

Quarter Sessions

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

*from* ~~In re private Road~~  
~~from Stone Quarry of~~  
~~Albert Goughnour in~~  
~~East Taylor Township~~  
to

Of Mar. Term, A. D. 1890, No. 12  
R.D.

3<sup>rd</sup> St. East Con. Boro

And now, to wit, the 14<sup>th</sup> day of Oct., A. D. 1892, 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 14<sup>th</sup> of Oct., 1892

J. C. Darby, Prothonotary.  
At 21.

To J. P. Martin, Esq.

Attorney for Albert Goughnour

TAKE NOTICE, That in pursuance of the above Rule the depositions of witnesses to be read  
in evidence on the argument of the above stated case on part of  
the Exceptant will be taken at the Office of J. E. Roberts, Esq.  
Stevens Building, Franklin St., Johnstown, Pa. on Thursday and Friday  
the 20 and 21 day of October, A. D. 1892, between the hours  
of nine o'clock, A. M., and five o'clock, P. M., before J. E. Roberts, Esq.  
a Notary Public in and for said County,  
or by some other person of competent authority, at the time and place aforesaid, when and where  
you may attend if you think proper.

P. J. Connor and H. N. Starnes  
Attorneys for J. E. Roberts

No 1244a Jan 1890  
23.

In re private Road  
from Stone Quarry of  
Albert Langmuir in  
East Taylor Township

To

3<sup>rd</sup> W. Easton Bros

RULE ON PART OF  
Eschbacher

Deemer: Henry

Ans Oct 15, 1892, I accept answer of the  
petitioner.  
Ans



and leaving done stone from my Quarry. He could not make a road down from the Elenburg road to this stone Quarry. This new road is unnecessary because he has a road to his line now and he can make a road over his own land to this stone quarry without interfering with me.

If this new road was made it would greatly interfere with my business. It is a private road that he is asking for. The viewers did not allow me any damages.

Cross examination of Joseph Mock by S. P. Martin Esq.

Question Who is the owner of the land from third St. up to your land.

Answer The Cambria Iron Co.  
This road passes over the Cambria Iron Co. land.

This road passes over my land until it reaches Mr. Boughnour's land. He strikes his line right at his mine. He turns out on his own land and comes down in front of his coal mine.

It may The coal mine and the Quarry are both across the run.

It is about thirty feet from where he loads his coal to the Stone Quarry and all on his own land.

The new road will take about 7 or 8 feet of my land.

The Quarries are opposite each other one on one side of the run and the other on the other side.

He must cross the run to get to his Quarry.

He has a little bit of land on my side of the run where the turn around is. He has about thirty feet of land

where he can come out onto the private road.

It is so close there that he could not possibly get in for about a year to leave me get my stone down and run with my team.

He could get in on his own land without interfering with me.

It would not be very difficult for him to make a road on his own land only a good deal of work.

There was never a private road that I know of being granted by the Courts.

I allow him the privilege of passing over my land and I am the owner of the soil.

I could not stop him if I wished to because the Cambria Iron Co gave him the same privilege that they have.

I could not prevent anybody except the Cambria Iron Co or their lessees from using the road.

The Cambria Iron Co have the road that I have described and have had for ten years.

Goughnour first opened this road.

I keep the road in repair as a general thing, He does a little work on it.

I can't tell how many men I have during the year sometimes 7 or 8 about six months during the year.

After Mr Goughnour would work there about a year there would be no injury or damage to me getting down stone.

It is an absolute necessity for Mr Goughnour to pass over the land of the Cambria Iron Co and my land to get to his stone quarry on the road that has been open for ten years.

He owns a half acre of the Mineral and all the stone in this stone quarry.

I do not know whether I could prevent him

him from passing over the road if he would quit mining coal I think I could.

I don't think if Mr Goughnour would stop mining coal and do nothing but quarry stone that the Cambria Iron Co could give him the right to pass over my land. In order for him to get into his stone quarry it would be an absolute necessity for him to pass over my land on part of this road.

signed.

Joseph H Mock

John Murphy sworn.

Questioned by H. W. Storing Esq

Yes I know this road that Mr Goughnour and Mr Mock use and have seen them both use it.

The road and turn around is about the same as explained by Mr Mock.

Mr Goughnour could make a road from the turn on his own land to the place where he wants to open a quarry.

This new road would interfere with Mr Mocks work in leaving down stone and block him from going in and out.

Cross examined by J. P. Martin Esq

Answer They could not make a better road than coal mine than they have now turning over Mr Goughnours land.

The road would not be so good as now because the turn is now level ground while the new road would be a heavier grade.

I don't think it would be any easier to enter the stone quarry.

I don't know how many feet exactly the new road would cross Mr Mocks land probably 7 or 8 feet.

He could build a road on his own

ground without a great deal of work  
by building a little bridge across the run.  
The run is about ten feet wide and becomes  
wild at times.

Mr Mook must go out around this turn  
on Mr Goughnour's land.

The road from Third Street up gets  
very rough at times.

You must pass over Mook's ground to  
get to the quarry from Third Street.

signed

John Murphy

Question

Joseph Sides Sworn

by H. W. Storey Esq

Are you familiar with the road in  
dispute?

Answer

I am familiar with the road in dispute.  
I have heard Mr Mook and Mr Murphy  
describe the road and the turn around  
and it is about correct.

Mr Goughnour can make a road on  
his own land from the turn around  
to the stone quarry.

This new road is unnecessary and  
would interfere with Mr Mook in  
his loading and leaving down stone  
from his quarry.

Cross Examination by J. P. Martin Esq

Only about seven feet of the new  
road is unnecessary.

I don't know whether it would be easier  
to get into his quarry by crossing this  
seven feet or not.

There would have to be a bridge built  
over the run to get to this stone quarry  
and would interfere with Mr Mook  
in leaving down stone blasting stone  
and turning around with his team.  
After he would get in a certain

distance it would not interfere with  
 Mr Mock and Mr Goughenour could  
 work his quarry to better advantage by  
 this piece of road

There might be an injury to the Hones  
 signer  
 Joseph Miles

Certified this 20 day of October, A.D. 1892,  
 J. C. Roberts  
 Notary Public

No. 12 March Term,  
1890, R.D.

In re road in  
east Taylor township.

Expenditures in  
purchase of 40 acres.

Filed 25 Dec. 1892

Attest:

To the Honorable the Judge  
of the within named Court;

We the subscribers appointed  
by the within order of Court to  
view the ground proposed for said  
road, doth respectfully report;  
That after giving due and ~~timely~~  
timely notice of the time of our  
meeting, by six written hand bills posted  
up in the most public places adjacent to  
said, And that we met on the 24<sup>th</sup>  
day of Feb, A.D. 1891 agreeable to  
said notice, And after being duly  
sworn and affirmed, We proceeded  
to view the ground proposed for said  
road, And <sup>after</sup> making the examination  
on the ground, We have adopted  
the old private <sup>road</sup> already made on  
the ground, And do report  
the same for Private use  
according the following course & distance  
A draft whereof is hereto annexed,  
Beginning at a Spruce Stump  
on Albert Bongno's land North  
sixty five degrees west twenty four feet  
to the line between Bongno & Rock  
(in run) and fourteen feet more

on same bearing to post in center  
of private road, thence along said  
Road South thirty five degrees west  
ten perches five & a half feet to post, thence  
along same South seven degrees west  
six and nine tenth perches to a post,  
thence along same South twenty three  
degrees west fourteen perches to a post  
near the end of Joseph Meek's land  
thence along same road South twenty  
degrees west eleven perches to a post  
in center of 4<sup>th</sup> Street thence along  
same road South thirty degrees west  
fourteen & two tenth perches to a Chestnut  
stump, thence by South five degrees west  
twelve & a half perches to a post at  
the end of Third Street in East  
Conemaugh Borough, And  
further we do report that we  
do fail to assess any damages  
for the 14 feet of ground occupied  
by crossing the run to get on to  
the road or out let granted by Cambria  
Iron Company to Albert Goughner  
As no damages is sustained by Joseph  
Meek by the opening of said Road,

Witness our hands and  
seals the day and <sup>year</sup> first above  
written

Wm Slick Seal  
J R Davis Seal  
David Hildebrand Seal

Wm Slick 2 days

do 3 miles — 0.30

Writing 6 Bills \$ 1.00

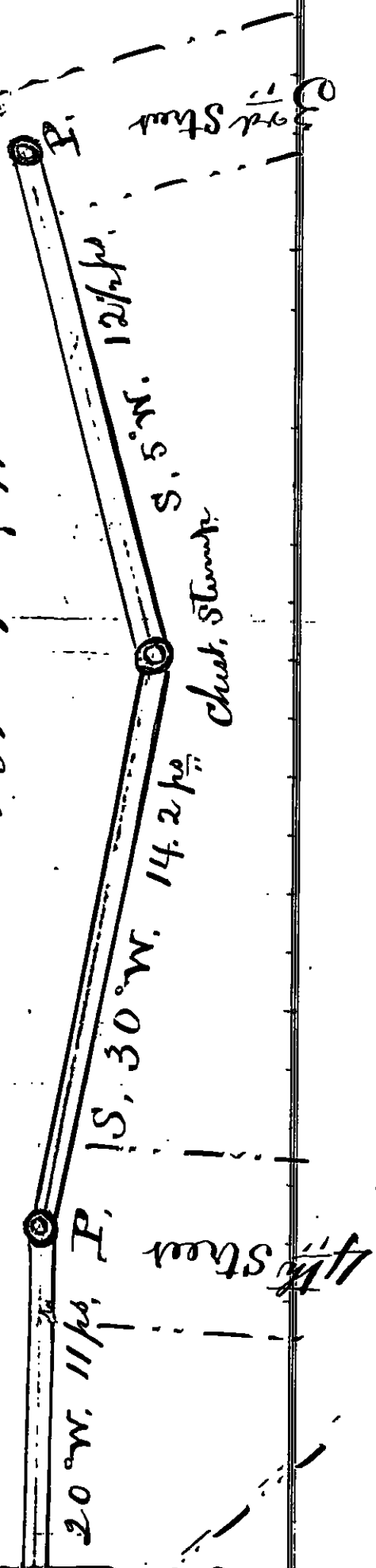
J. R. Davis — 1 day

D. Hildebrand 1 "

do 1 1/2 m 15.00

Whole Length of Road

High Bluffs above R, R



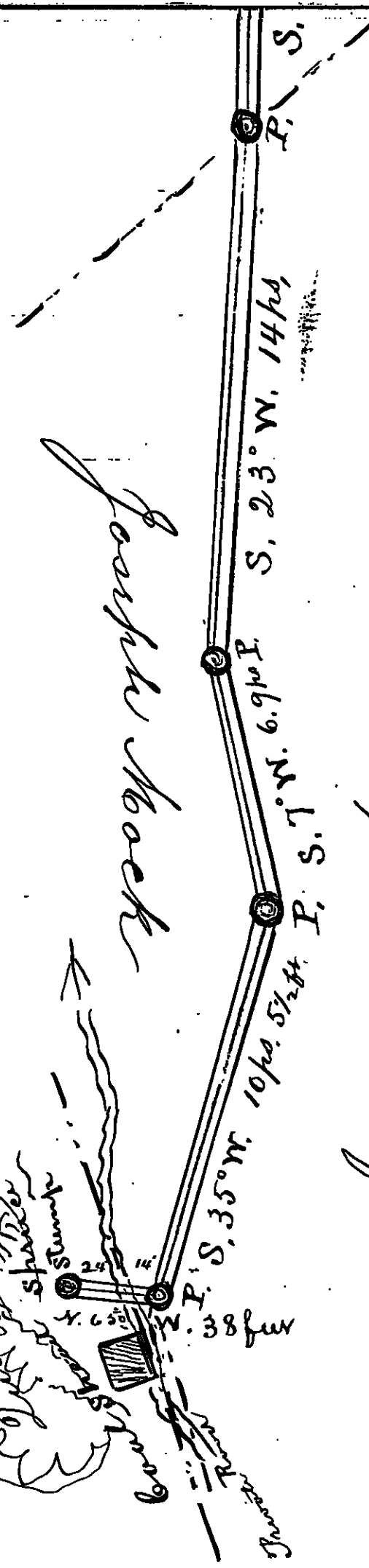
Albert Doughman

Albert Doughman

W. 2/3 inches

Joseph Moock

Joseph Moock



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 14 day of  
April A. D. 1890, before the Honorable the Judges of the same  
Court: Upon the petition of divers inhabitants of the township of East Taylor  
in the said County, setting forth that they labor under inconvenience for want of a  
private road or highway, to lead from  
his stone quarry in East Taylor Township to the  
East end of Third Street in the Borough of East Con-  
maugh in Cambria County,

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 William Stick SURVEYOR,  
and Timothy R. Davis, Lewis Hildebrand

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  
petitioner<sup>s</sup>, and that they make a report of their proceedings to the next Court  
of Quarter Sessions to be held for said County, stating particularly whether they  
judge the same necessary for a public or private road, together with a plot or draft  
thereof, and the courses and distances, and references to the improvements through  
which it may pass.

BY THE COURT.

Attest:

J. C. Parkey,  
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. 12

March term 1890

H. D.

Order to view a road from  
Stone Quarry of Albury  
Highway for East D. L.  
Landed to East end of  
High Street in East Green  
(enough for a road)

Viewers = Mr. Dick  
Timothy R. Oliver  
Darius Willard

ile 0, 10th 1890 Cont.  
with the same viewers  
By the Court  
Filed 2. March 1891.

Let Standby f. atts. R. D. H.

Nov 8 July 1891 Road and confirmed view and order  
to be opened 20 ft wide.

Per the Court

To the Honorable Robert L. Lohrman President  
Judge of the Court of Quarter Sessions in and for  
Cambria County,

The Petition of Albert Goughnour respectfully  
represents.

That he labors under inconvenience  
for want of a Road from his stone quarry in East  
Taylor Township to the East end of Third Street  
in the Borough of East Conemaugh, in Cambria  
County. He therefore prays the Court to appoint  
Viewers qualified according to law to view the  
place where said road is requested and make  
Report of their proceedings to the next term of  
said Court at the next term thereof.

And he will ever pray &c

Albert Goughnour

No. 12 Mass. Dec. 1890

Return of Alford Longhouse  
for a parcel of land lying  
near his stone quarry in  
East Dover to the East  
end of Main Street in  
East Wrentham, Duxbury

April 14 1890 Wm  
Attorney

William West  
Society to Dan  
David H. Blackman  
By the Court

Dec 14 Jan. 1890

East

In re Private Road in East Taylor Twp.  
no. 12 March Term, 1840.

R. J. O'Connor and H. W. Sturges,  
Attorneys for Joseph Muck, the exceptant  
vers. the additional exceptants:

First: That the law will not permit  
a board of viewers to lay out a  
private road, except as defined in the  
act of Assembly, that is, to lead from  
a highway to a dwelling or plantation,

Second. That the private road proposed  
in this case leads from a public  
highway to a coal mine and a stone  
quarry.

R. J. O'Connor  
H. W. Sturges,

No. 12 Mass June 1890  
Rag

Three female rats  
in East Dry in South

Blackburn  
Exhibition

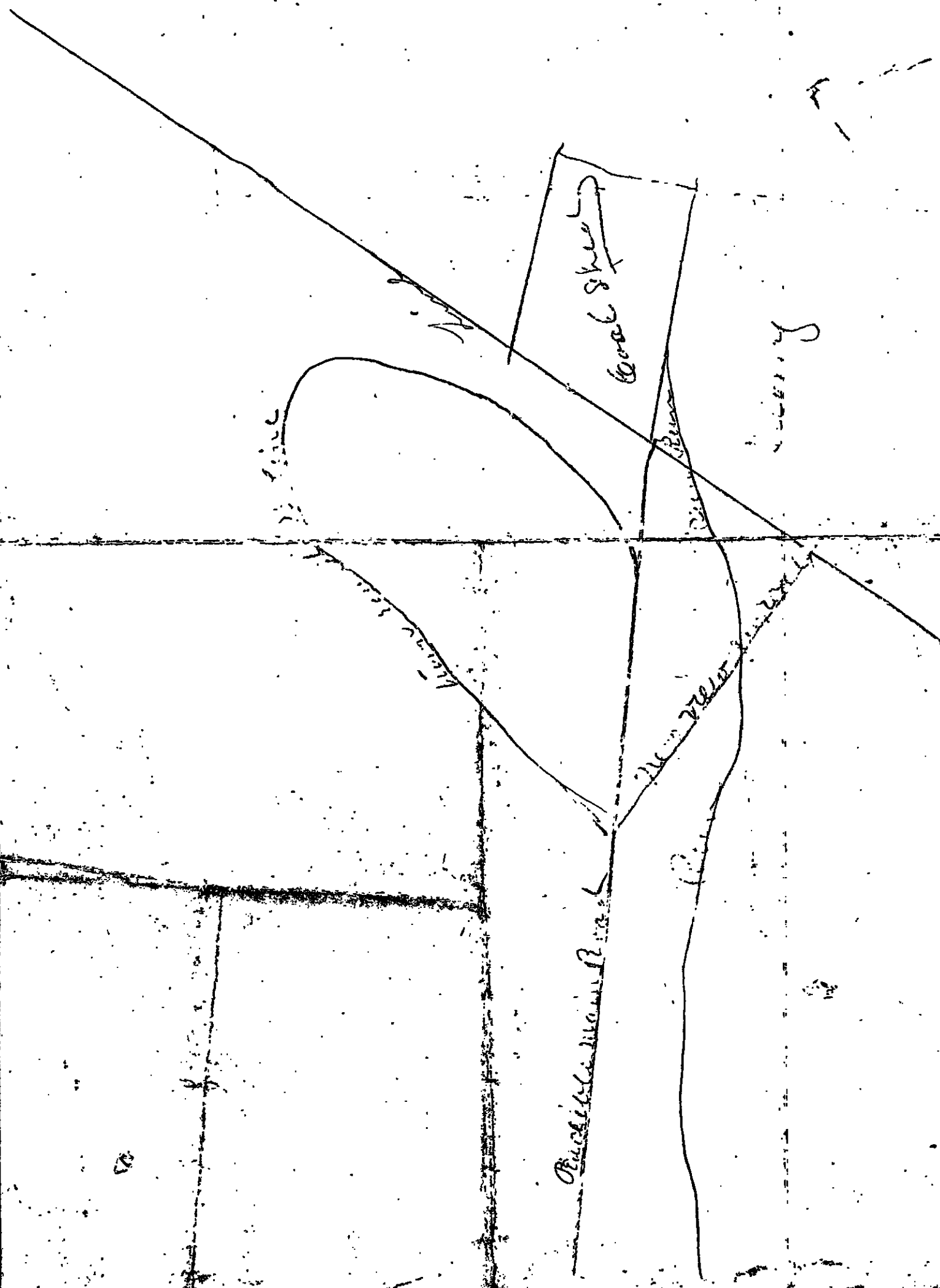
June 1890. 1892

# Notice

For the undersigned having been  
Appointed by the Court  
To view & sight for a private  
Leading from a Stone Quarry  
of Albert Eichenour in East Taylor Township  
To East End of Third (3<sup>d</sup>) Street in East  
Crownburgh Borough notice is hereby  
Given that we will attend to the  
Duties of said Appointment on  
Tuesday the 24<sup>th</sup> Day of February  
A.D. 1891

Witness

W. M. Slick  
J. R. Davis  
David Hildebrand



Good sheep

Lumber

New road

Ranch

Lumber

River

In The Court of Quarter Sessions of Cambria County,

In Re Matter of the return of Viewers - W. M. McKee  
J. R. Davis<sup>and</sup> David Hildebrand, appointed to view  
the site for a Private Road leading from a stone  
Quarry in East Taylor Twp. to East end of 3rd  
Street in East Cambria Borough,

And now May 20, 1891, F. J. O'Connor atty. for  
Joseph Mack, one of the owners of lands through  
which the proposed road passes, excepts to  
the Report of the above named viewers as follows:

First.- The notices - one of the originals of which is  
herewith presented - does not state that the parties  
signing the same were going to meet for the pur-  
pose of viewing a road for the site proposed for  
a road.

Second.- A good <sup>and</sup> sufficient Road is now open  
and has been open and used for years in going to and  
from the Quarry and between the points above  
named as the termini of the proposed road.

Third.- That the Quarry above named, for the use  
and conveying operations of which the granting of the  
above road is prayed for is on the petitioner's  
lands and can be reached from the Public High-  
way, by driving, hauling or passing over his own  
lands and a new road is not necessary for the purpose  
named in the petition.

Fourth.- The lands of Joseph Mack, the exceptant, would  
be greatly damaged thereby and the viewers above  
named have awarded him insufficient damages.

Joseph Mack exceptant  
Res F. J. O'Connor  
atty.

No. 121 West December 1890.

Dear Dr. Roberts of Brown  
appointed to visit the site  
for a private road in East  
Hector Twp. to and along  
the East Boundary Line.

Respectfully to report

Jan'y 21 day 1891,

Wm. J. Roberts  
City of New York