm S Smith affirmed

I live in Read Township Cambria Co Pa
I know that the Road has been opened
from the corner of G W Trope & Jacob Trope
to the Eakin property for the last twenty
five or twenty six years 2nd

I know Mr Jacob Trope to have an
outlet 3rd that the time Mr Levi Bee
run the line off the distance ran out
some two or three Rods from the corner
Mr Bee said that would make up
for the Road and now he would be
independent he would have a Road
of his own but made no reserve in
making out his Deed

Cross examined

Wm S Smith

Deposition of

John L Kuhn affirmed
I live in Read Township Cambria
Co Pa I know Mr Scanlon to run
the line 2nd I was present when
Mr Lightner run the line ~~and~~ he did
not run the same place that Scanlon
run so there was five or six feet
difference in the lines at one end
not so much at the other end i.e.
Scanlon ran closer to Mr Troxell
than Mr Lightner Cross Examined

John L Kuhn recalled
3^d I do not recollect

John L Kuhn

Mr G. M. Bowman recalled

I do not think Mr Kuhn
should ~~should~~ give any ground
as far as Mr Troxell land runs

Deposition of

C. M. Bowman affirms
I reside in Read Township Cambria
County Pa I do not know whether
the Road is opened on the line
surveyed by Mr Scanlan or not
Cross Examined

C. M. Bowman

Deposition of

re Harry B. Linnards affirms.
I reside in Fallen Timber Cambria
County Pa I heard Mr Jacob Troves
and Mr John M Troves have a conversation
in the store of J & Glasgow Mr John
Troves said to Mr Jacob Troves should
give to him \$20 or \$25 dollars and he
would go and fix the thing up for him
he said he knew that Mr Kuhn would
fix the matter up without any further trouble
if he would go to him in the right way
2nd I do not remember the balance of the
conversation H. B. Linnard

Deposition of

G. W. Kuhn affirmed
I reside in Read Township
Cambria Co Pa I know that
Mr Scanlan runs the line about
where Mr Joseph Ballah and
Mr A H Fiske ran it the road
has been on this line for the
last 25 years as far as Jacob Trope
line goes ^{2nd} he has an outlet from
his place up through by Alex Trope
and C. B. Bulhollen to the Township
Road

Geo W Kuhn

I certify that the above
Witness were duly qualified and
examined at the time and place
stated in the caption and subscribed
their Deposition in my presence April
10th 1890 W H Lewis J. R.

In re Petition
Jewell Road
in
Reade Trust

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

Of Mar Term, A. D. 1889, No. 6

And now, to-wit, the 5 day of Apr A. D., 1889

Rule on part of Exemptants 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 5 of Apr 1889

John L. Dush Prothonotary.

To The Petitioner or his atty G. M. Reade & Co

Take Notice, That in pursuance of the above Rule the depositions of witnesses to be read
in evidence on the 11th of the above stated case on part of
the Exemptants will be taken at the office of Joseph Shubert
in Reade Trust on Thursday
the 11th day of April A. D. 1889, between the hours
of 8 o'clock, A. M., and 12 o'clock, P. M., before W. Howard Beers
Esq a Justice of the Peace in and for said County
or before some other person of competent authority, at the time and place aforesaid, when
and where you may attend if you think proper.

J. H. Spromaker

No. 6 Mar Dec 1889 Rd

In Road in
Road Trip

Dep on part of Exp-
Aptants.

Filed 11 Apr. 1890

Shawmut

Petition for private road
to lead from point on land
of Joseph J. Hall to a point on
the public road from Glasgow
to Walter Mill on land of Geo.
M. Troppell & Geo. W. Kuhn
in Reade Township.

In the Court of Quarter
Sessions of Cambria
County.
No. 6 March Sessions
1889.

To the exceptant in above matter
or his counsel F. A. Shoemaker Esq.

You are hereby notified to file the
depositions taken on part of the exceptant
in the above stated matter, ^{Rule issued on} on the 13th
August 1889, within ten days after the
service hereof, or be barred from reading
the same in evidence on the argument
of above matter, according to the provis-
ions of the Rule of Court in such
case made and provided.

Feby. 21st 1890.

G. W. Reade.
Atty. for petitioners.

No. 6 March Sessions 1889.

Petition for private
road to lead from
points on public road
from Glasgow to Walter
mill in Reade Twp.

Notice to file depo-
sitions.

Services accepted

2/24/90 J. A. Shumaker
att'y. f. c.

Filed 14 Apr. 1890.

Reade

In the matter of the Petition for a road from a point
on the Glasgow & Walter Mill road to a point on the Glasgow
& Hallen Tinsley road in Reading Township

Additional Exceptions

- 1st The road is unnecessary except for private use
- 2^d There has been a private road laid out and used by
the parties formerly and now owning the land, for over
twenty one years and over
- 3rd The road as laid out by the present view does great
and unnecessary injury to the private property of G. W.
Rush
- 4th There is and has been an outlet or private road leading
out to the Glasgow & Walter Mill road between, and on the dividing
line of the farms of Traxell and Rush for many years: and
any change now made would unnecessarily take all the road
laid off the land of G. W. Rush

J. A. Stumacher
Atty for Exceptions
Mar 3rd 1890

No. 6 Murch's Ser 1889
In no. was in ^{RAD} Head ^{Tap}
Ingeel & Reiche

Additional Experiments

Feb. 3 March 1890

PAID
FEB 10 1890
P. O. PA.

Exceptions to report of viewers appointed
to view and lay out a Private road from
Joseph J. Glaspé to Geo. W. Rubin, in Road Sup

1st The report does not show that notice of
the time & place of meeting of the viewers
had been given as required by law

2nd The report does not show that any attempt
was made by the viewers to agree upon
the damages with the owners of the patented
or to obtain releases therefrom -

3rd The viewers did not assess the damages
occasioned to the owners of patented land

4th There is ground suitable for the road on the
land of the petitioner without taking
or occupying land of G. W. Rubin

5th There is no necessity for the road as laid
out: it being but a short distance further
by the Township roads between the two points
than by the route as laid out.

J. A. Jernigan
Atty for G. W. Rubin
Aug. 19th 1889

No. 6 Mar Dec 1887
Ras

In re private Road
vs Reade Dock

Excerptus

Filed 19 Aug 1889

Shawmker

In re private road
over land of Geo. W.

VERSUS

Jacob Trapp
Reade Trapp

In the Court of Quarter Sessions
of the County of Cambria
Of March Term, 1889
No. 6 R.D.

DEPOSITION of witnesses taken before me this Twelfth day of
April, A. D. 1890, at Probation Room in
Court House in Edinburg

between the hours of 8 o'clock A. M.

and 6 o'clock P. M., by virtue of the annexed Rule of Court and notice thereon
endorsed, for the examination of witnesses in a certain cause there pending, wherein

In re private road over land of Geo. W.
Trapp et al in Reade Trapp

Defendant

Geo. W. Trapp being produced, sworn and examined
on the part of the Petitioner, doth depose and say:

My name is Geo. W. Trapp; am years of age;

I live near the location of the road. I own land
with Jacob Trapp the applicant. My land
joins the outlet of this private road where it
intersects the road to Walter Mill. The land
of Geo. W. Kuhn is on the opposite side of the road
from mine. The public road to Walter Mill
is a Trapp road. This private road asked for is
located on the line between Geo. W. Kuhn &
myself. My land lies between that of Jacob
Trapp and the Walter Mill road. From
Jacob Trapp's out to the Fallen Timber road
along the right hand side of the new road
that Adkins & Miller sit on, Adam Ench, & John
to Gates on both sides, on the left hand

"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 of 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 of the
which must appear. Leading interrogations should be objected to when they are put, otherwise an exception will not in general be sustained."

sides, Alex Topell, He againes Geo. H. Kuhns,
Adam Eick, John C. Gates & Jos. I. Glass,
Paper shown witness and he is asked to state if
he is acquainted with the handwriting of any
of the parties whose names are signed there
and which of them he has seen write.
I have seen Thos. Eickins, Hannah Ash, H.
Gates, Alex Topell, Jacob Topell, Jos. I. Glass
write and the names signed here are in
the handwriting of the persons whose names
they are.

Paper offered in evidence and marked Ex-
hibit A" and identified by signature of taking
Jacob Topell has no outlet to either of these
public roads except by this private road.
It passes along the land of Geo. H. Kuhns &
suppose about 40 rods. It passes along my
land about the distance of 12 panel of fence
It passes along the line of Jacob Topell about
25 rods or a little more. I think this road
is necessary for Jacob Topell to get out. Its
the only road he has to go to mill or any place
his main mill road. Thos. Eickins, Mrs. Eick,
Heny Eickins, Hannah Eick, Jos. I. Glass, J. C. Gates
Alex Topell Frank Topell would use this road
if opened out. I use it a good bit. Its my
main road to go to - Fallen Limbs on. Geo. H.
Kuhns would use it also. Has used it a
good many years. I would not use this
road in going to Glasgow. To go to Glasgow
I would use the Walker mill road. It
would be Jacob Topell's main mill road
to go to Glasgow & Leadport and the other

opposite my house
given six feet, I bought 25 acres from
Smith.

Re-examined by Mr. Rade.

Ques = Did your title extend to the division ^{line} between
your land and the land of G. M. Kuhn?

Mr. Shermaster objects that the title is the
best evidence of what it calls for.

Ans = Yes sir =

The proposed road was laid on the division
line between me and Kuhn opposite my
house. Jacob Howell

and wanted her to make road to go to
Fallen Timber, or to Shirley or any place in
that section of the Country. I knew of G.
M. Kuhn moving his divided fence out to
the line between himself and Jacob Topell
and myself. His moving out his
fence obstructed Jacob Topell and my
self from getting out to the public road.
The principal part of this new road is
on land of Jacob Topell and myself I
give about twelve feet of my land.
Jacob Topell gave a little over twelve feet
along his land. Its about 14 yrs this Spring
Kuhn moved out his fence, and
obstructed this road. He & Jacob Topell
had no way of getting out then except
to go around 1/2 mile to his mill road.
I refer to Walter's mill.

Know examined by F. A. Shaemaker,
Exhibit A objected to not having been
filed as required by law.

M. L. Gargaw does not live on this private
road neither does, David Mulhaller, Jas
Diers, D. F. Myers, H. Mulhaller, Jas Matthews
J. G. Hallen, Geo L. Davis, Jacob Gear, Geo Gallagher
Mark Diers, J. F. Miller, S. H. Turner, C. C. Mulhaller
John C. Guter, (Kearns land there) This road
between Kuhn & myself as now accepted
and used has been used for about 12 yrs.
They could not wagon it that long.

James Scullion once ran the division
line between me and Kuhn on the line
of the road as now used. The fence Kuhn
moved over from the Kuhn mill road
to my garden fence about 12 feet of
fence. The people along this proposed road
have been using the road as now used
between Kuhn & myself about 8 yrs.
I made it then. The Eastons have not
used it for 20 yrs. They used a part
of it but not clear through. They used
a part from above Jacob Topfells barn to
below his house, the balance they did not.
There was no lane given by G. M. Kuhn to
Jacob Topfell for him to get out to the
public road. Topfell made a lane out
himself through his own land. Part
of it from above Jacob Topfells barn to
below his house is on the land of G. M.
Kuhn. I have lived at my present resi-
dence 24 yrs. next June. Jacob Topfell
has lived there about 12 yrs. Alex Topfell
lived where he does now something over
30 yrs. The Eastons have lived there about
17 or 18 yrs. more or less. Geo. M. Kuhn moved
there a good while before the war.

Re-examined by Mr. Read.

The persons I named in my cross-examination
were petitioners for the road. Alex
Topfell to get out to Faller Lumber, Glasgow

or Cambria Mills had to go over the land
of C. C. Mulholland. There is a funnel road
out between Ship Island and Kuchur to
join this new road. The road as now
used from Jacob Toppels to the Walker
Mill road is very poor, its not pass-
able at all. Its all worked out, big
gutters and the roads too narrow, and
there are some stumps in it. The stumps
stand right in the line. There are stumps on
the Kuchur side of this passage out. The
road is very hilly, 15 rods of it is a very
steep hill. Its hilly on Kuchur side of
the proposed road. It needs grading to
make it a passable road. Mr. Smith
uses this road all the time when he goes to
Fallen Timber and Jacob Glass and Mr.
Lawman and also Geo. B. Richards.
Henry Haller travels the road all the time
when he goes to Fallen Timber also Mr. Smiley
Bury, Tyler, Thos. H. Haller, Mr. Simmons. Sam
Refner.

Re-cross examined by Mr. Shaeffer.
I cant say whether any of the signs
withdrew their names from the petition
or not. The hill on this road as now
used is greater than the one past Geo
Richards or the one from Flynn City to Saml
H. Turner.

Ques - This is not the only the only road that

is, washed out and has stumps in, in
Reade Lick.

Mr. Reade objects that it is not even ex-
amined not relevant a matter.
Ans = There is no road in Reade Lick that
has stumps in like that road or is
so much washed out or half as narrow.
The roads in Reade Lick are all muddy
now but not worse than other roads
in the Co.

Re-examined by Mr. Reade.

The children of ^{Jacob} ~~Geo~~ ^{Frank} ~~Reade~~ ^{Reade}, Thos Eakins,
Mrs Eakins & Frank ^{Reade} would use the
prepared road to go to school, It is the
main school & church road.

Geo. W. Reade

J. I. Glass. (affirmed)

I live near the road to Fallen Timber about
10 or 12 rods off this road. The prepared new
road goes through part of my land. My
name is signed to "Ephraim A" I signed
it. The principal use I would make
of this prepared road would be in going
to church. After the Church is finished
It is not finished yet, I would not
use the road to go to Sabbath School
when it is new. If moved to the Church
when finished I would. To go out
to Halter mill or Glasgow Jacob Reade
Thos Eakins, Mrs Eakins, and I suppose

Frank Doyl would use this road.

My Doyl would likely use this road.

Ques = State whether or not any of the persons residing along the road to Malters Mill would use the proposed road in going to Fallen Timber & from that out,

Mr. Shumaker objects that the question is leading and the persons residing along the Malters Mill road having trails thorough farms to Fallen Timber and elsewhere for 75 yrs. past. The answer could only be the result of the witness imagination and therefore irrelevant and immaterial.
Ans = If the road were passable I think that G. M. Doyl, Jacob Doyl, G. M. Kuhn, M. Smith, M. Timmers, and Peter Refner would use it. That is all that it would be made convenient for.

Ques = State whether or not Aug. Dyer, W. H. Hansen, Thos. Hallen, Jacob Glan, Henry ~~Hall~~, A. A. Glan, Peter Refner or either of them would use this proposed road in going to Fallen Timber and places beyond if in a passable condition.

Mr. Shumaker objects that it is leading.
Ans = Thos. Hallen & Henry Hon might use this road. The balance I don't know about. This road would be an accommodation to the people living on it to go to Malters Mill or to the school. To commence at the end of the road as now used at

my place part of it is filled with
logs; some very large mud holes in
it, narrow and washed out at the
further end. I believe there is a stump
or two on the top of the hill by Mr. Kuhns
place opposite J. H. Doyell's garden.
At the end next Walter's Mill road the grade
is steep. I am not able to say whether the
road needs grading or filling; It needs
some fixing.

Cross-examined by Mr. Shannister.

I am not able to say who hauled these
logs in the road. They were hauled off
Mr. Eash's land for her. She is the wife
of Adam Eash.

Ques - If the road as at present used
was put in proper repair would it not
accommodate all the neighbors residing
along it?

Mr. Beade objects that it is not relevant or
material. That the petitioners desire a road
established by law which would be per-
manent and not subject to the will of
others.

Ans - I think it would. If they had
had the authority to put it in proper re-
pair it would then accommodate them.
I don't know whether they have authority
or not. I live on the right hand side
of the road leading from Fallen Timbers to

Glasgow on the South side
J. J. Glass.

See. Trope (affirmed)

I live near the proposed new road. Jacob Trope, Thos Eaton, Culbert Eaton, Geo. H. Trope & myself live along this road, Geo. H. Kuhn lives on the public road coming out between himself and Trope. It is a necessary road for these people to get out to public places. It is a direct line for to get out to Fallers Run and to Walker Mill. Mr Jacob Trope sends his children over this road to the Walker Mill road & school. This road, if put in a passable condition, would be used by Mr. H. Bauman, Jacob Glass, D. F. Byers, Thos Walker, Sam Refner, Henry Hons, Sam Glass, C. C. Mulholland, W. Smiley, J. J. Glass, John Deen, Thos Lunn, D. F. Trope, Geo. J. Richards, W. Byers, John Kuhn, Harry Kuhn, Harry Trope, Ed. Trope, Melvin Kuhn, Samuel Trope, C. J. Trope, Calais H. Trope, Amy Trope and others I don't now recollect. Geo. H. Kuhn moved his fence out on this road about 13 or 14 yrs. ago. I suppose he abridged the road 7 or 8 rods. This road is on the line that belonged to my place at one time and was sold to Geo. H. Kuhn out of my place. That line runs to the corner of land of Jacob & J. H. Trope.

and G. M. Kuhn. The portion of it ~~is~~ ^{was} ~~at~~ ^{at} ~~that~~ ^{at} ~~point~~ ^{point} ~~and~~ ^{and} ~~then~~ ^{then} ~~ran~~ ^{ran} ~~it~~ ^{it} ~~at~~ ^{at} ~~an~~ ^{an} ~~angle~~ ^{angle} ~~direct~~ ^{direct} ~~towards~~ ^{towards} ~~the~~ ^{the} ~~mill~~ ^{mill} ~~road~~ ^{road}.
Mr. Topell has given nearly all the road along the line between him and Kuhn except in some places where it is runs a little on Kuhn's land. Jacob Topell would need this road to go to the Kuhn mill road, the 2 school houses and up to Glasgow. This road is in such a condition that no man can horse it with a wagon and hardly on ~~with~~ horse back. There is quite a lot of ~~surveys~~ ^{surveys} in the road, and the lower end of it is quite a slick hill, the road is so narrow that its washed out now with a great big gutters in it ^{so} that it is not safe to take a load over or to drive an empty wagon over. There are stumps right on the top of the hill that are right in the road. Mr. Kuhn moved his fence out opposite the house of Jacob Topell, I could ^{not} just tell how far. It was back for enough pretty near to make a road but he moved it up pretty near the line. He did that last summer or summer a year ago. That was the last time he moved it. I can't remember whether he moved this same fence before or not. Jacob Topell moved them 12 yrs ago

next Sept. There was no cleared land
then then except about $2\frac{1}{2}$ acres around
his house. He has since cleared along
the proposed road the whole length of
his property. I signed my name to 'Exhibit
A'. I think this road is necessary for
private road for the people living along it.
Cross-examined by Mr. Shannahan.

Milt Kuhn is married. Harry Kuhn, Harry
Truell, Ed Truell, C. J. Truell, C. L. Truell
are all young men. The rest are married
Quers. If the road as it present used were
properly repaired would it not accommodate
the overburdening along it.⁵

Mr. Lead. objects that the petitioners desire
a road established by order of Court and
to which they are entitled and what would
not be subject to be obstructed at the
pleasure or whim of any person.

Ans: Why certainly it would. The new road does not occupy any of Mr. Kuhns land when it goes out to the Halthus Mill road. It would go on his land if laid on the line but G. M. Trovel gave the road all off his land. It on the same ground then as the road we are now. I was along when Henry Scantlan surveyed the upper end but I don't know where he ran the line with the Halthus Mill road.

Re-examined by Mr. Reade.

Some places on the road as now used where it goes along between G. M. Jacob Trap all out Kuhn is very narrow you can hardly get a wagon through. The road from the Malheur Mill road about half way up to the Jacob Traps is now just about wide enough to get a wagon through. The other half is probably a half a wagon "width" wider. The reason its so narrow is because Kuhn fence is over the line ^{in places} as the surveyors run it - ⁱⁿ on the road.

Re-Cross examined by Mr. Shannister.

Ques- When you say the road is narrowed because Kuhn fence in places is over the line the surveyors run, you do not refer to the line run by surveyors & Scanlan?
Ans- No sir I dont because I dont know where he run the line.

Olley Gravel

Perry Trappell (affirmed)

I am acquainted with the ground of the proposed new road. It lies about a quarter ~~or~~ half a mile from it. I have been over the proposed road lately. It is necessary for the people along this road to get to Fallen Timbers or to Malheur Mill its the only outlet they have

It is necessary to get out to school, They
could not get out the road to Walter's
Mill as the road is now with a
wagon at all, Unless they go about one
mile around. Thus Eakin & Jacob Ford
have no other way of getting out to mill.
The road they would use out past Mr.
Toppell is a private lane. He made
it with the expectation of getting out
of this proposed road. They have no other
road to get out to Fellen Linder or Glasgow
than the proposed road. G. McKee told
me that he had moved his fence out and
shut up the road and was going to keep
it shut up. It is about 7 or 8 yrs. ago. He
made a new stump fence up in the hill
last summer some time. I can't say
whether it was moved out any or not.
The road from G. McKee's fence to the Walter's
Mill road is just about wide enough
to take a wagon over. There is not room
any place from Jacob Toppell's house down
to the Walter's Mill road that is wide enough
for a wagon to pass. I was along with
the reeve one time that they run the
Walter's end of the road. They run
on the line between McKee & Toppell. They
run on the McKee stump fence a little.
Cross-examined by Mr. Thacker.
Ques - If the road as at present used

were properly repaired would it not be sufficient to accommodate the neighbors living along it?

Mr. Beade. repeats his former objection.

Ans. Yes. If they had ground enough to make it so.

Quer. Do you not observe that a portion of this road as now used has been used for a period of 25 yrs.

Ans. I suppose there has a little of it but not all this road.

Then Kuhn shut up the end of the road with his fence he opened the road as now used on the line between him and Trappell on a piece of a hill no person could use.

Quer. Has not that road been used since he opened it?

Ans. Yes it has been used but no person could haul anything up or down it at all. For every 7 feet

John Teers (sworn)

I am acquainted with this proposed road I have been along the road. I was not with the viewers, I was not with the surveyors. I think the road is necessary for the people living along it. I don't know where the road is located between Kuhn & Trappell except by the stakes of the surveyors.

ways.

Ques - State how much ground will be taken off the land of G. M. Topell & Jacob Topell and G. M. Kuhn to open the road 20 ft wide with line laid out by the surveyors. Mr. Shaeffer objects that the witness is incompetent without having measured to determine the quantity taken from either or to fix the width of the road.

Ans - Well from Geo Topell's fence to the stake of the survey is 12 ft; and 2 ft and 8 in to the Lightner line. From the Lightner line to make 20 ft would take off Kuhn 9 ft & 4 in. At Jacob Topell's line it would take $10\frac{1}{2}$ ft off Kuhn to make the 20 ft. It would not take so much at the house. I made no examination further up. This road is necessary for Jacob Topell and others to get out. They have no other outlet. The following persons would use the road to get out to public places. That Estlin, Leathen Estlin, Frank Topell. They are the three that would have to use it to get on the public road. Jacob Topell would use it. He has no other place to get out. Frank Topell would come out on this road at Thos Estlin. The present road is not much over 12 ft wide from Jacob Topell's house down to the Nelson Mill road. About 14 ft in some

places. The following persons living in the neighborhood would use the road, Mr. Smith, Henry Hon, Mr. Linn, Geo. Truell, Geo. Sawman, Isaac Glass, W. H. Beers, Rowland Dixon, Frank Beers, Jos. Durbin, Saml Beers, Dick Gametini A. J. Gauntini Jack M. Mullens John Beers, and others.

Cross-examination by Mr. Shannette
I am not mistaken in my measurement I made them with a steel square,

Ques = Mr. Beade asked you how much ground it would take off each to open a road 20 ft wide in your answer you have given your measurements from a certain line at 12 ft on the one side to G. M. Truell's and 2 ft 8 in to the Dighton line, and 9 ft. 4 in. to Kuhn's Is that correct.

Ans = What I said is correct but I see now that it would not make 20 ft. I was not present when I saw the line. All I know of that is what I saw told.

Ques = State whether or not the road as it has been used for the past years if properly repaired would be sufficient to accommodate the neighbors along the road. Mr. Beade repeats same objection as before and further that the road as now open is not of sufficient width for a private road and that the Dighton have no right to enter upon the land of G. M. Truell.

and across along the route to open that road
or to widen it without an order of Council.
Ans = Not for the width of the road. There
is not ground enough to repair it on.
It is not wide enough for two wagons
to pass.

Ques = This being a petition for a private road
is there not sufficient ground on the
property of the petitioners to make the road
the necessary width without encroaching
upon the private property of others?

Mr. Reade objects that it is not material
nor is one of the petitioners or more required
to give up his land for a private road used
by so many others as would use this
road. But all on the line of that road
are bound to contribute equally in labor
and expenses.

Ans = No sir. Not at this end or the other
end either.

Ques = If the seven signers on the left side
of Exhibit A and H. E. Eaton on the right
side being the owners of the land through
which this private road is located have
petitioned for this private road have they
not sufficient ground upon which to
locate it without encroaching on the
private property of others?

Mr. Reade object. that it is not relevant
or material.

Ans- Well they would have on their own
but they would have to make it off
the line.

Re-examined by the Reader.

The proposed road runs on the division line
from the Walker Mill road to the line between
Gates & Eatkin

John Green

Thos. Eatkin (sworn)

I live near the line of the proposed new
road. This road is necessary for an outlet
for myself and others. This road is
located on the line between my property &
Alex. Topfells. There is no other outlet for
myself, Frank or Jacob Troell or Leuchter
Eatkin. Except G. M. Kuhn, there are
none on the road opposed to it that
I know of. I signed my name to Exhibit
A. Jacob Topfell brought me this paper to
sign. The present road from Jacob Topfells
down to the Walker Mill road is about 12
or 14 ft wide. The road is not in very
good condition now. Its not wide enough;
not read out like it should be to make
it passable. There are some bad cuts. I
have been over the road within the last
few weeks. A. Kuhn, about the half goes
through the woods. The half towards Felling
Linder. Through the woods the road
is hardly as wide as lawen end. Hardly

ten feet in places.

Examined by Mr. Macmaster.

There is plenty of ground through the woods to make it wider if they wish it. And plenty of ground on the balance of it with out encroaching on the property of others if there were no buildings in the road. I don't know whether 25 ft from the line of the road would take in Jacob Trofells house or not.

Re-examined by Mr. Reade.

I could not say exactly how close the fence of Kuhn comes to the line of the road opposite the house of Jacob Trofel, Pretty close though.

Thad Eekins

Jacob R. Trofel (sworn)

I am one of the petitioners for the road. I have no other way to get out than by this road. I have been getting out by going over through Mr. Trofells and Geo. H. Kuhn fields sometimes and sometimes through Geo. H. Trofells. Mr. Kuhn refused to give me an outlet, I asked him to do so, I have attempted to go through his land and he forbid me to trespass on it. At the time he forbid me to go over his land I was going over the road he shut up. He shut the lower end of the road entirely up - but two fences up. Right in the line

That was about 11 or 12 yrs ago more or less
He moved the fence along by my house
about 8 or 9 yrs ago. There was an apple tree
out on the road and he moved the fence
outside the apple tree. I did not measure
it. He claimed he gave 6 ft. but I say
he moved it to as near the line between
me and him and the law would allow
This is not room for a 25 ft road between
his fence and my buildings now I
don't think. I think it would take off
a corner of my house and blacksmith
shop. Last spring he built a stump
fence in front of my house. He moved
it back a little to make it straight and
that gave him 2 ft to 18 in between the line
and the fence. The old fence was a worn
fence. His fence is over the line on me
down near the corner next to Walker's
Mill road. From my house down to
the line of G. M. Foy's land the road now
is about 12 or 14 ft wide it may be 16 ft
in some places. From G. M. Foy's line
to the pine stump is about 12 ft. wide
more or less. At the stump this is 12 ft wide
and a little the side of the stump is proba-
bly a foot wider. From the pine stump down
to the Walker Mill road is about 4 rods.
The road is a little wider below the pine
stump than it is at the stump.

I was along when the view was located the road. In some places the fence is near the line of the road as laid out, above the hill I suppose the fence is about three feet from the line as laid out. The road from my place out to the Fallen Timber road is in some places 12 to 16 ft wide out to the woods. Through the woods it is from 10 ft. to 12 ft along. The one side of the road from my place to the Fallen Timber road is all woods. I want to use the proposed road to go to Flynn City - Walter Mill, Coalbrook, Church, Sabbath School and for the children to go to school, and to Glasgow and any place in that direction. The proposed road comes out on the Fallen Timber road at Isaac Glens' fields. The Walter Mill road would be the nearest for me to go to Glasgow. There are a lot of logs, ^{down up the road on the back of the} on the upper end of of the road now and plenty of places where the road is not over 8 ft wide. I signed Exhibit A or if I did not I authorized it to be put there. I saw all the names on that paper written. There are no persons on the line of this road that object to the road except Geo. H. Kuhn, (Paper shown witnesses and he says he signed it, Paper offered in evidence and marked 'Exhibit J' and identified by signature of Henry, Cross examined by Mr. Thacker).

I have lived when I do now for 12 yrs next
Sept. G. M. Kuhn bought a piece of the old
Dodd farm in the Walker Mill road. He
bought between 10 and 11 acres. The road
as used now between Kuhn & G. M. Dodd
has been open 8 or 9 yrs. From the lower
corner of my land to the bars below the house
has been opened between 10 & 11 yrs. From
the bars up to the house the road left the
line and went into the field then it ran
out to the run back & forward. I don't know
how long that was used. From the run
out to Isaac Glenn has been open
about 8 yrs ^{the cut is open at that time.} I don't know what Eakin
had a regular road to get out.

Ques- Did not G. M. Kuhn offer you a
road in the presence of J. M. Sisson taking
the division line as he has located it
as the center of the road?

Mr. Kuhn objects that this was an attempt
to compromise if such an offer was made,
and is not now evidence and is not to
be received to affect subsequent proceedings
when other parties are also interested.

Ans- To say not to my best recollection
Kuhn built the two fences down at the
lower end when the road rec'd out
to the public road on the line between
Dodd & him. It was the talk between
him and Smith that they had both

gives six feet, ^{opposite my house} I thought I saw from
Smith.

Re-examined by Mr. Rade.

Ques = Did your title extend to the division ^{line} between
your land and the land of G. M. Kuhn?
Mr. Shannister objects that the title is the
best evidence of what it calls for.

Ans = Yes sir =

The proposed road was laid in the division
line between me and Kuhn opposite my
house. Jacob Howell

STATE OF PENNSYLVANIA, }
Cambria County. } ss.

I DO HEREBY CERTIFY, That the above witnesses were duly qualified and examined at the time and place stated in the above Caption; that the same was reduced to writing by me, in the presence of said witness and having been first read over to them they subscribed their name thereto in my presence and in the presence of S. L. Reade Esq. Atty for Rehearsal and F. A. Shaeffer Esq. Atty for Exception.

Witness my hand and seal.

H. H. Myers,
Notary Public

No. 6 New Term, 1889
n.d.

In re private road
through land of

versus

G. M. Truell et al
vs. Reade Truitt

Deposition

of witness on part of *Techehama*

Filed 16 Apr. 1890.

Fees for taking Deposition, \$ *8.00*

Pd. by *James Truell, H.H.M.*

Filed April 16/15 1890

Reade

Prothonotary.

Attorney.

To the Judge of the Court of Quarter Sessions of the Peace
Of the County of Cambria.

The petition of the Subscribers, being a
Majority of the Original petitioners, respectfully represents That
a petition was presented to this Court at Sept session 1889
signed by your petitioners praying the Court to appoint proper persons
to view and lay out a Road from Public Road where line of Gt
Froxell, and Geo J Kuhn strikes it to intersect the Public road leading
from Fuller Timber to Glasgow, near where J. H. Glap now lives
which was accordingly done; And the said viewers so appointed did
view, lay out and return for Private use a road as above described,
That Exceptions have been filed by H. A. Shoemaker Attorney of Geo J.
Kuhn One of the Owners of some of the land on the line which said road
passes along about fifty rods. That some of the Exceptions are not
as represented And pray Your Honor, to grant said Road for the
convenience of your petitioners as they labor with great inconvenience
with out said Road, we being the Owners of all the land through which
said road passes with the Exception of about fifty rods along the line
of Geo J Kuhn

Names

Geo. H. May
Thad Perkins
Hunnicutt, Esq
E. H. Israel
Jacob Froxell
Jos. J. Glass
L. L. Hollen

Wm. S. Smith

G. H. Miller

Mark B. B. B.

Jacob Glap

Ge. J. B. B.

H. E. Baker

J. H. Hollen
John B. B. B.
J. H. B. B.
B. H. Myers
J. H. B. B.
David B. B.

Petition of citizens
of Read Township
praying for the confirma-
tion of the private road
laid out for the use of
Jacob Proxall et al.

Witness my hand
at Read Township
this 1st day of July 1881

Read

In the matter of private
road, from point on land
of Joseph I. Glass to a point
on the public, from Glasgow
to Walters Mill, on land of
Geo. M. Troppell and Geo. M.
Kuhn in Reade Township.

In the Court of Quarter
Sessions of Cambria
County.

No. 6 March Sessions 1889.

Cambria County S. S.

Jacob Troppell being duly
sworn according to law, saith that on the 19th
day of Sept 1889, he notified F. A. Shoemaker
Esq. attorney for Geo. M. Kuhn expectant in
the above case, that the report of the viewers
had been referred back to them for correc-
tion, and to make report to December Court.

The said notice being given for the pur-
pose of saving the said Geo. M. Kuhn the
expense of taking depositions on the 20th Sept.
1889 in the above matter.

Sworn and subscribed
before me this 24th Sept.
1889.

Jacob Troppell

F. A. Shoemaker
B-0

Affidavit of
Jacob Thoyell. -

"Exhibit B"
H. H. May
J. H. P. P. P.

Reade

Quarto Term

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

*In re petition for
perpetual road on
land of Geo. W. Duffell
et al in Road Sub*

Of *March* Term, A. D. 188*9*, No. *6*
R.O.

And now, to-wit, the *27* day of *March* A. D., 188*9*.

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

Cambria County, ss.

Extract from the Record of said Court. Certified

the *27* of *Mar* 188*9*
J. C. Clark Prothonotary.
ck

To the exceptants in the above stated matter, or their
counsel *F. A. Shoemaker Esq.*

Take Notice, That in pursuance of the above Rule the depositions of witnesses to be read
in evidence on the *hearing* of the above stated *case* on part of
the *Petitioners* will be taken at the ~~office of~~ *Arbitration Room*
in the Court House Ebensburg Pa. on *Saturday*
the *Twelfth* day of *April* A. D. 188*9*, between the hours
of *eight* o'clock, A. M., and *ten* o'clock, P. M., before *H. H. Myers Esq. a*
Notary Public in and for said *County*
or before some other person of competent authority, at the time and place aforesaid, when
and where you may attend if you think proper.

April 1st 1890

G. M. Peck
Atty. for Petitioners.

Mr. C. M. Lee Jun 1889
R. A.

In re private road
over land of Geo. H.
Trefell et al in Reedy
Tract

Recd on back of Deeds
to Geo. H. Lee.

9 April 1890 Served on R. A.
Shoemaker Esq. by copy.
H. M. R.

Reade

To the Honorable the Judges within Named

We the undersigned appointed by the annexed Order and in pursuance of the Order referring the same back to us for the purpose therein mentioned do report that in pursuance thereof S. M. Turner W. E. Glasgow and W. H. Beers the viewers in said Order mentioned having first been duly sworn or affirmed according to law viewed the place where the road in said Order mentioned is requested and the undersigned viewers do agree that such ^{private} road is necessary and having had respect to the shortest distance and for the best ground for said ~~private~~ Road have laid out in such manner as shall do the least injury to private property and as far as practicable agreeably to the prayer of the petitioner the following described road to wit beginning at a point on the Township road leading from Glasgow to Walter Hill on the line between G. M. Troell and G. M. Kuhn thence South $3\frac{1}{4}^{\circ}$ W through lands of G. M. Troell and G. M. Kuhn 13 1/2 Rods to

line of Jacob Troppell thence south the same
 bearing through lands of G. W. Kuhn and Jacob
 Troppell 56 Rods to line of Alex Troppell thence south
 the same bearing through lands of the said Jacob
 Troppell and Alex Troppell 72 Rods to line of Thadens
 Eakin thence south the same bearing through lands
 of the said Alex Troppell and Thadens Eakin 30 Rods
 to corner of said Alex Troppell and Thadens Eakin tracts
 of land thence south 40° W through lands of Hannah
 Ersch 37 Rods to lands of John C. Gates thence south
 35° W through lands of John C. Gates 40 Rods to lands
 of J. I. Glass thence $S 38^{\circ}$ W through lands of J. I. Glass
 65 Rods to a post thence $S 21^{\circ}$ W through said lands
 16 Rods to a post in Township Road leading from
 Fallen Timber to Glasgow a plot or draft
 whereof is herewith annexed
 the undersigned further reports that they endeavored
 to procure from all the owners of the lands over which
 said road passes releases in writing of all claims
 to damages that may arise from opening the same
 and they procured releases from G. W. Troppell
 Alex Troppell, Thadens Eakin, Hannah Ersch, J. C. Gates
 and J. I. Glass and failed to procure a release from

G W Kuhn and therefore having taken into consideration the advantage to be derived to said G W Kuhn from the Road passing through his land we have assessed the damages sustained by the said G W Kuhn at nothing

we further report that before the said view public notice of the time and place of the meeting of the viewers was given by notices put up one at each end of the said private Road and one at Glasgow these being what we considered the most convenient place for all parties concerned in said private Road these notices being posted 10 days before the meeting of the viewers and a notice of said meeting was also given personally to G W Kuhn whose land said Road passes through notice was also given to Geo B Richard supervisor of Road Township we also annex and return to court here with a plot or draft stating courses and distances and noticing briefly the improvements through which said private Road passes

over

Witness our hands and seals
the 12th day of October
A D 1869

Viewers

W H Burns & Co

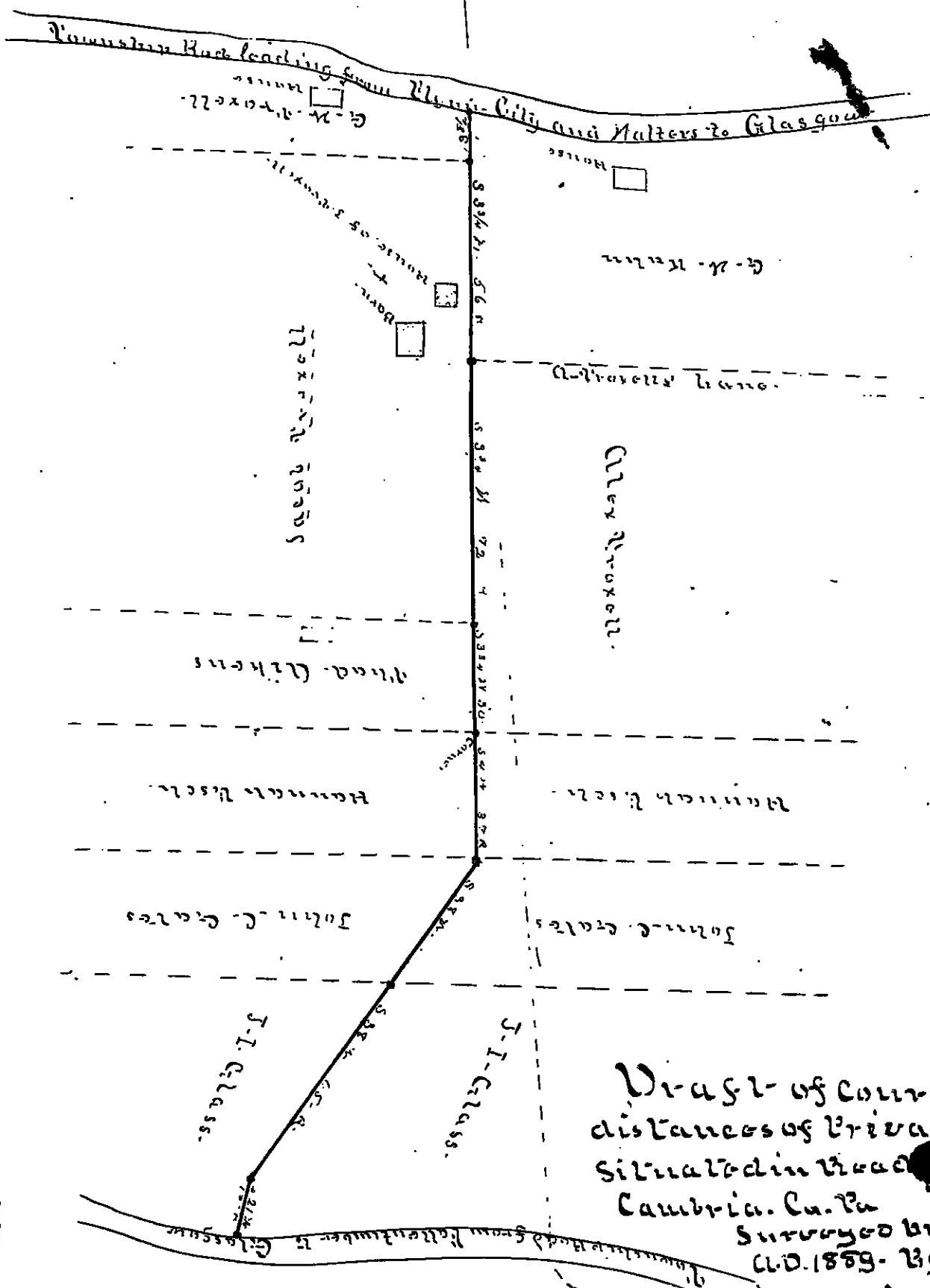
seal

W C Glasgow

seal

E W Turner

seal



Wages of courses and
distances of private road
situated in road township
Cambria. Co. Pa.

Survived May 24"
A.D. 1859. 13y

S. L. Lightner
Surgeon

Return of the Inquest.

To the Judge of the Court of quarter sessions of the peace, in the within or annexed order named, We the subscribers, the persons appointed by the said Court, to view and lay out the road therein mentioned report, that having been first severally sworn or affirmed in the manner and form prescribed by the said order, all of us or three of us "S. W. Purrier -

W. C. Glasgow, and W. H. Beers, having viewed the ground for the proposed road and three of us concurring did lay out, and now return the same for a private road, Beginning at a point on Pub. road near "Geo. W. Proxell's leading from Glasgow to Walter Hill." thence South $3\frac{3}{4}^{\circ}$ " through lands of W. H. Kuhn $13\frac{7}{10}^{\circ}$ Roads and lands of the said Geo. W. Proxell to line of Jacob Proxell. thence through lands of the said Jacob Proxell, & W. H. Kuhn "Being the same bearing" 56° Roads to line of Alex Proxell. thence at the same bearing through lands of Alex & Jacob Proxell 72° Roads to line of Phad. Atkins. thence, at the same bearing $53\frac{3}{4}^{\circ}$ through lands of the said Alex Proxell and Phad. Atkins. 30° Roads to the corner of said Proxell and Atkins tracts of land. thence 54° through lands of Hannah Esch. 37° Roads to land of John C. Gates thence 538° through lands of said Gates 40° Roads to lands of J. D. Glass. thence 538° through lands of said Glass 65° Roads to a post. thence 521° through said lands to a post in Township Road, leading from ^{the} Hallenburgh to Glasgow, a plot or draft whereof is herewith

annexed. Witness our hands and seals this
Twenty fourth day of May, A.D. 1889,

H. W. Turner
W. E. Glasgow,
W. H. Burr

LS
LS
LS

Per Jos. F. Fichter
Surveyor

News.

Notice

The viewers appointed
by the court to view a private
Road - beginning at a point on the
Township Road leading from Glasgow
to Flyn City and running
southward through lands of
G M Broxell G M Kuhn Jacob Bruce
Alex Broxell and others to a point
on the Township Road leading ^{from} Flyn
City to Glasgow near G Glass
will review said private Road
on Saturday Oct ¹² 1864 all
parties interested are requested
to be present on that day

J. E. Glasgow

M. H. Burr J. K.
G. M. Broxell

viewers

We the subscribers owners of the land through which the road referred to will pass, hereby release all claims to damages that may arise, by opening the same.

Witness our hands and seals this 24th Sept. 1889.

Signed sealed and delivered in presence of

A. J. [unclear]

L. [unclear]

Perry Tronell.

Robert A. Nelson

John C. Gates

Harmon C. [unclear]

[unclear] [unclear]

Geo. J. Glass

Geo. W. Tronell on the [unclear]

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Commonwealth of Pennsylvania, }
County of Cambria, } ss.

At a Court of Quarter Sessions of the Peace of the County of Cambria
held at Chesterburg in the the said County, on the fifth day of
May A. D. 1874, before the Honorable the Judges of the same
Court: Upon the petition of divers inhabitants of the township of Reade
in the said County, setting forth that they labor under inconvenience for want of a
private road or highway, to lead from
a point on the public road leading from Fallop Trunk
to Ungaw on land of Joseph J. Sears, and thence to lead
by the nearest and best route to a point on the public road
leading from Ungaw to Mallett's Mill on the land of Geo.
H. Duffell and Geo. H. Kuhn in Reade Township Cambria
Cambria

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. M. Luman, A. C. Ungaw SURVEYOR,
and H. H. Rees

VIEWS^XERS, 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. Haemacher

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.

March Term 1889,

R.D.

Order to view a road from
and from point on land of
Joseph L. Green to a point on the
public road from Glasgow
to Mulberry Hill and beyond
to the top of said hill
W. K. Green in Road & Lick.

Viewers:

J. M. Green
W. E. Green
W. H. Green

July 3, 1889.
Returned back to same
of viewers to report at Oct.
Sessions. By the Court

July 15, 1889
T. K. Green
Paid by R. D. Green

1 July 1889 Read and confirmed and
ordered to be opened 25 rods
By the Court