

In re proceedings, } No. 9 March Sess. 1894.  
Golver Alley, }  
in Cancellation }  
Borough. - }

The contention of exceptants, as we learned it from the argument, is that the proceedings are in the wrong Court; that the act of 16<sup>th</sup> May 1891 P.S. 75, repeals by implication the act of 1856 under which these proceedings were commenced, on which takes away its jurisdiction as to the appointment of viewers.

This question is already <sup>so</sup> well settled by adjudications in the lower Courts that it is unnecessary for us to do more than refer to the cases, which, although not binding on us, contain reasons that are unanswerable. We refer to Reynolds Street 2, Dist. Reports 65. Sewickley Borough vs. Jennings 1 D. 624. and Alley in Pennsburg D. 136. - In the first case the ordinance was passed prior to the act of 1891; in the second the proceedings were pending in Court when the act was passed, and in the last

case the ordinance was passed and the proceedings for assessment commenced after the passage of the act of 1891. Also see *Junkin v. Town of Ber.* vs. *Hirnstone* 2 Viet. Rep. 124 and *Hund vs. Fellows* 148 P.S. R. 457. -

Under these authorities the first and second exception is over-ruled.

The other exception is that no damages were awarded to estate of *Hermann Huber*, estate of *Josephus Golmer* and to *Frederick Eger*. - In support of this exception some six or seven witnesses were examined, three of whom at least were interested, and these witnesses differed with the viewers in the assessments of damages done to the properties mentioned in the exceptions, but there being no allegation that the viewers were in any wise interested or disqualified, or had been guilty of any misconduct in the performance of their duties, we cannot impute to them anything of the kind or even lack of judgment and their assessment must stand. They were representative citizens, were sworn to perform their duties, made a careful examination of the ground and made up a report which the Court has no power

5. 10  
to set aside except the evidence  
be much stronger than produced  
in this case.

And now Dec. 3<sup>d</sup>, 1894 Exceptions  
over-ruled and report confirmed  
absolutely. -

Bush Court,

No. 9 Mar. Session 94  
Road Booklet.

In re Golman  
Alley. -

Opinion,  
Filed 3 Dec 1894

To the Honorable A. V. Barker, President  
Judge of the Court of Quarter Sessions of the  
Peace of Cambria County Penn<sup>a</sup>.

The petition of N. J. Debe Burgess of the Bor-  
ough of Carrolltown, County aforesaid and  
Joseph A. Gray, P. J. Dietrick, Edward Firabaugh,  
John H. Owens, Francis Buck, and  
D. W. Lutter, Jr. Town Council of said Borough  
respectfully represent: That <sup>on</sup> ~~the~~ <sup>the</sup> fifteenth day of Sep-  
tember A.D. 1893. the Town Council of said  
Borough passed the following ordinance,

"Be it enacted by the Burgess and Town Coun-  
cil of the Borough of Carrolltown, Cambria  
County Pa. and it is hereby enacted by the  
by the Authority of the same, That the Street  
Commissioner is hereby authorized and em-  
powered to open an Alley commencing  
on Sagan Alley near corner of St. Jox, thence  
through lands of of Henry Jox and heirs of  
Mary W. Buslet, deceased, 1137<sup>1</sup>/<sub>2</sub>. North five degrees  
East eighty eight (88) feet, thence by same  
course through lands of Marianne Heuber  
G. N. Sloan; M. D. and M. J. Smith. One hun-  
dred and two (102) feet, thence continuing  
same course through lands of Barbara  
Castinar, ninety seven (97) feet, thence con-  
tinuing same course through lands of  
Frederick Eger ninety three feet (93) feet,  
thence continuing same course through  
lands of Mary E. Kaylor, thirty nine (39)  
feet. Thence continuing through lands

of Christopher Stoltz sixty one (61) feet, thence con-  
tinuing same course through land of Michael  
Zollner ninety (90) feet to Campbell Street, to be  
known as Zollner Alley, to be opened fifteen (15) feet  
and the same to be declared a public alley.

Approved Sept 15. 1893.

Attest W. C. Schroth, Clerk. " John Buck Burgess "

Your petitioners therefore prays your Honor-  
able Court to appoint seven disinterested free-  
holders of said Borough of Carrolltown and  
County of Hancock, who, after being duly sworn  
or affirmed according to law to perform  
their duties under the Act of Assembly in such  
cases made and provided, with impartiality  
and fidelity, shall view the premises described  
in said Ordinance, having regard both to the  
advantages and disadvantages caused to  
or might be to the said several properties along  
line or through, and adjoining the same as said  
Alley viz. Zollner Alley as described and fully  
set forth in said Ordinance or formation of  
same and shall assess and to all  
persons injured such damages they shall  
have sustained or may respectfully over  
and above all damages, and who shall  
make assessments for contributions  
upon all such properties as shall be  
benefited by the opening of said Zollner Alley,  
such sums respectfully as they may or have  
been benefited over and above all disad-  
vantages, and said viewers to make

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a report in writing of their proceedings to the next Court of Quarter Sessions, describing the properties upon which assessments have been made, respectively and specifically stating whether for contribution or damage with the amounts respectively in full, And they will ever pray etc

A. J. Beck  
J. M. Owens  
F. A. Buck  
Joseph A. Gray  
Ed. Farbaugh  
P. J. Dietrick  
D. A. Luther Jr

Burgess  
I am joined by  
Consolidated  
Co.

No 9 March 29<sup>th</sup> 1894  
Rd.

Petition of the Burgess and  
Town Council of the Borough  
Carrolltown Cambria County Pa.  
to appoint seven disinter-  
ested freeholders to view  
and assess damages and  
award contribution caused  
by the formation of Gollum  
Valley in the said Bor-  
ough.

Filed 14 May 1894

And now May 14<sup>th</sup> 1894

Benjamin Moller

W. H. Sang.

Alexander Grief

J. V. Scaulan.

C. A. Sharbaugh

Stephen Campbell

James Stoltz appointed

viewers; By the Court.

Scaulan.



In re proceedings for appointment of viewers to assess damages etc. caused by opening Zolner Alley

In the Court of Quarter Sessions of Cambria County, Pa.

in No. 9 of March Sessions, 1894.

The Borough of Carrolltown Road Docket.

Exceptions to the Proceedings & the Report of Viewers.

First. The Court of Quarter Sessions of Cambria County had no jurisdiction in the premises, and had no power or authority to appoint viewers to assess damages etc.

Second. The viewers had no jurisdiction in the premises and acted without any authority in law.

Third. The viewers did not award any damages to the estate of Florentina Huber, deceased, the estate of Josephine Zolner deceased, and to Frederick Eger; these properties being damaged by the opening of the Alley to a greater amount than the advantages accruing to them.

*Wm. Little*

*Attys for*

*Estate of Florentina Huber, dec'd.*

*Estate of Josephine Zolner, dec'd.*

*Frederick Eger.*

No 9 March 1894 R.R.

In re Golher Alley  
in  
The Borough of  
Carrolltown.

Exceptions

Filed 1 sep. 1894.

Attell Little

In re petition to  
view and assess  
damages & award  
Contributions caused  
by  
formation of Zolner  
Alley Carroltown Bm.

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

of Mar. <sup>Sess.</sup> Form, A. D. 1894, No. 9  
RW.

And now, to-wit, the 19<sup>th</sup> day of Oct., A. D. 1894, Rule  
on part of Exceptants to take depositions of witnesses  
to be read on the hearing of the above stated case.

CAMBRIA COUNTY, SS:

Extract from the Record of said Court. Certified the

19<sup>th</sup> of Oct. 1894.  
J. H. [Signature] Prothonotary.  
Oct 26

To J. R. Scamman Esq Attorney for Petitioners

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 case on part of  
the Exceptants will be taken at the Attorney's Room in the  
Court House Ebensburg Penna on Friday  
the Twenty-sixth day of October, A. D. 1894, between the hours  
of ten o'clock A. M., and ten o'clock P. M., before M. S.  
Bearer Esq a Commissioner 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.

Kittell & Little  
Attys for Exceptants

No. 9 Mar. Sess. 1894  
R.H.

In re petition to  
view and assess  
damages & award  
contributions caused  
by

formation of Follmer  
Alley Carroltown Boro.

RULE ON PART OF *Exceptants*

Kittell & Little

In re petition to view  
and assess damages,  
law and contributions  
caused by  
VERSUS  
Formation of Gallner  
Alley, Carrolltown Bor.

In the Court of Quarter Sessions  
of the County of Cambria  
of March Term, 1894  
No. 9 P.D.

DEPOSITION OF WITNESS, taken before me, this 26th day of  
October A. D. 1894, at Attorney's Room  
Court House Bushy Pt.

between the hours of 10 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 re petition to view and assess  
damages & award contributions caused  
by the formation of Gallner Alley, Carrolltown  
Bor.

Defendant  
Fred. Eger being produced, sworn and examined  
on the part of the Deponents doth depose and say:  
My name is ; am years of age;

I live in Carrolltown Bor. I am the owner of  
property along the line of this proposed Alley. I  
am acquainted with the ground over which  
the proposed Alley will run. I have lived  
in Carrolltown Bor. for fifteen or sixteen  
years. I am living on my property that the  
Alley cuts into.

Facts. The viewers in this case have reported  
that they find no damages sustained  
by reason of opening this Alley. Please  
state what loss at the opening of this Alley  
in your judgment has on your own  
property, the property of the estate of Florentine  
Nieber and the property of the Est. of Josephine

"The deposition should be in the handwriting of the person before whom it is taken, or the witness, but never in the handwriting of the attorneys or parties, or their agents. The person before whom the deposition is taken has no power to adjourn without consent and notice; the hours between which they are to be taken are generally named, and they cannot legally be taken at any other time, except by consent; all of which must appear. Leading interrogations should be objected to when they are put; otherwise, an exception will not in general, be sustained."

Gallner, Ans. I think there would be a good deal of damage done, it cuts the lot into, I had to move my stable and every thing if the alley comes down there, what cost me about \$250, on my own property. The Huber property is pretty near the same as mine. That damage would be about \$200. The Gallner property would be damaged to about \$300. These properties would not be worth near as much if this alley runs through them, they are nice lots and I never want to sell any thing from my lot. The opening of this alley would be no benefit to any of these properties. No man can drive down or up, as it is too steep; and on that account the alley is no use. The alley runs from the Livery stable (Sherbaughs) down to Ben. Hestres. This alley takes from my lot about 16 ft. My lot is 95 ft. in length and the alley is 16 ft. wide. This alley will not be of any use to me. It will be more harm than good. I don't know of any one it would be of use to except Dr. Sloan. Every body has there alley going in from the street (the front) street since they live there. Some times a fellow travels Campell street if he hauls a load of coal. It is not used much. This alley does not lead to a thoroughfare that is used by the public to any extent. Some times it is six weeks before any body goes up or down.

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I was along with the viewers when they laid out this Alley. This Alley runs down a steep hill, which is about 90 or 100 feet long. It is impossible to drive down or up unless there is a cut made like a Railroad.

Cross Examined by J. R. Scaulan. Esq.

I have lived on my property about five years. I was present at the view.

Ques. You have stated you were present at the view. Please state who were the viewers.

Objcted to that the question is immaterial. The Records in the case is the best evidence who the viewers are.

Ans. Ben. Wertner, Alex. Griff, James Stoltz, Andrew Haug, Jas. V. Scaulan, C. A. Sharbaugh & Stephen Campbell. These were the viewers to assess damages and award contributions. I claimed off of them \$250, damages. I don't know what my property would be worth, for this much ground at \$250. This road runs not through my stable, it runs from fifty to sixty feet from stable. I don't know how far this Alley runs from the front of my lot. If I was to sell my property this would not increase my property. It would be a loss to me. I wouldn't take \$300, and have the Alley done that way. The Alley from the Sharbaugh Alley to the Fagan Alley has been opened for the last three years. This Alley commences at Fagan Alley.

and runs to Campell Street. I dont know how long Campell street has been a public highway. I said that Campell street was only used now and then for hauling coal. Ben. Stertweis team goes over this road a couple of times a day. I never saw teams going over this Alley to Farabaugh's slaughter house. The ground is pretty near level in my lot when the Alley goes. Florentine Huber's lot is a little bit hilly. Every body has an alley from Logan Alley to Campell Street.

Ques. Please name those persons having Alley from Main St. to Church St. opened or closed.

Ans. - Every one has an alley for themselves going back to their stables. Florentine Huber has an alley there to go in and out. I dont know if it is North or South. I dont know if Josephine Galluer had any land in Carrallton Bor. before she died. The stable is on the West side of the proposed Alley. This would leave the stable in the front lot. I would have to move the stable. I would have to move the stable because I dont want two alleys. My Alley is opened and closed. I have a gate to it. It would not be an advantage to drive in my alley and turn on the proposed Alley if opened.



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Ques. Please state at the time the proposed Alley was laid out if you made any objections before the Borough Council.  
Objected to by Mr. Little for the reason that it is immaterial and is not a cross examination of any thing asked the witness in his examination in chief.  
Ans. I didnt know the Alley was laid out. I didnt know any thing about it. It was all a secret to me.

Ques. Please state if there was notice served upon you by H. Scullan, J. B. Eck, and Adam Tree, viewers.

Ans. I dont know any more. I couldnt tell you.

Re Direct Examination

Ques. You stated on cross examination that Campell St. was used every day by Mr. Nestron for the purpose of hauling, along whos lot does he do this hauling.

Ans. Along Mike Gallueis lot. He dont haul along Campell St.

Ques. Then Campell St. above Gallueis lot and above Nestrons barn is not used every day for hauling.

Ans. not every month.

My lot is little over 312 or 314 ft. from Main St. to Church St. and is 95 ft. wide. This Alley leaves more in front than behind. My lot will be about 200 ft. from

Main St. to the proposed Alley if opened,  
The balance of my lot from the Alley back  
to Church <sup>Street</sup> would be about 100 Ft.,  
The property on Church St. is not worth as  
much as property on Main St. in Carrollton  
Borough.

Ques. - How much more would a lot fronting  
on Main St. be worth, than a lot with  
the same frontage on Church St.

Ans. - I guess from one third to one half.  
~~I~~ I have a stable built on my lot near the  
center of it.

Ques. - If this Alley is opened it will cut  
your lot in two and still not pass my  
stable.

Ans. - It will not pass my stable.  
And I will have to open another alley to the  
proposed Alley or move my stable to  
the Alley. I value my property at from  
\$5000. to \$6000. The lot that would be cut off  
by the proposed Alley passing through  
facing on Church St. would be worth  
about \$150. My property on Main St. would  
be damaged about \$500.

Cross Examined by Mr. Scaulan.

I know where the proposed Alley runs  
because it was measured off. I saw  
Squire Scaulan measure it off. I know  
exactly where this proposed Alley goes. I  
don't know how many feet from my stable without

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measuring. I just guessed at the length  
of my lot to main St.

W. C. Schroth Esq. sworn, *frim* *minif* *lyms*

I live in Carrolltown Pa. I am Clerk to the  
Council. I have the minutes of the meetings  
of Council of Carrolltown Borough with me.  
Ques- Does this book contain the minutes in full  
of the Council in their action relating to the  
opening of this proposed alley.

Ans- I would, if the printed Ordinance was  
considered.

Cross Examined by J. R. Sculland Esq.

There is another book kept by the Borough  
called the Ordinance Book. It is not  
here. The Ordinance that was signed by  
the Burgees and Secretary relating to  
this road is not, I mean the original.  
Re-direct Examination

Counsel for Ex-ceptant offer in evidence  
minutes of meeting of Aug. 12, 1893,  
found in Minute Book page 99, also  
minutes of meeting of Aug. 25<sup>th</sup> 1893,  
found on page 101. Also minutes of  
meeting of Sept. 1<sup>st</sup> 1893, on page 103,  
Also minutes of meeting of Sept. 8<sup>th</sup> 1893,  
on page 104, Also minutes of meeting  
of Sept. 15<sup>th</sup> 1893 on page 105.

W. C. Schroth

Michael Jolluer, Sworn,

I live in Carrolltown Borough. I saw a property owner in this Borough. I know pretty near where the proposed new alley is located. It runs through my property. My property is located on Main St. along Campbell St. to Church St. My lot is about 300 ft. long and about 96 ft. wide. The proposed Alley runs through my lot more in the back part than the front. The way they run it would run a little bit sidewise through the stable. It cuts across the lot.

Ques- How many feet in depth would that portion be fronting on Main St. back to the proposed Alley.

Ans- About one hundred & eighty feet or more.

Ques- About how many feet in depth would that portion be fronting on Church St.

Ans- About one hundred & ten ft. I have two stables on my lot. The Alley runs through one stable and through three ft. of the other.

Ques- Will the opening of the proposed Alley cause you to move your stables.

Ans- Yes sir.

Ques- What amount of damage will the moving of your stable occasion you.

Objected to for the reason that it is immaterial as Michael Jolluer is not one of the experts.

Ans. About \$150.

Ques. Is the lower side of your lot on the same grade as Campell St.

Ans. No it is not level. My lot is higher than Campell St, about four or five feet. I have a stone wall there to keep the ground up. They would have to cut through my lot with the proposed alley to strike a grade with Campell St. This cut would be four or five ft deep as near as I can tell. This would be through the whole width of my lot. I could not drive in from the rear of my lot at all. I value you my property as it stands at

Ques. What is the value of your property at the present time.

Objected to for it is immaterial as Michael Gollner is not an expert.

Ans. About \$1500.

Ques. What will be the value of the lot fronting on Main St and extending back to the proposed Alley if that Alley is opened. Same objection as to previous question.

Ans. It would not be worth very much as you could not drive into the lot. About \$500. or \$600.

Ques. What would be the value of that part of your lot which will front on Church St. and extend back to the proposed new Alley is opened.

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Objected to for the same reason as in the previous question

Ans. About \$75.

Ques. Will your property be benefited in any way by the opening of that proposed Alley.

Ans. No sir. There will be no benefit at all. I have not alley through my lot. I drive from Campbell St to Church St into my lot.

Ques. Your lot is on a grade with Church St.

Ans. Yes sir. If the Alley goes through I can't get in to the front at all, fronting on Main St.

Cross Examined by J. R. Scudder Esq.

One of my stables is a log stable the other is a frame stable. It is 14 by 22. I was there when ~~Squire~~ Scudder run down through the lot. I knew nothing of it until this day.

Ques. State if you ever filed any objections to the opening of this alley to the Borough.  
Objected to for the reason that it is immaterial and wholly outside of the merits of this case.

Ans. No I didn't.

Ques. Please state if you are not mistaken when you said that it would require to cut clear through your lot to open said Alley.

Ans. No sir.

I have <sup>no</sup> private Alley running through my lot from Main St.

In hauling I use Campbell St. to Church St.

I dont know how many feet they will take off of my ~~at~~ lot, by the proposed Alley. This property is in my own name.  
Re Direct Examination,

Ques. Mr. Gollum in giving me the number of feet in depth that the opening of the proposed Alley will leave your lots you gave it as near as you could without measuring,

Ans. Yes,  
Cross Examined,

I mean the measurement the length of the lot,

Wm Gollum

Christopher Stoltz Sworn,

I live in Carroltown Borough. I am acquainted with the location of the proposed new Alley. It passes through a little stretch of ground of my property. The length of my lot from Main St to Church is about 300 ft, or more the width about 63 1/2 ft. The Alley will cut off from Main St to the Alley about 150 ft, and back about 105 ft or so as near as I can estimate. I dont think they need grading or cutting through my lot. There is a stable and outbuildings on my lot. I have a private Alley leading from Main St to the stable, and coal house back to the stable. I cant tell how far my stable is from the propose Alley. It dont hit it.

Ques. Are you acquainted with the property of Michael Gollner, and Frederick Eger,

Ans. Yes sir.

The proposed alley passes through their lots.

Ques. Does the proposed Alley cross the lots of Fred. Eger, Michael Gollner and the Est. of Florentina Huber the same as you described in crossing yours.

Ans. Yes sir.

Ques. Is the opening of the proposed alley a benefit to those lots.

Ans. No sir.

Ques. What amount of damages will be sustained by Michael Gollner by opening the proposed alley.

Objected to as being immaterial, as Michael Gollner is not an acceptant.

Ans. About \$300. They would have to make a grade nearly all through it. He will not be able to drive in the front lot from where the alley is now located.

Ques. In order to get to his stable he will either have to change the location of the present alley or move his stable.

Ans. He would have to move his stable as the alley runs through his stable. Property is worth 2/3 more on main st. than on Church St.

The Est. of Florentina Huber would be damaged from



\$75 to \$100. The property of ~~Ed.~~ Eger would be damaged, if I was in his place about \$250. I dont see how this Alley would benefit any of those parties as they have all the convenience driving from main st. to their coal houses &c. The proposed new Alley is located on hilly ground the whole way down. It is a moderate grade, to Mike Gallner, and from there down it is very steep.

This Alley is not necessary for the accommodation of the public.

Cross Examined by Mr. Scudder

If this Alley was opened it would be used by other persons besides property owners, but in my estimation I dont see that they would need it.

Ques. Does not streets and Alleys in a town raise the value of property?

Ans. It wouldnt raise it in this place, not for me any how.

Ques. In selling lots fronting on Church St. would they not bring more with an Alley or not.

Ans. Not to my estimation now as no one wants to sell their ground as they want to keep it for their own use. Allowing Mike Gallner \$300 as I said it would put his property at about \$1500. That would be the one fifth of his property.

Re-direct,

Ques: In the estimate of your damages of \$300, do you not mean the damage caused the owners of property by reason of the division of their lots as well as the inconvenience they would be put to.

Ans, Yes sir.

Cross Examined.

In selling the alley on Church and Campbell Streets I dont think it is any more valuable with an alley or without one.

V. L. Eitz

Joseph Stick Noom,

I live in Carrolltown Borough. I am acquainted with the location of the proposed alley. I am a property holder in Carrolltown Borough

Ques: What amount of damages would be occasioned to Michael Gallier by reason of the opening of the proposed alley.

Objected to for the reason that it is immaterial as Michael Gallier is not an acceptant to the report of Viewers

Ans: If I owned the property I wouldnt take no less than \$300 damage. The alley would <sup>not</sup> benefit Mr. Gallier in any way. It would be a damage to him. I am positive of it. Mr. Gallier could get to his stable but couldnt get into his main lot from the side or any other way. The proposed alley runs right through his stable

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It would not increase the value of Mr. Galluer's property to have this alley pass through. It would be a damage to it. I don't know if the opening of this alley would be a benefit to the Public as you might drive down, but you could not drive up with the empty wagon.

The Florentine Huber property would be damaged on her two lots about \$100.

The Frederick Eger property would be damaged about \$300.

Property along Church Street in that locality is not salable.

Ques. For the enjoyment of the properties of the Est. of Florentine Huber, Michael Galluer and Fred. Eger are they not more valuable at the present time than if they were divided by the proposed alley.

Objcted to for the reason that it is immaterial to Michael Galluer as he is not one of the occupants.

Ans. - They are more valuable now than if they were divided by the new alley.

There are no benefits to Michael Galluer or Fred. Eger by opening up this proposed alley, and I think it does them more harm than good.

Cross Examined by Mr. Scanlan

It is not exorbitant to ask one fifth of the whole valuation of Mr. Galluer's property.

Ques. does not streets and alleys raise the price

of lots in a town.

Ans. It does, but not in this case. It is a damage to the Borough and to the people.

Ques. In selling lots on Church St., would they not bring a higher price by having an Alley in the rear.

Ans. - No it would not, when there is none to sell they can't sell on that street.

Ques. Then in your judgment Alleys are no benefit to lots.

Ans. These alleys all have lots from the front, they don't need any from back.

Joseph Sticks

Peter J. Huber, Swoon

I reside in Carroltown Dor. I am acquainted with the location of the proposed Alley.

Ques. What damage <sup>will be</sup> occasioned to the property of <sup>Frederick Eyer</sup> by the opening of the proposed Alley.

Ans. - About \$250, and to Florentine Staker, about \$100, ~~and to the~~

Ques. What damage would be occasioned to the property of Michael Gollner by the opening of the proposed new Alley.

Objected to for the reason that it is immaterial as to the amount of damages to Michael Gollner as he is not one of the Exceptants

Ans. - About \$250.

There will no benefits accruing to any of these parties by the opening of the proposed Alley.

There is no necessity for an alley in that vicinity

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## Cross Examined by Mr. Scudder

When I said there was no necessity for an alley then I mean both property holder and the public.

Convenient Streets and alleys do make property more salable, but this is not convenient one.

Ques. In selling lots on Church Street would they not bring more by having a <sup>alley</sup> lot in the rear.

Ans. Yes, If they be lots; but they are only parts, the lots on Church St. so called are only parts of lots. In Carrollton Borough lots containing 9000 ft. would only be parts of lots. There are no lots in Carrollton that contains 9000 ft. I am not acquainted with the dimensions of ~~any~~ <sup>Dr. Sloan's</sup> lots in Carrollton.

I put the valuation on the damages of Fred Egus by way of inconvenience, loss of land and cost of building fences, and as to Florentine Huber's I make the same. She would not be obliged to build fences there if the alley was there or not, I can't say whether the lots were sold to an alley yesterday.

Dr. Sloan joins the lot of Mrs. Florentine Huber. He own a little over one fourth of the square.  
Peter J. Huber

Frank Schmier Dooms.

I reside in Carrollton Borough. I am a property owner then. I know where the location

of the proposed new alley is,  
Ques. Damages occasioned by the proposed  
alley to Fred. Egers <sup>property</sup> would be about \$250.  
To Florentine Huber's property I would not  
make a particle of a difference, \$250.  
Ques. What would be the damage occa-  
sioned by the opening of the proposed new  
alley to Michael Galluer's property.  
Objected for the reason that it is immaterial  
as Michael Galluer is not an Exceptant in  
this matter.

Ans. - I would not take less than \$350.  
Cross Examined by Mr. Scullam,  
None.

J. A. Schmier

Adam Stoly Sworn.

I reside in Carrolltown Pa. I am acquainted  
with the locality of the proposed new Alley.  
Ques. - What will be the damage occasion-  
ed to Michael Galluer's property by reason  
of the opening of this new alley.  
Objected as being immaterial as Michael  
Galluer is not an Exceptant to this matter.  
Ans. - About \$300, and to the Florentine  
Huber property about \$200, and as to the  
property of Fred. Eger about \$300 is not  
much out of the way.  
Ques. Will these property owners have the  
same enjoyment from their properties if they  
are separated by this alley as they have now;

Objection as to Michael J. J. J. is repeated.

Ans. No sir, that alley would not be a benefit. I have been living there for thirty nine years.

Cross examined by Mr. Scaulan

This alley would <sup>help</sup> these lots running on Church St. I don't think by having an alley on the rear of the lots on Church St, it would make them more valuable.

Streets and alleys are a convenience to a town in certain localities.

A. J. Stoltz

STATE OF PENNSYLVANIA, }  
*Columbia* County, } ss.

I DO HEREBY CERTIFY, That the above witness *Ed. Wilson* duly  
qualified and examined at the time and place stated in the above Caption;  
that the same was reduced to writing by me, in the presence of said witness,  
and, ~~having been first read over to~~ *They* subscribed *their*  
name~~s~~ thereto in my presence,

Witness my hand and

*J. D. Beaver* <sup>seal.</sup>  
Commissioner



No. *9 Mar*

Term, 189 *4*  
*P.D.*

*In re opening of*  
*Ballou Allen*

VERSUS

*Carrollton Ins.*

**Deposition**

Of Witness on Part of

*Exceptants*

Fees for taking Deposition, \$ *5.00*

*Ad. by Exceptants*

Filed. *30 Oct* 189*7*

*Kittell & Little* Prothonotary.  
Attorney.

Cumberland County N.C.

At a Court of Quarter Sessions of the Peace held at  
Cecovohung in and for the  
County of Cumberland on  
Monday May 14. 1894

before the Honorable N. S. Barker Just Judge  
the petition of Surges & Town Council of  
the Borough of Carrabateau was presented  
setting forth "That on fifteenth day of  
September A.D. 1893 the Town Council of said  
Borough passed the following ordinance  
"It is enacted by the Surges and Town Council  
of the Borough of Carrabateau Cumberland County N.C.  
and it is hereby enacted by the authority of the  
same, that the Street Commissioner is hereby  
authorized and empowered to open an Alley  
commencing on Fagans Alley near corner  
of N. Fox, thence through lands of Henry Fox  
and heirs of Mary N. Toole, deceased (N. S.  
5, E) back five degrees East, eighty-eight (88)  
feet, thence by same course through lands of  
Florentius Keenan, G. W. Slavin, M.D., and M. J.  
Smith; One hundred and two (102) feet,  
thence continuing same course through  
lands of Joshua Eastman, thirty-seven  
(37) feet, thence continuing same course  
through lands of Frederick Eger, thirty-three  
(33) feet, thence continuing same course  
through lands of Mary E. Kayler, thirty-nine  
(39) feet, thence continuing through lands

of Christopher Stoltz sixty-one (61) feet, thence  
containing same course through lands of  
Michael Follner ninety (90) feet to Campbell  
Street, to be known as Follner Alley to be  
opened sixteen (16) feet and the same to be de-  
clared a public alley. Your petitioners there-  
fore pray your Honorable Court to appoint  
seven disinterested freeholders of said Township  
of Carrolltown and County of said who after  
being duly sworn or affirmed according to law  
to perform their duties and the Act of Assembly  
in such cases made and provided with impar-  
tiality and fidelity, shall view the premises de-  
scribed in said ordinance having regard  
back to the advantages and dis advantages  
caused to or might be to the said several pro-  
perties along line or through and adjoining  
the same as said Alley viz: Follner Alley  
as described and fully set forth in said Ordi-  
nance or formation of same and shall as-  
sess and to all persons injured such dam-  
ages they shall have sustained or may respect-  
fully owe and show all damages, and who  
shall make assessments for contributions upon  
all such properties as shall be benefited  
by the opening of said Follner Alley such sums  
respectfully or they may or have been benefited  
over and show all disadvantages, And  
said viewers to make a report in writing  
of their proceedings to the said next Court  
of Quarter Sessions describing the properties

upon which assessments have been made  
respectfully, and specifically stating  
whether for contribution or damages with  
the amounts respectfully in full. The  
Court upon due consideration had of the prem-  
ises appoint Benjamin Winton, A. W. Hargy,  
Alexander Grief, J. V. Scoulan, C. A. Shabaneff  
Stephen Campbell & James Stuby as view-  
ers after giving due and legal notice of  
to time and place of meeting shall proceed  
to view the premises and make report of  
their proceedings as herein prayed for to  
the next Court of Quarts, Termis of said  
County and in which said report they  
shall state distinctly that they have been  
sworn or affirmed according to law

By the Court  
J. C. Dudley  
Judge.

To the Honorable W. Parker, President  
Judge of the Court of Quarter Sessions  
of the Peace in and for the County of Cambria,

We the undersigned Viewers appointed by  
the annexed Order, having met at the Office  
of Henry Scantlan, Esq. according to the Annexed  
Notice with proof of service to parties interested,  
all of us being first duly sworn according to law  
proceeded to view the said Gulliver Alley having  
for ourselve had H. Scantlan, Esq. to mark the line along  
said properties as mentioned in said annexed  
order and ordinance, and after hearing the  
parties have made the following assessments  
for benefits. Dr. G. H. Sloan the sum of twenty  
five dollars (\$25<sup>00</sup>) and Henry Ford the sum of  
twenty five dollars to be paid to said Borough of Con-  
trow Pa. And that Michael Gulliver shall re-  
ceive the sum of one hundred dollars damage by  
the opening of said Alley, taken the advantage and  
disadvantage - We find no damage and assess  
no contribution to heirs of Mary A. Bochet, dec'd  
Estate of Lorenzina Huber, dec'd, - Frederick Tager, Cas-  
bara Tschurman, Mary E. Kayler, Christopher  
Stolz -

Witness our hands and seals this 26 day of May ad 1874.  
Stephen Campbell Benjamin Werner  
Alexander Greiff Andrew H. Haig  
James Scantlan  
James D. H. C. A. Shabough

State of Penn<sup>a</sup> }  
 County of Cambria } S.

Before me a Justice of the Peace in and for said County came Michael Follmer Constable of Carrolltown Borough, County aforesaid who being duly sworn according to law, says that on the 16<sup>th</sup> day of May AD 1894, three <sup>notices</sup> were put up in public places viz: at one Hotel of V. J. Stoltz, at H. Haug, and at the Office of Henry Seaman Esq. Also Copies of the within were served upon, Occupier of land, viz: personally by depositing upon my self: Christopher Stoltz, Mary E. Kayler, Frederick Eger, Barbara Cantinewer, Dr. G. H. Sloan, left notice with Mrs. Ann Myers for heirs of Florentine Heuber; and one copy mailed to Thomas Craver Adm<sup>r</sup>, also copy given to Simon Fehwald occupying H. Fox property and copy mailed to Henry Fox and copy served upon Christopher Stoltz occupier of lands of Heirs of Mary Ann Baslet, these notices and copies were copies of the within notice;

Sworn and subscribed before  
 me May 20<sup>th</sup> 1894  
 Henry Seaman Justice of the Peace

Michael Follmer Const.

9 - Service at	1.80	
Milage	70	\$ 2.00

# Notice

We the undersigned viewers appointed by the Court of Quarter Sessions of the Peace in and for the County of Cambria Pa. to view assess damages, and award contributions, <sup>caused</sup> by the formation of Gollner Alley, commencing at Fagan's Alley and extending to Campbell street in the Borough of Carrolltown Pa. will meet at the Office of Henry Scantlan Esq. in said Borough on Saturday May 26<sup>th</sup> A. D. 1874. at 9 o'clock a.m. when and where all persons interested shall appear.

Carrolltown Pa.  
May 16<sup>th</sup> 1874

Benjamin Nitner, A. H. Haug  
Alexander Griffe, J. V. Scantlan  
C. A. Shambaugh, James Stolz and  
Steph Campbell Viewers

Dinner and fees  
 Benjamin Wirtner 1 day \$ 2.00  
 A. H. Kang 1 " 2.00  
 Alexander Greff 1 " 2.00  
 J. V. Scoulan 1 " 2.00  
 W. A. Shorbaugh 1 " 2.00  
 James Stolz 1 " 2.00  
 H. Heald Surveyor employed 4.00  
 \$ 16.00



No. 9 Mac Ser. 1894  
R.D.

In re petition for appointment of receivers to receive and assess damages or award contributions for damages caused by its opening of Gallner Alley in Carroll town Borough.

3 July 1894 Receivers appointed

By the Court

Order to View,  
And return of Viewers  
thereto attached -

Filed 4<sup>th</sup> June 1894

Viewers =  
Wm. Horton  
A. H. Lang,  
Wm. Smith  
J. V. Scullan  
C. A. Shamburg  
Stephen Campbell  
James O'Leary,  
Wm. Smith, fully \$1.25  
Scullan