

Deposition of witnesses, produced, sworn or affirmed and examined at the office of Alvin Coan a Notary Public in and for the borough of Ebensburg, Cambria County, Penna., on Friday, the 2nd day of May, A. D., 1884, between the hours of seven o'clock, A. M., and eleven o'clock P. M., of said day, pursuant to the order of Court and notices hereto attached, to be read in the matter of the report of viewers vacating parts of two roads in Cambria and Blacklick townships, and also in the matter of the view and review of a road from a point at or near the Beulah Bridge in Cambria township to the No. 2 School House in Blacklick Township, on the part of the petitioner for the original view.

It is agreed that the testimony taken, to be read in both cases.

Samuel Read, sworn:

I reside in Blacklick Township - I have lived there ever since I was six weeks old. I am acquainted with the two roads to be vacated and also with the ground over which the road as laid out by the report of the viewers is made. I have seen the drafts returned by the viewers and also the drafts returned by the reviewer ~~vacating~~ the two roads. I was one of the viewers to vacate the two roads. Question: Please state if in your opinion it is advantageous to the citizens residing in that community, and to travelers having oc-

casim & pass over these roads; those parts of two roads sought to be vacated should be vacated, and the new road laid out for public use, and if so please give your reasons therefor &

Answer: I do think it would be advantageous to vacate the two roads and to open the one laid out by the viewers. I think for the convenience of the neighborhood. The parts of the two roads that it is the wish to vacate have not been used for a number of years and the condition of the road is such that it is not fit for travel for the reason that the fence has been placed out in the road and interfere with the use of it.

Question: Please state if the parts of these roads sought to be vacated are in fit condition for general travel.

Answer: To sir, not to my judgment - that is a part of them alit any how I would consider that these two roads would be inconvenient and burdensome for the reason that they run so close together.

Question: Please state whether or not the new road is laid out on suitable ground, and in such a route as to meet the requirements of travel.

Answer: As far as I saw it, it would

be in my judgment.

Question: Please state whether or not, vacating these two roads and laying out the new one will supply a want long felt by the citizens of that community?

Answer: Well, as far as I understand it, it would be an advantage - there would not be near as much of it in our Township.

Question: Please state whether or not it would be expensive to open the new road for travel?

Answer: To sir, I don't think it would, as far as I could see. The reason which I would give why the cost of making the road would not be very great is, that it is laid out partly along another road which has been in use, and a portion of it passing through cleared land and not requiring any chopping to be done along the cleared portion of the route.

Cross Ex. by Mr. Reed:

Question: ~~As a part of the~~ Please explain which part of the roads referred to you regard as burdensome and which part not burdensome?

Answer: ~~The part that~~ The road that runs from Dummirie up a part Mr. Rankin is one of the roads a part of which was vacated. The other road that I speak of, ^{of} having been partly vacated, runs from ~~Burke~~ ^{John}.

⁴
Cunningham
~~bridge~~ & the Blacklick Township line.

Question: Please state what parts of the roads you have referred as being burdensome and what parts of these roads you refer to as not being burdensome?

Answer: The part that comes into Blacklick Township from John Cunningham is burdensome. I cannot state that the other was burdensome but it was impassable as fences had been erected in this road.

Samuel Reed

John B. Hite, sworn:

I reside in Blacklick Township, Cambria County. I have been supervisor in that Township for three years, 1880-1-2. I am only familiar with the part of one of the roads that it is sought to be vacated - that in the part in Blacklick Township. Its condition is such that I would not regard it as being a road at all. It might be safe a part of the year, but the other part it would not be safe to travel.

J. B. Hite

It is agreed that the report of viewer laying out a road for public use, beginning at or near the Beulah bridge in Cambria Township and ending at a point at or near

the No. 2 School House, on the Johnston road, in Blacklick Township, be confirmed absolutely; that the report of the viewers & view and vacate parts of two roads in Cambria and Blacklick Townships be also confirmed absolutely; and that the township road leading from the Beulah bridge past L. R. Rankin, out to Springfield, and from Beulah bridge up to John Cunningham, shall not be disturbed hereafter, by any view to vacate or otherwise, and the Court shall enter and approve this agreement, and each party to pay their own costs

May 2nd 1884

Witness:

Alvin Evans

G. J. Hoge
L. D. Rankin

Cambria County, Pa.

I, Alvin Evans, a Notary Public in and for said County, do certify that the foregoing witnesses, were duly qualified, sworn and examined, at the time and place stated in the caption, and subscribed their deposition given above in my presence.

Witness my hand and notarial seal this 2nd day of May, A. D., 1884,

Alvin Evans
Notary Public

And now: May 5, 1884, the within agreement
of compromise. approved, and ordered to be filed
By the Court.

In the matter of the
report of viewers
vacating parts of two
roads in Cambria
and Blacklick
Townships

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

of *June* Term, A. D. 188*4* No. *4*

And now to wit, the *22* day of *April* A. D. 188*4* Rule
on part of *Petitioners for view* to take the depositions of witnesses
to be read on the hearing of the above stated case.

CAMBRIA COUNTY, ss :

Extract from the Record of said Court. Certified the *22* day of

April A. D. 188*4*

H. A. Shoemaker Prothonotary
Clk D. S.

To *Lewis Rankin and others, exceptants, or their Attorney,*
Geo M Reade, Esq.,

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 the part of the *petitioners*
for view will be taken at the office of *Alvin Evans, Esq.* in the *Borough*
of Newburg, Cambria Co. Penna. on *Friday* the
second day of *May* A. D. 188*4*, between the hours of *seven*
o'clock, A. M. and *eleven* o'clock, P. M. before *said Alvin Evans, Esq.,* a
Notary Public in and for said *County*
or before some other person of competent authority, at the time and place aforesaid, when and where
you may attend if you think proper.

M. D. Kittell
Atty for petitioners for view

R.D.

Nov Term, 1884

Nov Term, 1884

In the matter of the report
of Messrs Cassatt, Yeats
of two railroad companies
and Blacklick
of Pennsylvania

Rule on part of Peterson for them
to take Depositions.

26th April, 1884, moved the
court on Geo. M. Reade Esq
by reading him a true copy
M. D. Wittell

Wittell

In the matter of the
view and review of a
road from a point at
or near the Beulah Bridge
in Cambria Township
to the No. 2 School
House in Blacklick Twp.

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

of *March* Term, A. D. 188*3* No. *2*

And now to wit, the *22* day of *April* A. D. 188*4* Rule
on part of *Petitioners for Original View* to take the depositions of witnesses
to be read on the hearing of the above stated case.

CAMBRIA COUNTY, ss :

Extract from the Record of said Court. Certified the *22* day of

April A. D. 188*4*

H. A. Shoumaker Notary Public
Clerk C. S.

Lewis Rankin and others *Petitioners for review*
Geo. M. Reader Esq. or 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 *rule* on the part of the *petitioners*
for original view will be taken at the office of *Alvin Evans Esq.* in the Borough
of *Boonburg* Cambria County *Pennia* on *Friday* the
second day of *May* A. D. 188*4*; between the hours of *seven*
o'clock, A. M. and *seven* o'clock, P. M. before *said Alvin Evans Esq.* a
Notary Public in and for said *County*
or before some other person of competent authority, at the time and place aforesaid, when and where
you may attend if you think proper.

M. D. Kittell
Atty for *petitioners for original view*

No 2 March Term, 1883

R. D.

Police of Settlement

In the matter of the review and
review of a road from a point
at or near the Grand Bridge
in Cambridge to the
No 2 School House in
Blacklick town

Rule on part of Petitioner for the review
to take Depositions.

26th April 1884, served the within
on Geo. M. Radey Esq. by handing
him a true copy
M. D. Stewart

Chancery fee \$2.00
Road Report of Abner
Allen Esq.

W. H. H. H.

Filed May 1884

In the Quarter Sessions of Cumberland Co.

In the matter of the Report of viewers to view & vacate parts of two Roads in Cambria and Blacklick Townships filed and confirmed in 13, Nov, 1883.

Exceptions

1st The said views and report of reviewers thereon, with the proceedings, are erroneous and void for the reason, two distinct and separate roads are embraced in one view, order and report, with two sets of beginnings and endings, in violation of law.

2. That the said Report was not returned made nor filed, as required by law: to wit: that said view was not made until the 9th day of October 1883, at which time the order to view had expired; that the said report was not returned and filed until the 9th Nov. 1883, whereas, the law requires the same to be filed on the 1st day of September Term 1883.

3. That the portion of said report wherein it is attempted to vacate the road from John Cunningham's to the township road on land of Lewis Rankin, is laid out, and pretends to vacate that

notice of the State
Road from Harrisburg to Pittsburg, which
the said viewers had no power and authority to
do.

4. That said report is erroneous and void
because the same pretends to vacate parts of
two distinct roads, about one half mile of each one
of said roads, leaving the other portions of said
roads, beyond the ends of said vacated parts
obstructed where the vacated parts begin.

5. That said vacated parts, commence and
end, at no public, or proper place, where the
travel would end or begin.

H. B. Reade
Atty. for Lewis Rankin et al.

No. 4 June Term 1883
In the Quarter Sessions

Ex ceptims to the
order, proceedings, and
Report of viewers to
view and vacate parts
of two Roads in
Cambria and Blackshock
Townships

Filed Nov. 26, 1883
John C. Baker
Atty.

Reade.

In the Court of Quarter Sessions of Cambridge
County.

The answer of J. R. Rankin, and others petitioners
for re-view of the Road in Cambridge and Blacklick Townships
from Buloh Bridge to School-House No. 2; to the rule to
show cause why absolute confirmation should not be stricken
off: - Respectfully sheweth: -

- 1st That the said rule to show cause is not founded upon
any petition or affidavits to inform the Court of the
facts, and legal questions upon which the Court is to pass,
and upon which the decision is sought, and is to be made.
- 2^d That the report of the viewers, and re-viewers were before
the Court, and the Court had full power and jurisdiction
to confirm the re-view absolutely.
3. That the said report of re-viewers having been confirmed
absolutely, at the previous term of the said Court (September
Term 1883) and the said term being fully ended, and
over, the judgment of absolute confirmation thereby became
final and absolute, and no certiorari or writ of error being
taken within the time limited by law; the said judg-
ment of final confirmation cannot be set-aside, reversed,
vacated, or stricken off, in any summary proceeding; as
in a rule to show cause, as above stated.

Wherefore, Your petitioners pray that said rule may

be discharged &c. and they will ever pray.

J. R. Rankin
and others Petitioners for
Re-view.

by their Atty. G. M. Reade.

No 2 March Term 1883
Road Docket

In the matter of the
Re-view of the Road
from Fubak Bridge to
School-House No. 2. in
Cambridge and Blackleigh
Townships.

Answer, to rule to show
cause.

Filed Jan'y 7. 1884
Robert C. Gates
Atty.

Reade.

To the Honorable the Judges of the Court
of Quarter Sessions of the Peace of
Cambria County.

We the undersigned appointed by
your Honors to review the road mentioned
in the annexed order do report that
having been duly sworn according
to law and due notice of the time
and place of meeting having been
given by written notices.

We met according to appointment
reviewed the said road commencing
near "Beulah Bridge" in Cambria Twp
and ending near "No 2" School House in
Blacklick Twp. The course and
distances given on the annexed plot
or draft. We find the same
unnecessary and burdensome to the inhab-
itants of the Townships of Cambria and
Blacklick. There being already three Town-
ship roads running nearly parallel within
a space of about two miles
Therefore we do not recommend the
opening of that part of said road
not already opened for public use

Witness our hands this 2nd day of April. 83.

Timothy K Davis

H. C. Evans

J. A. Shoemaker surveyor

1 day - 15 miles

1 " 10 "

2 " 6 "

To the Honorable the Judges of the Court
of Quarter Sessions, of Cambria County.

The petition of the undersigned, Respect-
fully Represent:

That viewers appointed, by this
Court, reported on 3rd Jan'y. 1883, that they had
"laid out, and returned for public use,
the following road, viz: beginning "at or
near the Beulah Bridge, in Cambria Town-
ship, and to end at a point, at or near
the No. 2 School House, on the Johnstown
Road in Blacklick Township" and that
the said road was necessary for public
use."

The petitioners therefore showing
that they are persons interested, pray the
Court to appoint three persons, qualific-
ed as aforesaid to review the ground
proposed for said road; and make re-
port of their proceedings, at the next
term of this Court.

And they will ever pray &c.
I J. Kankin }
John B. Johnson }
Chas. Linn }
Daniel W. James }
James B. }
R. H. Roberts }
Lincoln Roberts }
John W. Bickel }
Joseph Sumner }
Robert Walters }
John B. Daines }
G. H. Watne }
Wm. J. Hammond }
Luis J. Jones }
E. Humphreys }
Henry Walters }

H. A. Good

Joseph A. Bowers
Benjamin F. James

~~Benjamin J.~~

Benjamin James

Stephen - George

Abraham Byrd

W. C. Riblett

William Rogers

Alfred C. Cunniff

Howard Davis

David Davis

James Le Duncan

John J. Jones

Robert A. McKim

W. E. Williams

George Mack

David J. Jones

William M. Jones

David Williams

William Abaker

Thomas Burford

Harrison Burkhart

Joseph William X

Hugh B. Rees

John J. Rees X

John J. Evans

A. W. Rowland

John Ferguson

S. Wrenner X

Thomas Green

Frank Huffman

Enoch Reed

John W. Smith

Thomas M. Reese

William J. Rude

J. Duncan

W. Jackson

14th March 1883
Reviewers appointed, A. J. Shoemaker,
Timothy Davis, Howard Evans,
By the County

No 21 March Term 1883
Petition of citizens of
Cornwall and Okauchie
Township, and parts adjacent
for re-view of the public
road lately laid out begin-
ning at or near the Outlet-
Quays in Cornwall Town-
ship; and ending at a
point at or near the No. 2
School - Route in Black-
lick Township, back-
County.

Filed - March 5th 1883
John W. Bates
March 23, 1883 Order to
Review issued -

Recd.

Commonwealth of Pennsylvania,
County of Cambria } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria
held at Ebensburg in the said County, on the 14th day of
March A. D. 1883, before the Honorable the Judges of the same
court: Upon the petition of divers inhabitants of the townships of Cambria & Blacklick
in the said county, setting forth that ~~they labor under inconvenience for want of a~~

~~road or highway, to lead from~~
~~viewers appointed by the Court reported on 3rd Jan'y.~~
~~1883 that they had laid out and returned for public~~
~~use the following road viz: Beginning at a near~~
~~the Beulah Bridge in Cambria township, and to~~
~~end at a point at or near the No. 21 School House~~
~~on the Johnstown Road in Blacklick township~~

and ~~therefore~~ praying the court to appoint proper persons to review and lay out the
same according to law. The Court upon due consideration had of the premises, do
order and appoint, J. A. Shocmaked SURVEYOR,
and Timothy Davis and Howard Evans

VIEWERS, to view the ground proposed for said
road, and if they review 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:

John B. Gates
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."

John C. Gates Clerk

No. 2

March Term, 1883

Order to review a road. Laid out
 laid out beginning of a
 near the School House and
 Cambria township and ending
 at a point at or near the
 N. E. School House and
 Blacklick township
 Cambria County

Report of Viewers
 Filed June 4, 1883
 John C. Gates
 Clerk

Review Cert. June 20, 1883

John C. Gates
 75 of 2

"Read"

July 11, 1883 Continued
 By the Court John C. Gates Clerk
 19th July 1883 Confirmed nisi ordered
 to be opened 30 ft wide.
 Putterson
 14th Nov. 1883 Confirmed absolutely.
 Putterson

Courses & Distances

N. 13° W.	149 ft.
N. 2° E.	264 "
N. 12° E.	280 "
N. 2° W.	693 "
N. 45° W.	1089 "
N. 40° W.	1006 "
N. 38° W.	363 "
N. 12° W.	495 "
N. 21° W.	149 "
N. 12° W.	297 "
N. 57° W.	380 "
N. 67° W.	1336 "
N. 80° W.	380 "
N. 67° W.	182 "
N. 87° W.	297 "
S. 71° W.	215 "
S. 43° W.	462 "
S. 53° W.	477 "
S. 85° W.	198 "
N. 66° W.	133 "
* on old trap roads	
S. 56° W.	760 "
N. 69° W.	1551 "
N. 19° W.	264 "
N. 56° W.	1582 "
N. 52° W.	397 "
N. 37° W.	282 "
N. 20° W.	480 "
N. 15° W.	776 "
S. 85° W.	1155 "
N. 11° W.	660 "
N. 37° W.	479 "

This portion of road is not opened, and we do not recommend it to be opened -
 This portion is about opened and in effect it being a township road



