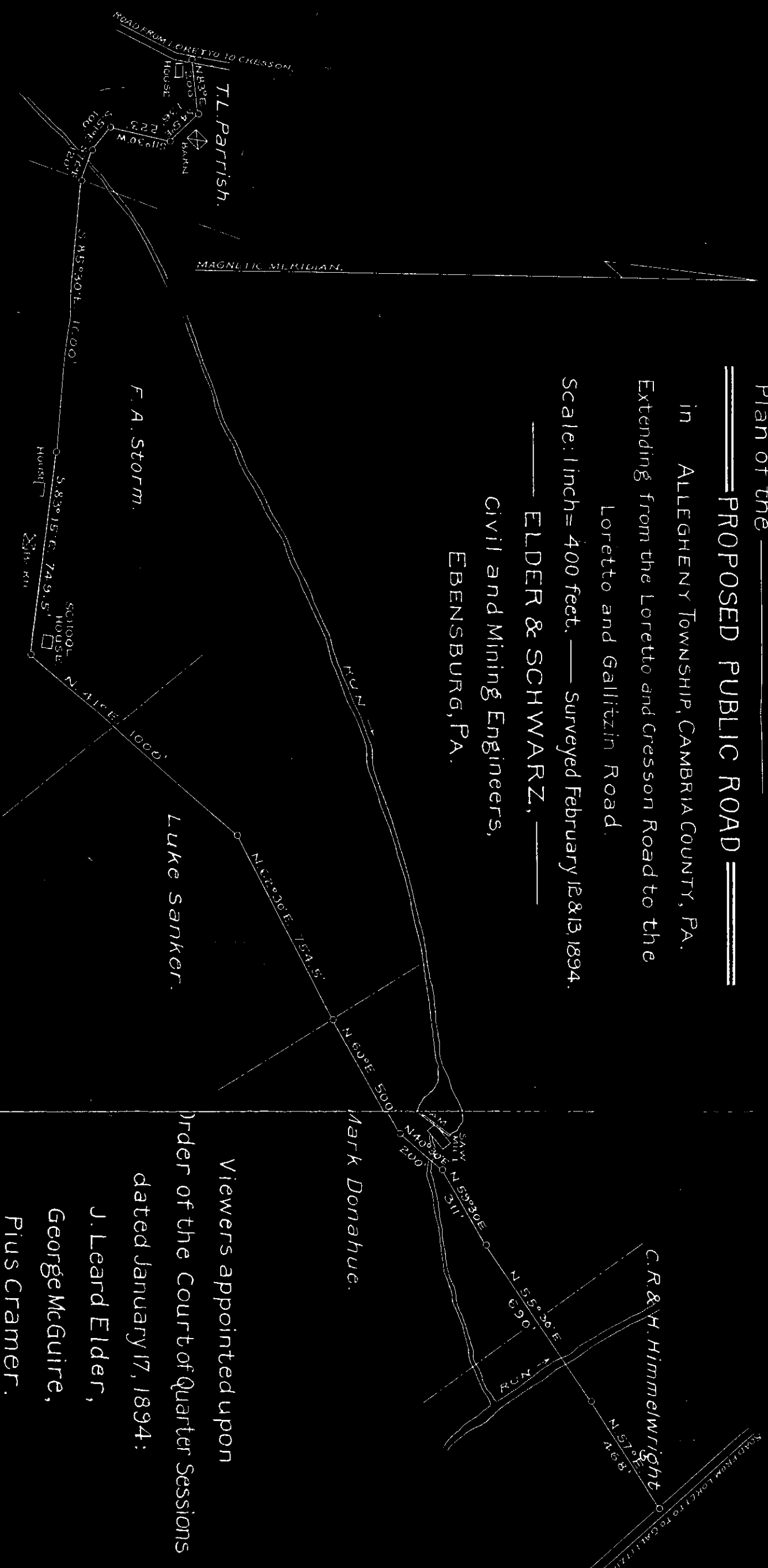


Extending from the Loretto and Cresson Road to the Loretto and Gallitzin Road.

Scale: 1 inch = 400 feet. — Surveyed February 12 & 13, 1894.

ELDER & SCHWARZ,
Civil and Mining Engineers,
EBENSBURG, PA.



Viewers appointed upon
Order of the Court of Quarter Sessions
dated January 17, 1894:

J. Leard Elder,
George McGuire,
Pius Cramer.

LD#4 - Dec
1893

Not Microfilmed

No. 4. Dec. Sess. 1893.-

In re road in Allegheny Township.-

In this case a numerously signed remonstrance has been sustained by the testimony of a considerable number of witnesses; ~~and~~ we have weighed carefully the testimony adduced on behalf of the petitioners as well as the remonstrants and have concluded that the weight of the evidence is with the latter. It seems that those desiring the road have the benefit of a so called private road over substantially the same ground and that the purpose of these proceedings is to have it so declared by regular order of the court, at the same time such changes are made in its course as would necessitate the expenditure of a large sum of money to make it passable and fit for travel over its entire course. In such cases as this the court must conclude from the weight of the evidence on which side lies the merits and this we have endeavored

to ascertain by a careful examination
of the evidence, and it is sufficient
for us to say without entering into
a review of ^{it} that the weight of
the evidence clearly preponderates
against the necessity of a public
road over the ground selected by the
viewers which would cost even the
amount agreed to by the petitioners
witnesses, to say nothing of one to cover
the amounts estimated by the witnesses
called on behalf of the respondents. —

And now Dec. 3^d 1894 ~~the~~ Absolute
confirmation and order to open refused
at costs of petitioners excepting costs
of Respondents' depositions ^{and their witnesses}
By the Court.

Nov. 4 Dec. 1893

Reas. 1000000

Road in Allegheny

Wp.

Opinion.

Dec. 3^d 1894.

In re road commencing at a point 0 In the Court of Quarter Sessions of
near the residence of Thomas L. 0
Parrish and ending at a point 0 Cambria County.
on public road leading from Lo- 0
retto to Gallitzin, near Wildwood 0 No. 4 Dec. Sessions, 1893.
Springs in Allegheny township. 0
0 Road Docket.

Exceptions to the confirmation of the report of the viewers
in the above stated road matter, as follows:

1. That the one terminus of the proposed road ending in the road
leading from Loretto to Gallitzin is defective, because it does not in-
dicate the point at or near which the same ends.

2. That it ends in the public road leading from Loretto to Gallit-
zin some seven or eight hundred feet from Wildwood Springs, and this is
fatal to the proceedings, because it is not a substantial compliance
with the petition and order to view.

Aug. 18, 1894.

Alvin Evans

Attorney for I. Z. Kaylor and
John Hartzog, Supervisors, and
others, Exceptants.

Nov 14 Dec 1893

The road commenced
at a point near the
residence of Thomas,
Dart and ending at
a point in a bush
road leading from the
Cathedral near the
wood spring in the
green park

Dec 20 Dec 1893

My dear friend
J. C. Davis

Epaphras

Love

I, the Honorable A. V. Barker President Judge of the
Court of Quarter Sessions of Cambria County Pa.

The petition of the undersigned citizens of
the Township of Allegheny in said County respectfully
represents:

That they labor under great inconvenience
for want of a public road to lead from a point
at or near the residence of Thomas L. Parrish on
the road leading from Loretto to Creason to a point
at or near Wildwood Springs on the road leading
from Loretto to Gallitzin.

They therefore pray your Honor to appoint three
persons, properly qualified, to view the route of
said road, and report to the Court.

And they will, etc.

John Barker
Morris Eckenrode
H. Himmelfright
Emery L. Smith
J. A. Coon
Albert Hall
Patrick L. Hall
Joseph J. Briller

L. J. Barker
Gilbert A. Storm

Nov 4 Dec 1893

Section of citizens of Allegheny
County for the appointment of
jurors to view and lay out a
road from a point at or near
the residence of Thomas A. Harris
on the road leading from doorths
to Creason, to a point at or
near Midwood Spring on the road
leading from doorths to Stillman

And now, January 17th 1894
read and J. S. Allen,
Geo. McGuire and Pius
Cramer -

are hereby appointed jurors to
view the ground for said proposed road,
and to report to the Court.

By the Court.

Filed 19 Jan 1894

In re road from a point at or
near the residence of Thomas L.
Parrish on road from Lerotto
to Crosson to point at or near
Wildwood Springs on road from
Lerotto to Gallitzin in Alle-
gheny Township.

0 In the Court of Quarter Sessions
0 of Cambria County.
0
0 No. 4 Dec. Session 1893
0
0

To the Honorable A.V. Barker, Judge of the Court of Quarter Sessions
in and for said County of Cambria.

The undersigned respectfully remonstrate against the granting of
an order to open the above mentioned road for the following reasons, to-
wit; First, That the road as laid out by the report of the viewers in
the above stated case is not necessary for the accommodation and conve-
nience of the travelling public. Second, That to lay out a road as re-
ported by the viewers it would become burdensome to the tax payers in
that district in the matter of opening and keeping the same in repair.
Third, That there are roads upon either side of the proposed road not
more than one half mile distance therefrom which is ample and suffici-
ent to accommodate the travelling public. Fourth, That the construc-
tion of the proposed road will be attended with very considerable ex-
pense. Fifth, That the road as laid out is not upon good ground.

The remonstrants respectfully request and urge that your Honor re-
fuse to grant an opening order for the construction of a public road as
laid out in the report of the viewers in the above stated case,
And they will ever pray, &c.

Names

D. A. McLaughlin
Geo. E. Miller
H. L. Cooper
A. V. Parrish
H. A. Schenck

Names

Wm. J. Schenck
John Bales
A. J. Brindley
M. J. Bradley
J. E. Bannan

Joseph Hoque
Philip F. Rich
Andrew Buck
Albert Buck
W. J. Buck
Ed Stevens
A. J. Buck
W. C. Litzinger
Chas Echenood
Jos Boley
J. W. Enzig
Jerom Thibet
Alex F. Bradley
E. D. Lenz
Charles L. Lenz
Adam Lammert
J. L. Lammert
Valentine Bishop
Augustin Lammert
Jacob Mause

Wm J. Hoque
A. J. Sill
L. Lammert
Henry J. Cooper
John C. Chelton
Geo. B. Haid
Georg Adams
William Hard
John Baman
Jacob Berger
Peter Boley
Joseph Ragge
Peter Lick
James Dairkel
Edward Lenz
J. A. M. Muller
J. B. Lammert
P. J. Kaylor

No. 4. December Session, 1893.
R.D.

In re road from a point at
or near the residence of Thomas L.
Garrieh on road from Loretto to
Cresson to a point at or near Oak-
wood Springs on road from Loretto
to Gallitzin in Allegheny Town-
ship.

Remonstrance.

Filed 11 Apr. 1894

Evans.

In the matter of the Report
of Viewers, laying out a road
for public use from a point at
or near the residence of Thos.
L. Parrish
to
A point at or near Wildwood
Springs.

In the Court of Quarter Sessions
of Cambria County Pennsylvania
No. 4 of December Sessions 1893.
Road Docket.

The undersigned, being all of the owners of land through
which above proposed road passes, hereby release the County of
Cambria from payment of any damages to our land by reason of the
opening of said road.

Wm. E. Boncamp
Luke J. Senker
C. R. Himmeldwight
F. A. Stoin

No 4 Dec Less 1893
Road docket.

Release of damages
by owners of property.

Filed 3 Mar. 1894

In re road in Allegheny Township
No. 4 December Term 1893 Road Docket.

The viewers appointed in above stated case reported in favor of a public road and their report was confirmed nisi April 18th 1894. A remonstrance was filed, depositions taken by the petitioners and by the remonstrants, and Dec. 3^d 1894 we filed an opinion, declining to confirm the report absolutely, and assigning as our reason that the weight of the evidence clearly preponderated against the necessity for the road. On Jan. 7th, following, the case of Ohio and Ross Township road was decided by the Supreme Court, (166 P. S. R. 132), it having been argued Nov. 12th 1894. In that case the Supreme Court decided that the question of the necessity or non-necessity of a public road "should be determined in the duly appointed mode of proceeding, by views, reviews and, in the discretion of the Court, re-reviews." On application of petitioners counsel we struck off our order of 3^d Dec. 1894, when the opinion of the Supreme Court in above case was called to our attention, and granted a re-argument.

This case having been disposed of on the report of viewers and a remonstrance, (and the depositions taken thereunder,) instead of on a review, "the duly appointed mode of proceeding" it clearly

is without the rule laid down by the Supreme Court in the case above referred to. This is clear to us and it is all we are called upon to decide in this case in applying the rule laid down in the Ohio and Ross Township case and the acts of assembly make no provision for a hearing on a remonstrance and the clear intent is that all road cases shall be determined by views, reviews and re-reviews, but whether the Court shall not be permitted to bring to its aid matters not appearing in the reports of the viewers, or re-viewers, in determining the necessity of a road, as seems to be decided in above case, is a question we shall not determine until we have a case before us on the reports of viewers and reviewers and depositions.

The exceptions filed to the report of viewers that one terminus is not designated with sufficient certainty cannot be sustained because the other terminus is fixed on the draft with sufficient exactness to enable the supervisors to ascertain the other from the courses and distances also on the draft. Bean's road 35 P. S. R. 280, Penn's Valley road H Yates 514 - Miller's road 95 and R. 35 -

The other exception that the location

of one terminus is nor a substantial compliance with the petition and order to view, is also untenable, since it is apparent that the term "Willwood Springs" therein refers to the summer resort property so called rather than ~~the~~ any spring of water in the neighborhood

And now June 1st 1896 Report of viewers confirmed absolutely. -

Reynolds Court

No. 4 Sec. 2. Term 1893 R.D.

Road in Allegheny
Township -

Opinion of the Court.

Filed 1 June 1896

To The Honorable A. W. Barker President
Judge of the Court of Quarter Sessions of Cambria
County Pennsylvania

We the undersigned appointed by
the annexed order respectfully report
that having all been present at the view
of the ground proposed for such road
and having all been first severally sworn
or affirmed in pursuance of the said
order have viewed and laid out and do
return for public use the following road
to wit: Beginning at a point at or near the
residence of Thomas L. Parish on the road
leading from Fort to Cresson thence through
said land North Eighty three degrees East
two hundred feet thence South forty five
degrees East one hundred and thirty six feet
thence South Eleven and one half degrees West
two hundred and twenty three feet thence
South fifty one degrees East one hundred
feet thence South seventy two degrees
East one hundred and twenty feet
to H. A. Stoms land thence through his
land South Eighty five & one half degrees
East one thousand feet thence South
Eighty three & one fourth degrees East
Seven hundred and forty nine & one half
feet thence North forty one degrees East

four hundred feet to Luke Saukko land
 thence through Luke Saukko land North
 forty one degrees East six hundred feet
 thence North Sixty two and one half degrees East
 seven hundred and fifty four and one half
 feet to Mark Donaldson land thence
 through Mark Donaldson land North
 sixty degrees East five hundred feet
 thence North forty & one half degrees East
 two hundred feet thence North fifty
 nine and one half degrees East three hundred
 and eleven feet thence fifty five & one
 half degrees East three hundred and thirty
 five feet to C. R. and H. Hummelwright land
 thence through his land North fifty five and
 one half degrees East three hundred and fifty
 five feet thence North fifty seven degrees
 East four hundred and sixty eight feet
 to a point at or near Wildwood springs on the
 road leading from Loreto to Gallitzin. which said
 road was as aforesaid laid out we are of opinion
 is necessary for a public road and recommend
 the same. witnesses our hands this thirtieth
 day of February 1894 J. Leard Elder
 Sec. L. M. Lurie
 Miss Coomer

J. Leard Elder 3 days 17 miles
 George Lurie 2 days 1 "
 P. G. Parish 2 days 2 "
 J. G. Parish chairman 1 day
 John Hancock " 1 "

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

At a Court of Quarter Sessions of the Peace of the County of Lancaster
held at Ebensburg in the said County, on the Seventeenth day of
January A. D. 1894, before the Honorable the Judges of the same
Court: Upon the petition of divers inhabitants of the township of Allegheny
in the said County, setting forth that they labor under inconvenience for want of

a public road ~~or highway~~, to lead from
a point at or near the residence of Thomas L. Carrick on
the road leading from Loretto to Greason to a point
at or near Wildwood Springs on the road leading
from Loretto to Gallitzin.

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. J. Elder SURVEYOR,

and Geo. W. Guire and Cind Kramer

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:

Jas. B. Darby
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. 4
Dec. 1894
Cal.

Order to view a road to be
from a point above near the
residence of Edward J. Sanborn
on the road leading from
Litch to Lawson to a point
near Edward J. Sanborn
on the road leading from
Litch to Lawson to a point
near Edward J. Sanborn.

Viewed
P. J. Elder
Geo. W. Guine
C. J. Brown

Filed 22 Jan 1894

Order 10 of 1894
133th day
1894

18 Apr. 1894 Road & confirmed view & ordered to
be opened 30 ft wide,
By the Court.

*In re Road Run
Allegheny Twp*

Quarto Secs
In the Court of Common Pleas of
Cambria County, Pa.

OF *Dec* TERM, A. D. 18*93*, NO. *4. C. S.*

And now to wit, the *Eighth* day of *August* A. D. 189*4*.

Rule at the instance of the *Remonstrants* to take the depositions of ~~aged, absent, in-~~
~~firm, and going~~ witnesses, to be read ~~in evidence on the trial of this cause in case of their absence,~~
~~sickness, death, or other legal inability to attend.~~

~~Ex parte Rule on ten days notice to the~~ Agent or Attorney

Cambria County, SS.

Extract from the Record of said Court. Certified the *Eighth* day
of *August* A. D. 189*4*.

J. C. Darby Prothonotary.
Sept 2. 1894



To *M. D. Killee, Esq. counsel for Petitioner*

Take Notice, That in pursuance of the rule, the depositions of witnesses to
be read in evidence on the trial of the above stated cause on the part of the *Remonstrants*
will be taken at the office of *Mr. J. Davis, Esq. in Ebensburg, Pa.*
on *Thursday* the *Sixteenth* day of *August*
A. D. 189*4*, between the hours of *nine* o'clock, A. M., and *twelve* o'clock, P. M.,
before *said Mr. Davis, Esq. Commissioner* 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 to cross-examine if you think
proper.

Alvin Evans
att. for Remonstrants

No. 4 Dec 1893
R.D.

Due road in
Allegheny Twp

RULE ON PART OF *Permonstrants*

Aug. 9/94 served the writ
in order on Mr D. Kitter
Esq. by handing him a copy
thereof. Alvin Evans

Evans

Freeman Job Print, Ebensburg.

In re Road In the Court of Quarter Sessions of
in } Cambria County,
Allegheny Twp. } No. 4 Dec. Term, 1893 R.D.

Depositions of witnesses taken before
Wm. Davis commissioner of said County, at his
office in the Borough of Ebensburg, on the 16th day
of July A.D. 1894, by virtue of the annexed rule,
and in accordance with the annexed notice.

J. I. Kaylor a witness produced by
the plaintiff, being duly sworn, deposes as
follows, viz:

Mr. Kaylor are you one of the Supervisors
of Allegheny Twp. ? Yes sir.

John Hartzog is the other Supervisor
in the District.

State whether or not you know the
location of the proposed public road leading
from a point at or near the residence of T. S.
Parish & ending at a point on the road lead-
ing from Loratto to Gallitzin ? Yes sir.

Please state the character of the ground
over which this road will pass if confirm-
ed & directed to be opened by the Court ?

The greater portion of it is very bad. I
suppose there is 200 ft of it you might

term a regular swamp & the remainder is very bad to locate a road on.

State whether or not in your judgment a good road can be made over this route? (not without a great amt. of work & money).

Please give your reason why it would require a great amount of work & the expenditure of a large sum of money to make this a good passable road? On account of there being a great quantity of timber to be removed; also there is a great number of large fine stumps in the way; also several very ugly ravines which will have to be filled; also a great amount of grading to be done and it would take a great amount of stone to make a road bed passable over a great portion of the proposed route.

What in your judgment would it cost to open & construct this road & make the same passable for ordinary use?

I would have to put the estimate at \$1500 for to make it passable.

State whether or not better ground could have been obtained on which to locate a public road between the points

given in the proposed road? I think
by either keeping the old private road or
starting at Mr. Parish's barn & keeping the
left hand side of the private road & pass
between John Sankers house & barn and
follow in or about in the private road
from there to a point near Wildwood Springs
that you would have a good grade & a
better road bed.

What would you say the difference would
be in the ^{expense of the} construction of the route as suggested
by you & the one reported by the viewers?

The difference in my estimation between them -
It could be made passable for about \$200. &
then it would take less to keep it in repair.

State whether or not the private road of
which you speak connects the ^{public} road passing
Mr. Parish's & the public road from South
to Ballitzin? Yes sir.

Can you state the distance between
the points where the proposed road begins &
ends and the points where the private road
begins & ends on the two public roads
mentioned? I think it would be about
~~one mile~~. Start from the one point at Mr. Par-
ish's & end within about 150 feet or near as
I can guess at it, that would be on the road
leading from South to Ballitzin.

Can you state how long that old road

has been used & traveled? I can't state any certain length of time.

How long have you known the old road to be there & used? Over 35 yrs.

State whether or not there are two public roads that now run parallel with the proposed road & if so what in your judgment would be the distance between the two? Yes sir there are two public roads

The distance between the two is something less than a mile. There is a public road one on each side of the proposed road something less than a mile.

Draft attached to report of viewers, please to witness & he is asked to state how far it is from the point at which the proposed road ends in the road leading to Gallitzin to Wildwood Springs?

As near as I could tell it would be about 800 feet.

Is there another public road ending in the public road from Loretto to Gallitzin at or near the point where the proposed road enters the same? Something near 800 feet.

Should that be East or West of the proposed road? East of it.

State whether or not in your judgment

the proposed road is necessary for the accommodation & convenience of the traveling public? I think not.

Cross Exam

Is the whole of the proposed new road located on swampy ground? There might perhaps be 70 rods of reasonable ground fit for to make passable road.

How much of that road runs through woodland? I would think about $\frac{1}{3}$ of it.

Did you count the number of ravines over which it would cross? Yes sir.

It crosses either 3 or 4 small ravines & then it crosses a creek which I suppose the water itself is 30 feet wide & in another place it crosses a large or rather deep gully below a saw-mill about 12 feet of a fill would have to be made.

How far from the starting point at the road leading from Lovett to Crescen does the proposed road follow the private road?

I would suppose it was 175 or 200 feet & then it makes a curve to the right crosses a very ugly ravine & connects the private road & follows it about 60 rods more or less, then it takes off the private road to the left 20 rods crosses the private road

again passes through a pine stump field enters the woods & crosses the creek or ravine below the saw mill about 6 or 7 rods & it crosses the private road into Mr. Mark Sonohoe's field - and in a short distance it crosses the private road again & goes down through a very swampy piece of ground, crosses the creek & then crosses the private road & up through the woods to the road leading from Sonett to Gallitzin.

Is there not a school house located on the private road & past which the proposed road is laid out? Yes sir.

From the Cresson road to the school house, could there be a better road laid out? Yes sir.

Could a road be laid out between those points that would avoid the ravines? Not altogether.

Could a road be laid out from the school house to the Gallitzin road & made straight without following the proposed route? Not very handy.

You say the proposed road is not necessary; how would children get to the public school building without a public road? The proposed new road laid out

on the north West side of the hill will
more than likely be impassable from
3 to 5 months on account of snow drifts.

They would go on the private road.

Who are keeping up this private road?

From present appearance it has
been keeping itself.

The road you speak of running between
Mr. Sankers house & barn would not
pass the school house? No sir. It leaves
it about 200 yds.

Is there any stone along the proposed
new road from which it can be constructed
? Not to my knowledge.

About how many stumps would
have to be removed in constructing the
proposed road? ~~The~~ where the same
passes through cleared ground? I couldn't
answer as to the number but there is a
great many.

Give an estimate of the cost of re-
moving them? I would have no idea.

How much ground will have to be
cleared to open the proposed road? I
think about $\frac{1}{2}$ the length of the road.

What would be the cost of clearing that
ground? I don't suppose it could
be done for less than \$600.

Do you know whether there is any

travel over the private road? Not a great deal outside of the parties living along the private road.

How do you know this? From experience.

Do you live along that road? No sir. How often have you traveled that road? I think I have been over that road twice in 15 yrs.

How far do you live from the proposed road? About 2 mile more or less.

You never have occasion to travel the road? Not unless I have an errand to see the farmer living on it.

What experience have you had then which would enable you to judge of the amount of travel along the road? I drove the road from Lovell to Ballington from one to three times a week from 1882 up until July 1893 & I have reason to know about what travel was on that road.

If the bridges along that road are removed how will children coming from below Childwood get to the school-house?

Same as my children would do if I would take the bridges away - Couldn't get there.

Who would keep up the bridges & keep the road in repair if the public does not do so? Parties should do it themselves for their own benefit.

And should parties living along this private road, ^{keep up the road} for public school children & for the public in general? They would have the same right to do so as I have to keep my road up.

J. S. Kaylor

John Hartzog

State Mr. Hartzog if you are one of the Supervisors of Allegheny Twp.? Yes sir.

How long have you acted in that capacity? This is the 3rd term.

Are you familiar with the location of the proposed road beginning at or near the residence of T. S. Parish & ending at a point in the public road leading from South to Gallitzin in Allegheny Twp.? Yes sir.

State what is the character or condition of the ground over which this road passes? Part of it reasonable & the balance of it is in pretty bad shape to put a road on.

State whether or not it passes through
over any swampy ground & if so to
what extent? Yes sir it is pretty
swampy in places. There is I suppose
75 to 100 feet at Mr Parish's spring
house. It is not a great distance
at the school house, little springs
coming out, little ravines you would
call them, then at the mill is a pretty
ugly looking place about 100 feet
or so, then after that there is a few
rods pretty good until you strike
Snohove, then it is in bad shape
till you get across the creek.

How many stream or creeks does
the proposed road cross? It crosses
one at Mr Parish's, one or two small
ones at Sankers field opposite the
school house, & the one at the mill,
& there is another at the head of Fin
Cmelwrights dam,

What is the width of each of those
streams as near as you can state?

The one at Parish's neighborhood of 50 to
75 feet of filling & plank or something
to get over & the two in Sankers field
one about ten feet, the other is very
small it don't amount to much.

them, the one at the mill would be from 50 to 75 feet, I didn't measure either one of them, the one at Himmelbight dam is from 30 to 35 feet of water and filling back 175 feet I judge ~~is~~ without the water.

State what in your judgment would be the costs & expense of constructing a passable road along the route as proposed by the viewers? I would think it would cost a thousand dollar bill pretty bad in order to get through.

State whether or not the proposed road passes through timber land & if so to what extent & what kind of timber? Yes it goes through timber land about one third of the way. There are ~~pine stumps~~ Hemlock & Beech trees.

State whether or not there are Pine stumps along the route of the proposed road & if so can you give us an estimate of the number? Yes there are Pine stumps & as far as the number I didn't count them.

State whether or not it is more expensive to remove Pine stumps than the stumps of other timber? I wouldn't know. I think I could blow a Pine stump easier than a gran beech.

State whether or not it would be necessary to stone any portion of the proposed road in order to render the same passable for teams wagons & other vehicles? Yes sir.

Can you state what would be the distance along the line of the proposed road that would have to be prepared with stone in order to make it passable for teams wagons & other vehicles?

The biggest portion of it would have to be stoned.

State whether or not that of itself would be a source of considerable expense? Yes sir.

State whether or not you are acquainted with the location of the present school-building along the line of the proposed road & if so state how long it has been located & used for school purposes at that place? Yes sir I know of it for going on 22 years & it has been used in that time from 5 to 6 months every year.

State whether or not you know the place where the proposed road enters the road leading from Soritto to Bel-litzin & if so how far it from that place to Oldwood Spring? Yes sir

What will it cost to clear off the ground on the proposed road? I don't believe I can answer that question. I told you while ago it would spoil a thousand dollars & I didn't make close calculations on it.

How do you know it would spoil a thousand dollars? I presume by that remark that you mean it would take nearly a thousand dollars to construct the proposed road; how do you arrive at that? If you take one hundred off, or five hundred off it would be that much less.

Should the construction of the route you have said was a better one spoil a thousand dollars? We all know that it would cost less to construct a road the way that I laid it ~~out~~ ~~There was no reason in~~

Certainly if you take a cent off of a thousand dollars it would spoil it.

What do you mean by saying that the point where the proposed road intersects meets the Baltitzin road is 7 or 800 feet from Childwood, ^{Spring} do you mean Childwood Springs Hotel, Childwood Springs Station, Childwood Springs Post Office or what point?

I told you the Hotel.

Is it not a fact that the Hotel grounds immediately around the Hotel building comes to a point within 20 ft. of the end of the proposed road?

This road goes through that same ground that owns the Hotel.

I don't understand the question.

John Shertzer

Richard J. Drury

State if you are a resident of Allegany Twp? I am.

State whether or not you are acquainted with the ground over which the proposed road passes beginning at or near the residence of T. L. Parrish & ending at a point in the road leading along from South to Gallitzin & if so please describe the character of the ground & name the number of streams & ravines over which it passes? I am acquainted with the road from T. L. Parrish's to the school house - I don't know anything about the lower part of it. By T. L. Parrish in the hollow it is always wet especially in the

Spring & fall of the year. I am not acquainted with any of the streams and ravines only T. L. Parish's spring there it crosses.

State if there are two other public roads in that neighborhood connecting the roads leading from Soroth to Cresson & the one leading from Soroth to Gallitzin? There ^{is one} ~~are~~ from ~~that~~ Soroth & the other from the Anderson

State whether or not these roads referred to in your answer run parallel with & in the same direction as the proposed new road? Yes sir.

Can you state what is the distance between those two roads? About two miles.

State if you know the location of the School house below the Parish's & if so is that the school that your children have been attending?

The school stands alongside of this private road below Parish's. that is the school my children have been attending.

State how long that school building has been located at that place? Or the neighborhood of 25 years.

State whether or not they have had

school in that building each year during that time? There has:

State whether or not your children in traveling to school by the road would go by the way of T. L. Parish's?

Yes sir.

State whether or not in your judgment the opening of the proposed ^{road} is necessary for the accommodation & convenience of the public? I believe not

Cross Exam

Please state where ~~to~~ the two roads running parallel with the proposed road begin & end? That I don't know

One on this side of Soroth by the Church & the other is the road leading to Mr. Anderson.

Where does the one by the church end? It leads towards Gallitzin.

That is the road which connects with the proposed road & is called the road leading from Soroth to Gallitzin?

If you want to go from Soroth to Gallitzin that is the road I would go. I don't know where the proposed road comes out.

I know the location of where the proposed road enters the road leading from South to Gallatin. I think it is from ~~a mile & a quarter to a mile~~ ~~& a half~~ to 500 feet

What is the character of the ground over which the proposed road passes at Sankers mill? It is pretty soft from there out.

State whether or not a road leading from the points at which the proposed road begins & ends can be laid upon better ground than where now located by the views & if so could it be opened at a less expenditure?

Yes sir a better road could be opened at a less expense. To start in ~~at~~ where the road begins at Parrishes and run down between Sankers house & barn then after you get through there a little piece & cut off a little bank by the saw mill then take the old road bed from that out to the hotel I would think would make a better road & much cheaper on the tax payers.

State whether or not in your judgment it would be necessary to the accommodation & convenience

of the traveling public that the road as proposed by the viewers should be opened? I don't see that there is any more use for a road now than there always has been. There don't seem to be any more traveling on it now than since I know the road.

Cross. Exam.

(You say part of the proposed road is on reasonably good ground, how much of it is on that kind of ground, & where?)

From Mr. Storms line till you strike the school house about 35 to 40 rods is reasonably good ground,

How much did it cost in your judgment to construct a culvert or bridge over the ravine below Parrish's house on the private road?

I don't know anything about that.

Should the proposed road cross the same ravine that the private road crosses? Yes sir only up higher.

Is the ravine deeper higher up? It is wider more swampy than down below.

Should not any road running between the points from & to which

the proposed road runs have to cross this ravine? No sir it wouldn't go near it at all.

Small culverts would be all that would be necessary to conduct a road over the ravines that cross the proposed road between Parrish's & the woods? There would be a couple of small culverts on the proposed road after you would pass Parrish's. There would be a big one at Parrish's.

At the mill you say a ravine crosses the proposed road about 100 ft. in width? Yes.

How deep is that ravine? It is all the water that runs the water will run through there about 6 or 7 feet would require the bridge & filling to be

If a bridge be constructed from one bank of this ravine to the other it will then be 6 or 7 ft above the bed of the stream? Something in that neighborhood.

Why would you build embankments then? We generally do them things to save plank.

Couldn't the banks be graded down & save embankments? Yes sir they can if people want to drive through the water.

A bridge will have to be constructed across what you call the head of Hummelwrights dam no difference where the road is located I see sir.

And it would cost about the same amount of money? There can be a bridge put in if higher with less expense a great deal.

How much will a bridge ^{at that} cost? To complete that bridge as it might be you have got to put in a high bridge to stay there & all the filling you would put in is liable to be washed out the first flood would come.

No doubt that bridge would cost from \$150. to \$175 what we would call a bridge to fill it back to the bank.

How much will the culvert up at the saw mill cost? It will cost in the neighborhood of a \$100.

How much will the Parish Culvert cost? It may cost a good little bit - It is a good way to get timber & stone & filling to put in. It will cost a \$100. to make a good job out of it.

Is the road from Smith to Ballin in
one of the parallel roads you spoke of?
I believe it is.

And the proposed road connects
with it near Wildwood Springs?
I believe it does, I don't know
where it connects.

If this private road should be
closed up by the property owners adjoining
it it would cut off all public con-
nection with the Stone School build-
ing? I believe it would.

Then it is necessary if the public
would wish to use the Stone school
building for any future school
term? It is not necessary for mine,
they have too far to go.

Do not pupils from that school
travel both ways on this private road?
Yes sir.

Re direct

The school children have been using
both ends of that road for 25 years
or more? Well so long as the school
has been standing.

Richard Drury

J. L. Parrish.

State Mr. Parrish if you are a resident of Allegheny Twp. & if so how long have you resided there? Yes sir I was born & raised there but I have owned the place I live in for 16 years last March.

State whether or not you know the ground over which the proposed road passes which begins at or near your residence & ends at a point in the road leading from Loretto to Gallitzin, if so describe the character of the ground over which it is located & the number of streams & ravines along the route of the same? I am acquainted with the ground, There is about two thirds of it that is very soft in the Spring or in the fall, the balance would be pretty fair ground, to make culverts & bridges would be two different things — the first one would be at my place below the spring house, there would be one or two in Storms lane that would require culverts, that is between my place & the schoolhouse, between the school house & the woods there would be several more needed, I don't know the exact number.

At Sankers mill there would be a bridge required below the mill, crossing the creek or the head of Himmelwright's dam would require another one.

State what portion of the proposed road is timbered? I suppose 3/4 of it any way perhaps more than a third.

State what proportion of it passes through ground having live stumps on the same? From below the school house to the Twp. road is no stumps yet but it would have to be stumps before you could make a road out there.

State how long the school house below your place has been where it is now located & whether during that time it has been used each year for school purposes? To the best of my opinion it has been there 25 or 30 years. To the best of my knowledge it has been for school purposes during that time.

State whether or not there was a road way leading from a point at or near your residence down to & past the school house from the time the school building was placed where it is now.

located? There was.

State whether or not the lane from Mr. Storm's connects with that road-way between the school house & your residence? There is no lane there.

Mr. Storm lives convenient to that private road leading to the school house.

State how long Mr. Storm has been living there? He has been living on the farm where he now lives so long as I can remember, that was over 40 years.

State whether or not he used that road-way in getting to the road leading from South to Cresson? (Not exactly on the same ground but some where near it, the road is changed in some places.

State whether or not you ever interfered with parties traveling upon that road-way which leads from the school house to your residence where the same passes through your property? I did not.

State what in your judgment would be the cost of building and constructing the proposed road to render

7
it passable for teams wagons & other vehicles? I don't believe it could be done for less than \$1200.

State whether or not you have in your Twp. now opened & in use two public roads running parallel with the proposed or connecting the same roads that the proposed road connects? They are not exactly parallel but they run the same direction. There are two other roads connecting the two roads that the proposed road connects.

State the distance between the two public roads now in use where the same begins on the road leading from Lovett to Cresson?

From where the proposed road begins to Old Ford Road at Lovett it is a little less than a mile. From the same point where the proposed road leads to ~~the~~ what we call the Anderson road & connects with the Plank road is 4067 feet near about that.

The distance from where the proposed road to where the road leaves the road running from Lovett to Galitzin is 704 feet.

State what is the distance from the

point where the proposed road ends in the road leading from Soreth to Ballitzin to Child Wood Springs & Child Wood Springs hotel? I never was at the main spring at Child Wood. The distance from where the proposed road ends to Child Wood Springs Hotel is about 800 feet I think.

State whether or not in your judgment the opening of the proposed road is necessary for the accommodation of the traveling public?
It is not.

Cross Exam

Please state where each of the two roads you speak of running parallel with the proposed road connect with the road leading from Soreth to Bressen?

The one connects at Soreth at Cornerfords. The second one connects in my farm about midway, and the third one at what we call the M'Manamy place or the old toll gate on the Plank Road.

Where does the road connecting at Cornerfords connect with the road leading from Soreth to Ballitzin?

That is the road from Lovett to Ballitzin.

That road from Lovett to Ballitzin is what you call a parallel road with the proposed road & the roads leading down past Wild Wood Station & yet the proposed road & the Wild Wood Station Road connect with it? It is what they call a parallel road ~~after~~ from it leaves Lovett till it strikes that point where the proposed road connects, from where the proposed road leaves Ballitzin Road to Wild Wood Station would not be parallel.

The proposed road strikes the road from Lovett to Ballitzin right at the Wild Wood Hotel grounds does it not? It all belongs to that from somewhere near the creek.

You live along this proposed road or where it connects with the Crescen road? I do.

Is there not considerable travel along the private road which is to be substituted by the proposed road? There aint much travel on it outside of the families living on it.

Is it not a road used by farmers in that vicinity in traveling from the Münster road to Ballitzin? I don't think so.

Is it not used by children attending the school along? It is

Any road being constructed from the Cresson road to the Gallitzin road across that valley would require the construction of about the same number of culverts & bridges, would it not? It would not.

How much would it cost in your estimation to construct a bridge over the creek above Himmelwrights dam? It would run over \$200. well out to \$300. when you make the approaches.

Should not that creek have to be bridged in order that any ^{public} travel may be done over that section of the country? There is no way to get around it.

T. L. Parrish

P. J. Cramer

Mr. Cramer state if you were one of the viewers in this case? Yes sir.

State when you viewed the route for the proposed road? I don't remember the date some time in Feb.

Was it on the same day that you signed the report? We had two days viewing - it was on the last day.

State whether or not there was snow upon the ground at the time the view was made & if so what in your judgment was its depth? It had been snowing both days - I suppose the snow the last day was six inches.

State whether or not that in a measure prevented you from seeing the character of the ground upon which the road was located?

Objected by Mr. Little for the reason that a viewer is not permitted to contradict or impeach his report, or the report which he has concurred with other viewers in making.

It did.

A. J. Leamer

H. J. Ivory

State whether or not you are a resident of Allegheny Twp. & if so how long you have resided there? I am a resident of Allegheny Twp. & resided there for 59 yrs.

State whether or not you are acquainted with the location of the proposed road beginning at or near the residence of T. L. Parrish & ending in the road leading from Fort to Ball's Run?

I was on the lower part of it up to
Sankers field.

State what is the character of the ground
over which that part of the road passes?

The ground is very rough & swampy
I consider it a hard place to build a
road.

State whether or not in your judgment
the proposed road is necessary for
public use? (No sir I don't

State whether or not you have been
professor in Allegheny Twp.,?

Yes sir one year.

State whether or not there are public
roads now opened & used in the
neighborhood of the proposed road
& if so are they not sufficient
to accommodate the public? There
are public roads enough of few I con-
sider enough for to accommodate the
travel

Cross Exam

Will not any road running
from Sankers down to the Gallitzin
road in that immediate vicinity
pass over pretty rough ground?
It would be rough.

If a public road is not necessary there how will the children go to & from the Storm school? They wouldn't take any road.

Then you ~~are~~ think there should not be a school house at the point at which it is now located? I consider there ought not to be one there.

And you think that if no public road passes the present location of the school house that they will move the school house to where there is a public road? I don't suppose they will move that one but I suppose they will put the new one some where else. I don't think that one is worth moving.

Re Direct

State whether or not the opening of the proposed road would make the distance to be traveled less for any of the children attending this school? I don't see how it could.

What would be the distance that your children & McSwires children would have to travel in going to and from the school by way of the proposed public road & the public roads connecting with the same? Out the one

they might reach it in two miles on the other it would be two & a quarter.

State which way your children and the Guinees children now travel in going to & from that school? I never remember there. The Guinees children go across the fields.

W. J. Loring

Ch. J. Buck

State whether or not you are acquainted with the ground over which the proposed road passes beginning at P. L. Parish's and ending in a public road leading from South to Galitzin? I don't know where the new road passes, I have been over the private road.

How long has that school building been located at that point? Either 22 or 28 years ago. I was one of the directors when we located the school house.

State whether or not there was a road way from Parish's down to where the school building was erected at the time the same was placed there? Yes in the road was there. And I have been down as far as Sankere.

The balance of the road I never saw.

How long was it before the school building was erected that this private road was opened & in use, I cant tell, I think there was a road in there since Mr. John Sanker lived there. It had been changed a little at the school house.

State whether or not there are other public roads in the neighborhood of the proposed road & connecting the same township roads? Yes the one around Soretto & the one around Andersons to Gallitzin. I dont know ~~see~~ that it would benefit any one ~~unless~~ other than Mr. Parish Mr. Storm & Mr. Sanker and they might use it as a straight way to Gallitzin. Also Mr. Storm & Mr. Sanker would need a part of it to go to Soretto.

Please state what road Messrs. Storm & Sanker now use in coming out to Soretto. Is that the private road

Cross Exam.

Should not Mr. Virs Cramer use that road in going to Gallitzin? Well now I dont know they come out at Soretto.

Do you know how far the coming from the Saily place, the Durbin place, the Calan place, the other parties living along the Corrigan road would go to Gallitzin? It would be a little higher across there I suppose, I can't tell exactly.

The road you spoke of leading from Sorath to Gallitzin is the road that the proposed road intersects is it not? It intersects down near Himmelwichte. I don't know where the new road comes out.

You don't know what amount of travel there is along the private road? No sir. I haven't been there for a good while.

W J Smith

Albert Ausman

Mr. Ausman state whether or not you are a resident of Allegheny Twp. & if so how long you have resided there? I am; about eleven years.

State whether or not you know the location of the proposed road beginning at or near the residence of M. L. Parish & ending in a public road leading from Sorath to Gallitzin.

I know fact if I went as far
as Mr. Sankers field

Which part is that you are acquainted with? The lower part, or the part from Himmelwrights up.

State whether or not there are public roads now opened & used in the neighborhood of the proposed road?

There are two as far as I know. State whether or not in your judgment the proposed road would be necessary for the accommodation of the traveling public? I would hardly think it would.

State what is the character of the ground which passes over that portion of that road from Himmelwrights down to Sanker? The bigger portion of it is soft ground.

State whether or not in your judgment it would be good ground upon which to construct a public road? I should hardly think it would be.

State what in your judgment would be the distance from the point at which the proposed road connects with the road leading from Sorelto to Gallitzin to the Child Flood Springs Hotel? I suppose about 800

to 900 feet, somewhere about that.

State what in your judgment would be the distance from the ending of the proposed road as indicated in the previous question to the Child Blood Springs? Somewhere in the neighborhood of a quarter of a mile from each one.

State whether or not your children attend the school down below Storm? They do.

How long have they been attending that school? Two or three winters ago.

State how they would travel to get from your place to the school house? Sometimes on the road leading from Child Blood up, sometimes across the hill & across the fields.

State whether or not the opening of the proposed road would lessen the distance for your children to travel in going to & from school?

I don't think - It might maybe a rod or two, but if it did it would be a very short distance, cross Exam.

Child Blood Springs Hotel is sur-

run around by a large plot of land is it not? I suppose it is.

The land immediately around the building runs down to the road opposite to where the proposed road connects with the Ballitzin road. ? (Yes sir it runs down to the road in an angle.

This plot or piece of land is fenced off for the use of those stopping at the hotel ? I couldn't say that exactly, it is used for farming purposes sometimes. It has been mowed every year when it wasn't in other cultivation.

This particular piece of ground is the piece upon which the Hotel buildings are situate ? (Yes sir.

And this proposed road terminates in the Ballitzin road about 20 feet from the line of this Hotel lot does it not ? Somewhere about there, the width of the road whatever it may be.

Do you know how much traveling is done on the private road near which the proposed road is laid out ? I don't.

If there were no road leading from the Ballitzin road to the

1
~~Gallitzin~~ road to the Stone school house how many miles would your children have to go to get to school if they went on a public road? They couldn't go to that school on a public road taking the private road away.

Do you know where the Durbin, the Calan, the Cramer, the Saily, the Corrigan places are situate? ~~The~~ ^{to} I know all the places but Durbin.

Should the proposed road not be a short route for them in going to Gallitzin? It would be some shorter in my estimation.

Should it not be a great benefit to the people living along the proposed road? ~~I wouldn't think it would be a great benefit wouldn't be a better~~ road. It would be a benefit to those that live along the road of course.

Is there not stone in immediate vicinity of the proposed road with which the same could be easily constructed?

I seen a quarry Mr. Lauker showed said the stone could be got out of there to be used on this road.

How far is that quarry from the line

of the proposed road? It might be
from 50 to 100 yds somewhere along
there I suppose

Re Direct.

State whether or not Mr. Hummelwright
owns the land on both sides of the road
leading from Sorath to Gallitzin at
the point where the ^{proposed road} ~~road~~ enters ~~that road~~?
the same? Yes they own it, the Hum-
melwright heirs.

State if what is known as the
Wild Wood Springs property belongs
to the Hummelwright heirs? As
far as I know it does

State for what distance this
property of Hummelwrights extends
in either direction from the point
at which the proposed road inter-
sects with the road leading
from Sorath to Gallitzin?

I couldn't say exactly, His corner
runs out about the point of the pro-
posed road on the North side, ^{It might be 8 or 10 rods away} and on
the South side, ^{it} extends some distance both
ways.

Albert Cushman

Philip Flick.

Mr. Flick are you a resident of All-
gheny Twp & how long have you lived
there? Yes sir I was born there.

State whether or not you know
where Thomas L. Parish lives? Yes sir.

Do you know the location of the
school house through his place?

I walked over through there but
I cant mind, I saw the school
house.

State Mr. Flick if you know
where the proposed road begins at
Parish's & where it ends in the road
leading from Lovett to Gallitzin?

I dont know nothing about it.

I know where the private road is that
used to go through.

Do you mean by that there used to
be a road there or is there one now? Its
there yet.

State whether or not there are public
roads running across in the
same direction as this private road
you speak of from the public road
passing Mr. Parish's & the road from
Lovett to Gallitzin? Well the public

up from Ben Anderson there, & from Lovato.
to Gallitzin.

State whether or not in your judgment
it would be an accommodation to the public
to construct a ^{Trf.} road in the neighbor-
hood of the private road that you speak
of leading from Parish's down past the
school house? I don't think it would
be necessary to have a public road
there.

Cross Again.

How do you know there is a road
passing Andersons to Gallitzin? I
drove it.

Is there not a large number of farmers
drive that road to Gallitzin from in
and around Thomas Parish's place?

I see John Sanker & John Hummelwright
hauling shingle bolts & logs out
there.

Is there not a saw mill along
that road? I don't know whether
its there or not, there was one there.

Is there not a school house
along the road? Yes I see a school
house there.

Still not the children have to
travel this road in going to & from

school if they go road at all?

They can't get a road there unless they travel the private road or somehow, or travel through the fields like mine.

You have found occasion to travel this private road yourself? I walked through there once.

How far do you live from that road? Between 3 & 4 mile.

How do you know that road is not necessary? I never seen it much traveled while I went past there.

You just fast the end of it on those trips, could you tell by that whether the road was much traveled?

You could tell if there was snow on the ground, if Himmelwright was hauling saw logs it was broke very well.

If there was no snow how could you ^{tell} it was traveled? I couldn't tell unless it was muddy.

Philip T. Lick

Janice Triscoll

~~For~~ I live in Alleghen Twp.

I was raised there.

State if you know where the proposed road leading from Parish's to the Sal-
litzin road is located? I do.

State what is the character of the ground over which the proposed road passes? I would say about $\frac{1}{3}$ of it is marshy, fatty wet, not fit to make a public road or

State whether or not it passes over any streams, gulches or ravines & if so how many? It does it crosses 3 streams & I think about 3 bridges & culverts would be needed.

What is the character of the proposed road as to timber & trees & stumps & that would have to be removed in the construction of the ^{proposed} road? About $\frac{1}{2}$ of the distance of the road.

What in your judgment would it cost to construct a fair & passable road over the route as laid out by the viewers & place it in the same condition as the ordinary ^{prof.} road? I don't think you could make a good road there for \$1500. at the very least.

State whether or not there are other public roads now opened & in use

in the neighborhood of the proposed road & connecting the same roads that it connects? (Yes there is & run parallel with the route they have laid out now.

State whether or not in your judgment you regard the opening of the proposed road necessary for the accommodation of the Public? I do not.

State whether or not you have been a supervisor in your Town? I have

Cross Exam.

Have you had any experience in building new roads? Yes.

You say the road is not necessary for the general public; now if the private road is forced up by the owners then the public school building along that road will be closed in & there will be no road of any kind within quite a distance of it, is that not a fact? If that road is closed I don't see how they can get there without crossing the fields.

Is that not a short route for people living along the Carrigan road to go

to Gallitzin? I ~~don't~~ guess it would be a little shorter road.

Is it not quite a benefit to people living along the proposed new road? Well now there is only two living along the new road. It would be a benefit to them two but no one else.

Have you figured on how much clearing will cost, how much bridging will cost & how much grading will cost in making ~~up~~ your estimate of \$1500. ? No I looked over it I saw the ground.

That is then a rough general estimate? Yes, ^{that is} what I would suppose.

You have traveled that road yourself have you? I have

How far do you live from the proposed road? about 3 miles

How often have you been along the proposed road? I never was along only when I was in there gathering taxes - about 4 times.

What reason have you for saying that the road is not necessary?

Because there is plenty of road on each side of it.

Have you any personal knowledge

of the amount of travel along that road? (no I haven't.)

James Snokes

E. S. Fry

I am a resident of Alleghen Twp & have lived there 13 yrs.

Do you know the location of the proposed road? I don't know the location of the new one only what I hear the viewers tell about it.

State whether or not you are informed that the proposed road began at or near Mr. Parish's & passed by the school house through the Storm, Lauker, Donohoe and Himelwright places? I was informed by one of the viewers that that was the way it run.

State whether or not you have ever traveled along the roadway from Mr. Parish's down toward the school house? I have twice.

What is the condition of the ground over which that road passes? ~~If I was informed right that is a very bad road by Mr. Parish's. That road is a fair road.~~

State whether or not in passing down the old road from Mr. Parish's or between the Spring house & cider press & if so what is the condition of the ground at that point? Between the Spring house & the cider press is regular swamp.

State whether or not there are other public roads in the neighborhood of the proposed road which connect ~~the~~ public roads that is connected by the road as laid out & reported by the viewers?

State whether or not there are other public roads now of and in use in the neighborhood of the proposed road? Yes.

State whether or not they connect the same public roads that are connected by the proposed road?

I don't know where that view comes out but the Smith road & the Cudde-son comes out there at Hime-melwrights.

State whether or not in your judgment the opening of the proposed road, according to the information which you have received as to its location is necessary for public use?

1
Objected to by counsel for the
road for the reason that the
witness has stated that he does
not know where the proposed road
is located & therefore is not
competent to answer the propounded
question.

I wouldnt consider that
it was of use.

Cross Exam.

I live about 5 mile from the pro-
posed road.

How often have you traveled the private
road? Twice

So you know how much traveling is
done along that road? No I dont.

E. D. Jay

Joseph Hogue, Esq.,

I am a resident of Allegheny Twp.
& have lived there 32 or 40 yrs.

State whether or not ^{you know} where the pro-
posed road from Parish's across to
Hummelwrights is located? I have
never been on the route & dont know
where to locate it. I have been along
the private road between Parish's & Hummelwrights.

13

State whether or not in your judgment it would be necessary for public use to construct a public road in the neighborhood or near the location of this private road between Parish's & Hummelwrights?
I do not.

Cross Exam.

I live $2\frac{1}{2}$ miles from Parish's
About $4\frac{1}{2}$ miles to Hummelwrights
Do you know what amount of traveling on that road? I haven't been along the road for the last 15 or 16 years, I do not I never met any person along the road when I traveled it.

Would it not be a near route for people traveling from their farms along the Currihan road to Gallitzin? ~~Yes it would be nearer from $3\frac{1}{4}$ of a mile to a mile.~~

It would be ^{about} ~~more than~~ two miles of a difference.

Re Direct

In stating the distance that would be shortened by offering the new road than in traveling the present public road around by Andersons you would strike the Gallitzin road

below Joseph Boone & Yee sir or Burke
State Squire whether or not there is
not another public road that strikes the
Isaltzin road that would lessen the dis-
tance in traveling to Isaltzin from the
route you have ~~made~~ named? It
wouldn't shorten the distance any, very
little
Joseph Hogue

Cambria County, N.S.

I, Chas. Davis above named commissioner of
said County of Chester, do certify, that J. L. Kaylor, John
Hartog, Richard J. Drury, T. L. Parish, P. J. Cramer, N. J.
Doory, W. J. Beck, Albert Anneman, Philip Flick, James
Driscoll, G. S. Fry, Joseph Hogue, Esq, above named
witnesses, produced by the remonstrants, in the above cause,
were sworn, and their foregoing depositions taken and
subscribed before me, at my office in the Borough of
Eberesburg, County of Cambria, on the 16th day of Aug.,
A.D. 1894, between the hours of ten o'clock A. M. &
eleven o'clock P. M. of said day, in the presence of
Abner Evans, Esq, counsel for Exceptants, and P. J.
Little, Esq, counsel for petitioners

Witness my hand & seal, the 16th day of Aug.
A.D. 1894,

Chas. Davis, Esq
Commissioner.

In re Road
in
Allegheny Twp.

Depositions on part
of
Remonstrants
Filed 4 Nov. 1894

Evans.

In re Road in
Allegheny Township
from point near residence
of Thos L Parrish
to
Point near Wildwood
Springs

Quarter Sess
In the Court of Common Pleas
of Cambria County, Pa.

of Dec. Term, A. D. 1893, No. 4
R.D.

And now, to-wit, the 19th day of Oct., A. D. 1894, 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

19th of Oct., 1894.

J. C. Lester
clerk Prothonotary.

To The Remonstrants in above stated case or Alvin
Evans Esq their Attorney

TAKE NOTICE, That in pursuance of the above Rule the depositions of witnesses to be read in evi-
dence on the hearing of the above stated cause on part of

the Petitioners will be taken at the Attorneys Room in the

Court House at Ebensburg Pa on Wednesday

the Twenty-fourth day of October, A. D. 1894, between the hours

of ~~Eight~~ Eight - o'clock A. M., and ten - o'clock P. M., before J. J. A.

Bearer Esq Commissioners 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.

Rittell & Little
Attys. for Petitioners

No. 4 Lee. Desc. 1893
RN

Surf Road in
Allegheny Township
from point near residence
of Thos. L. Parrish
to

Point near Wildwood
Springs

RULE ON PART OF Pet.

Kittell Little

In or Road in
Allegheny Township
from point near residence
of Thos. P. Parrish
VERSUS
Point near Wildwood
Springs

In the Court of Quarter Sessions
of the County of Cambria
of Dec. Term, 1893
No. 4 R.D.

DEPOSITION OF WITNESS, taken before me, this 24th day of
October A. D. 1894, at Dist. Atty's Office
in the Court House, Ebensburg Pa.,

between the hours of 8 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 In or Road in Allegheny Township

from point near residence of Thos. P. Parrish

Point near Wildwood Springs

Defendant

Ambrose Sanker

being produced, sworn and examined

on the part of the Petitioner doth depose and say:

My name is ; am years of age;

I live in Allegheny P. about one quarter
of a mile from the proposed new road.
I am acquainted with the location of the
proposed new road.

Question: Where does the Gallitzin road intersect
the proposed new road. A. On this side
of Wildwood Springs. This new road terminates
on Wildwood Springs' property.

Question. How far from the ground on which
the Wildwood Springs are located does this road
terminate. Ans. About 3 or 4 hundred yards.

Ques. Does not the ground upon which Wildwood
Springs are located extend down to the road
which is intersected by the proposed new

road. Ans. Yes it does.

Ques. Do you consider the proposed new road necessary for the accommodation of the traveling public. Ans. Yes it is necessary.

Ques. Are there any public buildings along this proposed new road. Ans. There is a school house.

Ques. Do you send to that school. Ans. Yes sir.

Ques. Is there a public road passing that school house at the present time. Ans. No sir.

Ques. What in your judgment would it cost to open the proposed new for public travel.

Ans. I suppose it could be opened for Five Hundred Dollars.

Ques. Do you travel that road. Ans. Yes sir, I travel it some from my place down to Leiberts mill and to Gallatin.

Ques. How much nearer will it be by the proposed new road to Gallatin for you than by the public road now in use.

Ans. It would three quarters of a mile.

Ques. Are there any other roads in that vicinity connecting the ^{Cresson} ~~present~~ road with the Gallatin.

Ans. There is road passing Anderson's

Ques. In your opinion is the road passing Anderson's house ~~as~~ necessary for the accommodation ^m ^{of the public} as the proposed new road. Ans. I don't think it is.

Ques. Is it used as much as the private near where the proposed public road runs. Ans. I don't think it is hardly.

Crossed Examined by Alvin Evans Esq.

Ques. You state that the Wildwood Springs Hotel property comes down to the road which the proposed new road intersects, but about four hundred feet distant from the point where the same strikes the public road passing by or through the Wildwood Springs Hotel property, is that statement correct.

Ans. according to my judgment from the buildings where this road comes out.

Question:- Then you don't know where the lines of the Wildwood Springs Hotel property are located. Ans:- No sir.

Question, Were you along with the viewers at the time they located the proposed new road.

Ans. No sir.

Ques. Then you don't know where this road is located excepting from what some one told you, Ans. I was along the line.

Ques. How do you know that you were along the line of the proposed road, if you were not present at the time the viewers viewed and laid out the same.

Ans. I was along and saw the stakes

Ques. Who told you that the stakes which you saw indicated the line of the proposed new road. Ans:- Luke Sauter.

Ques. Did you go with Luke Sauter from the point where the proposed new road begins

to the point where the same ends.

Ans. Only part ~~of~~ the way of the lower end of the road.

Ques. Do you know what distance you traveled with him- Ans. about one half the distance.

Ques. You dont know where the proposed road intersects with the road leading to Gallatin.

Ans. There is no point where any person would know where it did intersect.

Ans. You have no personal knowledge as to where the proposed road intersects with the public road leading to Gallatin.

Ans. Close to where the old private road intersects it.

Ques. Who told you that it intersects with the Gallatin road at that point- Ans. No person told me. I was not there when the viewers located the road at that point.

Ques. In your judgment would not both the Anderson road and the proposed new road, be necessary to accommodate the traveling public. Ans. The Anderson road was not much used by the traveling road.

Ques. Is that not now the public road now used in traveling to Siberts mill and Gallatin. Ans. It is not used so much for that.

Question. Then you have another road leading from your neighborhood, leading to Gallatin

besides the Audesson road. Ans. Yes, but this upper road we talked of comes in there at Audessons. The other road I speak of is called the McMamamy road.

Then wouldn't be a great deal of a difference in traveling to Gallatin on the McMamamy and Audesson's roads. From my place from Loretto side it would make $\frac{1}{4}$ mile shorter, the Audesson road, but the new road ~~would~~ be shorter than any other for us in that neighborhood. There is another road leading to Gallatin, from Loretto. The Loretto passes through my place but I would have to go around by Loretto from my place. The school house I spoke of the line of the proposed new road has been located there for twenty seven years. I am a Carpenter by trade. I am not Supervisor.

Ques. You stated in your examination in chief that it would cost about \$500 to open the proposed new road. You based this judgment upon that half of the road over which you traveled in company with Luke Sauter. Ans. No sir.

Ques. How many bridges would be necessary to build and construct on the line of the proposed new road. Ans. There would be four. Three of these would be small bridges, the other one I wouldn't know the length of.

I guess about 35 ft. The longest bridge would cross the Stimmelwright creek. I don't know the location of the Spring which gave the name to the Hotel. I had no experience in constructing township roads. I haven't made an accurate estimation on the construction of this road.

Ambrose Barker

Howard Stimmelwright Sworn

I live at Wildwood Springs, Allegheny P. I am acquainted with the route of the proposed new road. It terminates on the Wildwood Springs property. The whole of our property, we consider the Wildwood Springs property. This road is directly opposite the grounds of the Wildwood Springs Hotel. The Hotel grounds comprise about ten acres.

Ques. Could the proposed new road intersect any public road near the hotel than it does. Ans. No sir.

Ques. How far is the Wildwood Spring from the Hotel. Ans. It is about ~~700~~²⁰⁰⁰ ft. The Hotel is about 700 ft from the terminus of the proposed new road.

Ques. Do you consider the proposed new road necessary for the accommodation of the traveling public. Ans. Yes sir.

Ques. Have you any experience in constructing new roads. Ans. I have had experience in

in building roads through our property.

Ques. That is over the same character of ground as the proposed new road is located on?

Ans. Some of it to a large extent.

Ques. What in your opinion will it cost to open the proposed new road for public travel the same as other new roads in that vicinity have been opened.

Ans. If the road is opened as other new roads have been opened in the neighborhood it will probably cost from five hundred to seven hundred dollars. I believe it can be made passable for \$500. The cost will be governed the amount work done same as any other road.

The road from Loretto to Gallatin is not exactly a parallel ^{road} as the terminate at different points, and intersect each other. The road from McMurray's to the Gallatin road is not a parallel road.

Ans. Is the road leading from the Cresson road out passed Anderson's house necessary for the accommodation of the public? The road is convenient for a few families but is not necessary for the traveling public.

Ques. Will the public be benefited in a greater degree by the proposed new road than they are by the Anderson road?

Ans. Yes.

Ques. Is there not a public building along the proposed new road?

Ans. Yes, it is a school house.

Ques. Is it used at the present time?

Ans. Yes.

2
Ques. How do the children at the present time get to that school house. Ans. They pass along the private road which passes along the school house, which is kept in order by the people living along the road.

Ques. Is there not a bridge on the Eastern half of that private road? Answer. Yes Sir.

Ques. If that bridge and road is not kept up, can the children passing over the Eastern half of that road get to school? Ans. No, there is no road to the school.

Ques. How many families rely on the Eastern half of that private road as a thoroughfare to and from the school? Ans. There are ten families.

Ques. How many bridges will have to be required on the proposed new road? Ans. Three bridges would be necessary.

Ques. Where will the first one be and what will be the size of it? Ans. The first bridge will cross the stream that flows in our dam, the width of the stream from bank to bank is 30 ft. The second bridge will cross another stream that flows into our dam below down at the saw mill, the width of the stream is ten feet. The third bridge will be across the run at the foot of the hill below Mr. Parrish's house, the stream is only a Spring run. The width of the hollow through which the Spring run flows is 52 ft.

Ques. What length of bridge and what length of fill would be required for the bridge below Parrish's house? Ans. I think a bridge ten ft. wide would be ample to allow the water to pass through. There would ^{be} seventy two feet of a fill. The height of that bridge would be from three to four feet. I have children to send to the Storm school.
Cross Examined by Alon Evans Esq.

Ques. How many acres of ground are comprised in what is known as the Wildwood Springs property? Ans. About 210 acres.

Ques. What is the distance that this property skirts the public road with which the proposed road intersects? Ans. I think about one half mile.

Ques. What is the distance from where the proposed road intersects with the public road to the Wildwood Springs? Ans. I think about 2100 ft.

Ques. When you speak of there being ten acres connected with the hotel property you simply mean that part of the property within the enclosure on which the buildings are erected? Ans. Yes sir.

Ques. That is a part of the 210 acres that you said belonged to the Wildwood Springs property? Ans. Yes sir.

Ques. Were you along with the viewers at the time they viewed and laid out the

proposed road. Ans. I was with them a part of the time.

Ques. How far did you travel with them.

Ans. From one end to the other, the whole distance of the road.

Ques. You say will cost from five to seven hundred dollars to open the proposed road along the route as laid out by the viewers. Ans. Yes Sir.

Ques. Will that place the new road in the same condition as the Anderson road and the Loretto road. Ans. Yes ^{and}

Mr. The Loretto road is a better road than the proposed road will likely to be by the expenditure of seven hundred dollars.

The Anderson road was not any better when it was first laid out than the proposed new road would likely to be by the expenditure of five hundred dollars.

Ques. What in your judgment would it cost to open and make a good passable road along the route as laid out by the viewers in these proceedings. Ans. As I stated before \$700 I think will make a good passable road.

Ques. What in your judgment would be the cost and expense of taking out the stumps and removing the timber along this route. Ans. About \$200.

Ques: What would be the cost and expense of constructing the bridges along the proposed road and making the necessary fills in connection with the same? Ans: About \$375.

Ques: What portion of the ground ~~over~~ ^{over} which the proposed road passes is swampy or sprouty ground? Ans: I suppose in the Spring of the year there would be more or less trouble with swampy places on different parts of the road. All taken together for about one fifth or one fourth of the distance.

Ques: Would it not be necessary to place stone in and brake them along part of the road where there is swampy ground in order to make it passable for teams and wagons, and if so what would be ⁱⁿ your judgment the cost of such.

Ans: It would not be necessary to stone or corduroy some parts of the road which would be soft in the Spring of the year because a part of the road has been used for years in the condition it is now, other parts would be necessary to be stoned or corduroyed to make the road passable; the cost including the approaches to the bridges would probably cost \$200.

Ques: How much would it cost excluding the approaches to the bridges? Ans: I would prefer to give my estimates from my calculations.

1
Ques. What in your judgment would be the Cost of grading this road excluding the Approaches to the bridges and the work necessary to render the road passable through and over that part which is swampy or Spongy ground. Ans. Same answer as to the previous question.

Ques. Then you cannot give us an answer in the form as indicated in the question as to the Cost and expense incident to the Construction of this road. Ans. I can give an estimate of my calculations of the Cost of the road, but I prefer not to confuse the items of the different kinds of work as I have calculated it.

Ques. Please answer the question as the same was propounded to you in my previous question without regard to the form and manner in which you made your calculation as to the Cost of constructing the road. Ans. The question is almost an impossible question to answer, because it is almost impossible to separate the soft ground which are the approaches to the bridges from the soft places in other parts of the road. To give an estimate as near as I can judge I would name \$75.

Ques. At what points on this road would the grading^{be} required. Ans. There would be some grading needed on Parrish's hill, and from the

school house, through Sankers fields to the woods.

Ques- Can you give us an idea as to the distance of this grading you speak of along the line of the proposed road. Ans- About 2000 ft. I think.

Ques- Can you travel at this time by way of public road or roads from the point from which the proposed road begins at Pernishs and to the point where it ends on the road leading to Gallitin? Ans- Yes Sir.

Ques. What roads would they be. Ans. One road would be by going along the Cresson and Loretto Road to ~~Loretto~~ ^{thence along} ~~the Loretto road towards~~ ^{this at Mr. Anderson's} Gallitin to the place of intersection. Another Road would be to pass South on the Cresson and Loretto Road to the road that passes Mr. B.P. Anderson's house, thence along that road to the Memmamny Road to Wildwood Springs Station, thence along the road from Wildwood Springs Station to the Loretto and Gallitin Road, thence along said road West to the place of intersection.

Ques- In your answer, have you not traveled from B.P. Anderson over to the Wildwood Spring Station and back and from that point out to where the proposed road intersects ~~with~~ ^{with} the Gallitin road. Ans- No I did not.

Ques. How long has the school house been located, where it now stands?
Ans. I came to Allegheny Tn. in 1882. It was there when I arrived.

Ques. You say that your children had been attending school at this building? Ans. No sir.

Ques. You meant to say that this school was in the district where your children would attend school.

Ans. My children don't attend this school.

Ques. Who are those ten families that the children attend the Storm School.

Ans. I did not say that ten families sent their children to the Storm School. There ten families living in the district who are entitled to the privilege of sending children to the Storm School, East of the bridge which crosses the stream at the head of our dam.

Ques. Name these families and name those who have children ~~who have~~ to send to this school.

Ans. R. W. Davis, Emory Smith, J. M. Martine, Howard Cunningham, J. A. Koons, Joseph Bille, Peter Hall,

Michael Esterade, Albert Ausman. These are the families who have children to send to the school. Valentine Ausman is the other family who lives in the district.

Ques- do all the persons named except Valentine Ausman send their children to the Storm School, and have they been attending that school before the present term? Ans- No. Redirect

Ques, Does not the road leading from Loretto toward Gallitzin pass over swamper ground than the proposed new road, along Ivory and Albert Ausman's and the old Gibbons place.

Ans! I think the ground in that part of the Loretto and Gallitzin Road was originally as bad as some parts of the proposed new road. The road from Loretto to Gallitzin is a pretty good and is traveled all the year more than any other road in the vicinity.

Question, That road was constructed before you came to this country and you would not know the character of the ground over which the same passes.

Ans- While the road was constructed before I lived in this neighborhood I was informed of the character of that part of the road and especially that part of it in front of Mr. Ausman's house when the Road was changed to its present course by Mr. Jas E. Keirode who was quite familiar with it.

H. Himmelwright

Emory J. Smith Sworn:

I live at Wildwood Springs, Allegheny Co.
I am acquainted with the private road that
runs pass the school house to Parrish's
I think a public road up pass the
school ^{house} to Parrish and in vicinity of
~~Parrish~~ ^{the private road} is necessary.

Ques: Do you send your children to school
to the school located along that private
road. Ans. Not at present. I did.
I don't know exactly how much travel there
is along that ~~public~~ ^{private} road.

Cross Examined by Mr. Coates.

Ques. were you along with the viewers at the
time they viewed and located this road.

Ans. No sir.

Ques. Then you have just been informed
by some one as to its location.

Objected to because it is not cross examination
to any thing the witness testified to in Chief.

Ans. Yes sir.

Ques. Who did you hear say that a Public
road convenient to the private road was
necessary for the accommodation of
the travelling public, Ans. I didn't hear
any one say it was necessary. I think it
is necessary myself.

Ques. In what part of Allegheny Co. do
you live, Ans. At Wildwood Springs
I am in the employ of Mr. Himmilwright
Emory J. Smith

Luke P. Sander, Sworn

I live in Allegheny Twp. in the vicinity of the Storm school along the proposed new road. I was with the viewers when they laid out the road. I am acquainted with the character of the ground over which the proposed new road passes. In starting from Thos. S. Parrishs we pass along the present private road to his barn then wind around the hill between the Aider press and Spring house, it is a sidling road thence a cross a ravine about 80 ft. this would need to be filled about 3 ft. and a bridge also would be necessary, then about eight or ten feet wide and through the corner of Storms field to the present private road; this would not need any extra work, thence along the present private road to the school house, Storm school, from there across Storms field and across my fields to the woods, from the school house about two thirds of the way all that would be necessary would be some grading with the exception of one spring which would need a small culbert, then a ravine about 18 or 20 ft. from bank to bank would need to be bridged or filled. There are several pine stumps along the proposed route which would have to be taken out, from the woods to the saw mill, the ground is middling solid.

and along that ground there is another ravine, over fifteen ft wide, there would also have to be filled or bridged, at the saw mill or below it, there is a ravine which would need a fill and bridge, the fill would be four or five ft. deep and the fill and bridge together about one hundred fifty ft. long as near as I can understand. Then across Mark Donakae's place to the woods, this would need to be graded, from the woods to the creek and on the other side of the creek the ground is marshy and would need about two ft. of filling, ^{the creek} from bank to bank is 30 ft. thence through the woods to point of intersection on road leading from Lockett to Gallatin, this part of the road would have to be cleared.

This road is necessary for the traveling public, I do not know exactly how many children attend the Storm school on that road, but I think about forty live in that vicinity. I think there are from 20 to 25 families who are patrons of that school. The private road has been kept up principally by my father, Mr. Himmelwright & Mr. Mark Storm.

Ques: Is the route of the proposed new road the best that can be selected in that vicinity between the Leveson road and the Gallatin and passing the public school building, and I think it is.

Ques. What would be the cost of constructing the new road. Ans. To make it as good as other new roads which are open and considered fit for public travel would cost about \$500. to \$550.

Ques. Will you please give us the different items of cost which go to make up that sum. Ans. Clearing of the road ready for grading would cost about \$125⁰⁰, The Bridge across the Creek at Muirlewrights and its approaches would cost about \$150⁰⁰, the one at the saw mill and its approaches would cost about \$75⁰⁰, The one at Parrish's hill would cost from \$75 to \$100, the balance of the road would cost about \$125⁰⁰, making in all about \$550.

Ques. How far would one constructing this road would have to haul their stone & filling in order to get to the proposed new road.

Ans. About 100 yds.

Ques. How far would this material be from the marshy places you spoke of in the vicinity of the saw mill and the Creek. Ans. About eight or nine hundred feet, to the best of my knowledge.

Ques. Would you take \$550 and put this new road in a passable condition.

Ans. I think I would be perfectly safe in doing so to make it passable. Yes I would.

Ques. How far is it from the intersection of the proposed new ~~road~~ ^{road with} the Gallatin road to the ~~proposed~~ intersection of the proposed new road with the Cresson road by way of Loreths,

Ans. As near as I can tell it is 3 miles.

Ques. How far is it by way of Anderson's between the same two points,

Ans. About $3\frac{3}{4}$ miles.

Ques. How many families live along the proposed new road. Ans. Four.

Ques. Cross examined Mr. Coats,

Ques. You never measured these two roads you speak of from the points where the proposed road begins at Parrish's and where it ends on the Gallatin Road.

Ans. No Sir, nor I did not give the distances to be exact. I only gave them to the best of my knowledge.

Ques. That in your judgment then would be the difference in the length of the proposed road and the public road passing by the way of Anderson's.

Ans. About 2 miles.

Ques. Do we understand you to say that the road passing by Anderson's would be two miles longer than the proposed road.

Ans. To the best of my knowledge it is.

2
Ques. What would be the distance from
Parrish where the Auduson road strikes
the Galligan road?

Ans. To the best of my knowledge it is $3\frac{1}{4}$
miles.

Ques. What would be the distance from
Parrish by the Loretto road when it connects
with the Galligan road? Ans. About one mile.

Ques. Then what is the distance from the
Loretto road down to ~~Parrish~~, Himmelhuth's
where the road intersects? Ans. About 2 miles.

Ques. You state that it would be necessary
to clear that part of the proposed road
where it passes through the Himmelhuth's
property, what is the distance or length of
that part of the road?

Ans. I think about 8 or 9 hundred feet
is the measured distance, to the best
of my knowledge.

Ques. What do ^{you} say would be the cost
and expense of clearing out that part
of the road at its full width 30 ft
taking out the stumps and grading
up the road placing the same in the
condition of the ordinary township road?

Ans. With the use of the township appliances
I think it can be done for about \$75
or \$80.

Ques. Did you not state in your exam-
ination in chief that part of the construction

11
of the road would cost \$125.

Ans. - No sir, I did not, I did not give a particular estimate on this piece of road.

Ques. What then would it cost to clear the entire route of the proposed road of timber and stumps at the width of 30 ft.

Ans. - As I stated before about one hundred & twenty five dollars.

Ques. - Do you mean to include in that estimate the cash and expense of moving the pine stumps of which you speak.

Ans. - Yes sir, I mean to clear the entire road ready for grading.

Ques. - Do I understand you to mean that in this estimate you include and embrace the cost of moving all the stumps along the route of the proposed road.

Ans. - Yes sir I include all.

Question - What in your judgment would be the cost of grading that portion of the proposed road where it passes through the Himmelfahrt property excepting the bridge and its approaches and make it as good as the ordinary township road.

Ans. - To make it as good as the ordinary township road as first opened would cost about 30 or 40 dollars.

Ques. - In placing this estimate upon the cost

of constructing that part of the road in what condition would you leave it after the grading was done,

Ans. I would leave it in as good a condition as the ordinary township roads are when first opened and consider necessary for the traveling public.

Ques. How many pine stumps would have to be removed in constructing this road.

Ans. I do not know exactly but think about 25 or 30.

Ques. Can you give us an estimate of the quantity of timber that would have to be removed in constructing the entire road excepting the pine stumps mentioned.

Ans. I could not give a correct estimate but the quantity would not be very great as most of the saw timber has been taken off.

Ques. What did you give of the length of the bridge on the Himmelwright property with the approaches.

Ans. I don't think I gave it all, but think including the swamp on each side it is about 250 ft. more or less.

Ques. What amount of filling on either side would it require to make in each of the approaches to this bridge.

Ans. - As I stated before about 2 feet.

Ques. What would be the height of the

bridge from the bed of the stream.

Ans. I judge about 6 ft.

Ques. In giving your estimate of the cost of the construction of this bridge and the approaches of the same what estimate did you place as to the cost of the abutments.

Ans. I did not make a separate estimate of them.

Ques. What in your judgment then would be the cost of building the stone abutments to this bridge.

Ans. It could be built from \$15 to \$20.

Ques. Have you any idea Mr. Sauter as to the quantity of stone necessary in constructing these abutments.

Ans. I ought to have as I have done considerable stone work this season, and know what it will cost to haul them and the amount of material it will take.

Ques. Please inform us then the number of perch it would require to build these abutments, the cost of hauling and placing them in proper position and making a fair job.

Ans. To make a bridge the width of an average township bridge, which is 16 ft, will not take more than eight perches of stone, the hauling and laying, including lime and sand will not cost more than \$22.5 per perch.

Ques. In making this calculation what

thickness do you make the wall,

Ans. Two feet.

Pres. And you estimate just from the bed of the stream in ascertaining its height.

Ans. It did not. It would not be necessary to go so deep to get a good foundation by keeping a short distance a few feet from bank of stream.

Pres. Would it not be necessary to do some excavating for a foundation?

Ans. Yes sir. I allowed 18 inches below surface of the ground.

Pres. Can you give us the dimension and size of each of these abutments upon which you base your calculation fixing the amt. of stone necessary for the construction of the same at 8 perch.

Ans. I estimated the height at $3\frac{1}{2}$ ft. the width 2 ft. length 16 ft.

Pres. Then these abutments as you have them arranged would stand out on the bank on either side of the stream.

Ans. Yes sir.

Pres. What in your judgment would be the cost of the timber and placing the same in the construction of the bridge.

Ans. I could not tell exactly but think it can be done for \$25.

Question. Do you just mean a bridge that would simply span the stream or do you mean a substantial bridge over which teams could pass

13.

with ordinary wagon loads.

Ans. I mean one that would be necessary for any ordinary hauling or traveling.

Ques. Have you had any experience in the matter of building bridges?

Ans. I have had some.

Ques. What bridges did you build or help to build?

Ans. I could not tell you all, the bridges I helped to build, but the last one I worked on was the Anderson bridge at his saw mill.

Ques. What in your judgment would be the cost of grading the proposed road where the same passes through Mr. Parrish's property?

Ans. To the best of my judgment I think about \$100.

Ques. In your examination in Chief you stated that the balance of the road would cost in its construction \$125, what do you embrace and include in that item?

Ans. I believe I included in that, ~~the road~~ the location, from Mr. Parrish's property just the grading of the balance of the road.

Ques. Is that on Mr. Parrish's farm?

Ans. No, sir.

Ques. What part of the road did it embrace and include?

Ans. I can't remember the questions but

as asked me in chief examination, but it included the balance, not estimated.

Ques- The Storm school house as been located at the point where it now stands for a number of years.

Ans. Yes Sir.

Ques. How long to your knowledge has it been there.

Ans. about 24 or 25 years to the best of my knowledge.

Ques. Did you at any time examine the ground convenient where the proposed road is located to ascertain whether or not it was located on the best ground obtainable between the points where it begins and ends.

Ans. Yes Sir.

Ques. When was this examination made.

Ans. Some time before the view was made, also since.

Ques. Was the road placed on the ground which you ascertained on investigation was the best ground for its location.

Ans. Yes Sir, the best or as good as any other location.

Ques. Was there snow on the ground the day the viewers located the road?

Ans. Yes Sir, about 6 inches, The first morning it began to snow, and the second morning about 6 in. snow.

Luke J. Sanker

Joseph Miller Swoon:

I live in the neighborhood of Wildwood Springs, Allegheny P. I am acquainted with the private road leading from Wildwood Springs pass the Storm School-house to Thos. L. Parrish's residence. My children attend the Storm school. I am not acquainted with the proposed new road. I should think that it is necessary for a public road leading from a point on the Gallatin road to a point on the Cresson road, in the vicinity of the private road. I travel this private road, and I have seen other people travel it too.

Question: Did you in the course of the last year have any experience by reason of the fact that your children were unable to attend school owing to the bad road towards the school house if so, please explain.

Objected to for the reason that it is impractical.

Answer: That's the school that my children is obliged to go to and at the one half of the time last winter they couldn't go on account of this water, held by a dam, it backs up and crosses the road, that they couldn't get across. At one time that I remember they had to go across the hill and came around by Wildwood Station to get home.

Ques. Is it for those reasons that you think a better road and bridge are necessary.

Answer: Yes sir

Ques. What other object have people in traveling that road.

Ans. My business calls me up that way of course that is the road I travel, I go up that road to make cider, my children have no other way of getting to school, but by this road.

Cross Examined by Mr. Evans.

Ques. How far do you live from the Township Road.

Ans. I suppose it would be less than one quarter of a mile.

Ques. What Township Road is that Mr. Miller.

Ans. I don't know that it has a name.

Ques. Could you go to Parrish's by getting on that road.

Ans. Why certainly if I take the right end.

Ques. Could you go to Mr. Parrish's and travel the Public road all the way.

Ans. I could take this road that leads down pass my place, Yes.

Ques. How many times during the ^{last} term of school were your children prevented from attending by reason of the water being over the bridge at Hinnel's right saw mill or dam.

Ans. Whether the water stopped them or not they only got about one half of the school. They complained they couldn't get there.

Ques. Can you tell how frequently your children

were prevented from attending the Storm school during the last term by reason of the water covering the Himmelhight bridge.

Ans: According to the best of my knowledge they didn't get one half of the term.

Ques: You have no personal knowledge of what you are stating now excepting from information received from others and you are testifying from what you heard and not what you saw.

Ans: I know what my children told me I went up myself and saw the water that it was impossible for them to cross.

Ques: How often were you there during the last term of school when you saw the water there.

Ans: To the best of my knowledge I was there once and saw.

Ques: And as to the other times you are testifying as to what you heard, and not from what you saw.

Ans: All I had was my children's word that they couldn't get there.

Ques: Can you state in what time of the year it was your children were prevented from attending school by reason of this high water.

Ans: Last winter, I can't give the month I am too forgetful for that.

Ques: How long have you known this storm

school house.

Ans. - I think that that school house was then when I moved to that place.

Ques. How long have you lived on that place.

Ans. To the best of my knowledge I moved there in the Spring of 1867.

Ques. Was this private road that leads down passed Shimmelfright's mill, down to the school house and up by Parrish's used at the time you moved on the place.

Ans. As near as I can mind.

Ques. You think the road is necessary because it would be convenient for you to go up to Parrish's to make Cider.

Ans. I think it would be more convenient for me for my children to go to school.

Ques. Did you not say a moment ago that it would be convenient for you to go to Parrish's to make Cider.

Ans. Certainly it would as it is the nearest road.

Ques. Have your children been attending Stone school ever since they have been able to go to school.

Ans. No sir.

Ques. What other school have they been attending. Objected to as being immaterial.

Ans. The Dawson school and the Fisher school.

Ques. Are these schools in Allegheny T.

Ans. The Fisher school I think is in Allegheny T. The Dawson school is not.

Ques. How far is the Fisher school house from where you live.

Ans. I judge it might be a mile and a half or quarter.

Question. State whether or not your children had any difficulty ~~any~~ reason of high water when they attended ~~the~~ either the Fisher or Dawson School.

Ans. At the Fisher school I think they hadnt. At the Dawson school while the old bridge was there we had trouble with the water.

Ques. State if the present bridge which you pass over in traveling ~~from~~ ^{to} the Dawson ~~place~~ school house is an Iron bridge placed there by the County.

Ans. It is an iron bridge, I cant tell if the County or who put it there.

Re direct Examination

Ques. Why did your children stop going to the Fisher School.

Ans. Mr. Hertgae stopped them.

Ques. Is your family entitled to go to the Fisher school.

Ans. That I dont know, I was told that Mr. Hertgae was a Director at the time he stopped them.

My children were stopped from attending the
Dawson school. That school is not located
~~here~~ in Allegheny Tⁿ.

Joseph Miller

Michael Eckerode sworn,

I live near Wildwood Springs, in Allegheny
Tⁿ. I was along the road once where it
is supposed to be. I send my children
to the Storm school. I think it is necessary
to have a public road ^{from} Hummelwrights place
the Storm school, to Parrishs. My children
were stopped from going to school by reason
of high water. I suppose the new bridge
and fill as proposed would help it some.
Cross Dammed by Mr. Evans

Ques. - How long have your children been attending
the Storm school.

Ans. - About four years.

Ques. - Your place adjoins the Hummelwright
property in Allegheny Tⁿ.

Ans. - Yes sir.

Ques. - How close do you live to a township
road and by what name is it known.

Ans. - Between four and five hundred on
what they call the Galligan and Sanetta
road.

Ques. - State if your land runs up to and
adjoins this road.

Ans. - Yes sir, right along the road.

Michael Eckerode

STATE OF PENNSYLVANIA, }
Columbia County, } ss.

I DO HEREBY CERTIFY, That the above witness W. H. H. duly
qualified and examined at the ^{last allys office} ~~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~~ subscribed them
named thereto in my presence, _____

Witness my hand and Notarial seal.

M. D. Beane
Commissioner

No. 4

Dec Term, 1893
R20

Dore Road

vs

VERSUS
Allegany Turn

Deposition

Of Witness on Part of

Pikehones

Fees for taking Deposition, \$ 10⁰⁰
pd. by W. H. K.

Filed 4 Nov 1894

Prothonotary.

Kittie Trout Attorney.