

P.O. # 3 Dec. 1885

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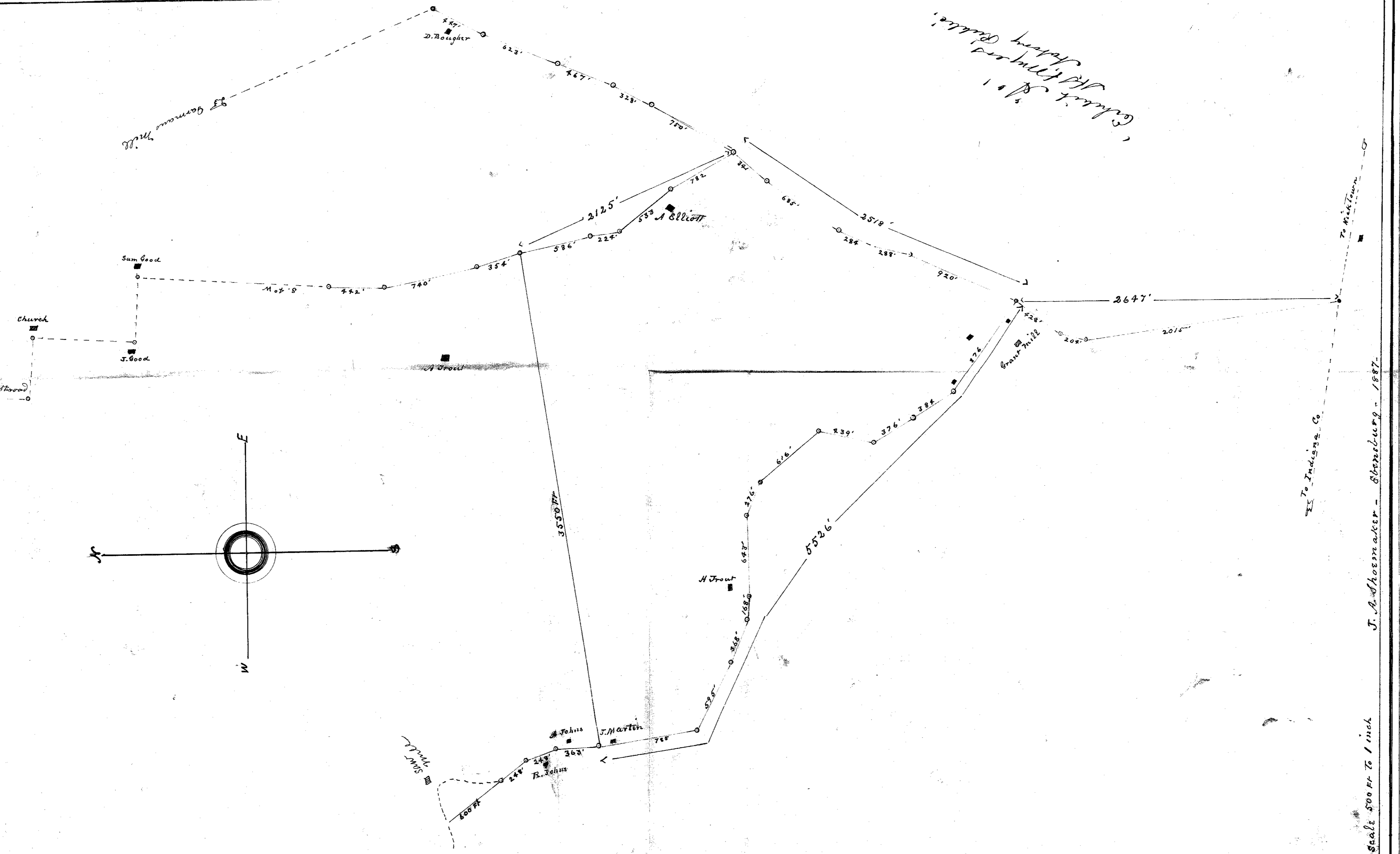
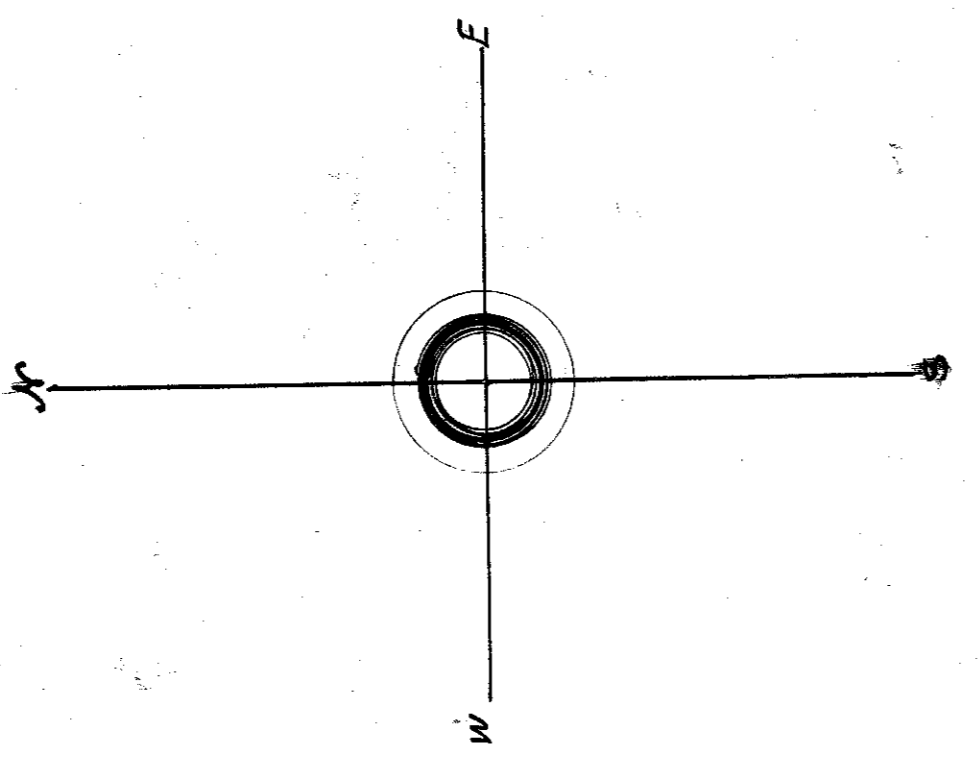


Chart of 1811  
John H. Johnson & Co. Surveyors



Scale 500 Ft. to 1 inch  
J. A. Shoemaker - Stoneburg - 1887.



See Road forming old route  
fact good  
Johns / dashed line  
225 Johns  
county line

Old fence

1/2 mi  
H. Jones  
Road

Exhibit "A"  
H. H. Myers  
Attorney Public

4030  
1940

Road in Green Township  
leading from Tabler  
road on land of George  
Elliott, to the Indiana  
County line

In the Court of Caucasia  
of the County of Caucasia  
of December Term, 1883  
No. 3 R. D.

DEPOSITION of witness taken before me this Nineteenth day of  
January, A. D. 1883, at Court Room in Court  
House in the Borough of Greensburg Pa  
between the hours of 9 o'clock A. M.  
and 11 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  
to wit: Road in Green Township leading from Tabler  
road on land of George Elliott to the Indiana  
County line

Defendant

Jeremiah Keith being produced, sworn and examined  
on the part of the Exponents & Respondent, doth depose and say:

My name is Jeremiah Keith; am — years of age;  
I reside in Green Township, Indiana Co. Pa. I am  
one of the Supervisors of that Township. I have  
traveled over the big part of this road as laid  
out by the review—that is the worst part of it.  
I know where the line is between Sam Jones  
and Sady Trout but don't know whether  
I have been along the line between Sheldon  
Trout and Sam Jones. The condition of the  
~~road~~ <sup>ending in the road</sup> of the proposed road, lead-  
ing up to past Sam Jones to the Interstate  
bed is very swampy ground. There is 35  
or 40 <sup>feet</sup> of this proposed road that is swampy.  
I don't know so much about the upper part  
of the road as I do the lower but think

"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 whom they are put, otherwise an exception will not in general be sustained."

it is not as necessary, I never took particular notice of that part of the road leading up past Alonzo Elliott; could not say how likely it is.

Ques: State what in your judgment would be the costs and expense of opening the road as laid out by the viewers from the river, road passing Alonzo Elliott to the Imp road leading up by Richards to ...

Ans: I would think it would cost the Township a thousand dollars to make that road.

Ques: State whether or not there is any necessity for opening a road as laid out by this view.

Ans: I would not suppose there was on that route there. They can't get the taxes to fix the road that is laid out.

Ques: State whether or not in your judgment there are not sufficient roads there now.

Ans: There is more roads there now than there is time to describe.

Ques: What parties in your judgment would be particularly benefited by this road, if any.  
Mr. Sechler objects that the witness is not a resident of the Co. and his knowledge is not sufficient to make him an expert as to the road, and that the advantages to particular parties cannot be set off against the use the public may require for the road.

Ans: I suppose it would be some benefit to Andy Grant and Alonzo Elliott.

if the road was made.

Ques: State whether or not in your judgment it would be of benefit to any other parties living over on the same side as Alonza Elliott.

Mr. Secher objects that the question is immaterial because the proposed road is intended to make a main thoroughfare, and not for private advantage except as land owners incidentally require the same.

Ans: Well I don't see as it would benefit very few of them.

Ques: State whether or not parties living on the Elliott side have Top. roads already laid out and opened over which they can travel to get over to the Top road leading up past Richard Johns.

Ans: They can by gaining around a mile and a half or a mile.

Ques: State what Top. road they could take to get across.

Ans: They could take the road past Baughen and the road about Grant Mill.

Ques: State whether or not the Baughen road starts from the Top road leading up past Alonza Elliott to Ticktown & connects with the Top road leading up about Richard Johns going in the same direction i.e. to Ticktown:

Ans: I believe it does.

Ques: How far would it be between the road as laid out by the newers and

to Baugher road.

Ans: About  $\frac{3}{4}$  of a mile.

Ques: State how much farther it would be for Alonza Elliott and other persons living on that side to travel by the way of the Baugher road to get on the Top road leading up past Richard Johns than across by the way of the road as laid out by the newiers.

Ans: I suppose it would be  $\frac{1}{2}$  or  $\frac{3}{4}$  mile farther to get to the road.

Ques: What would be the difference by going by the Baugher road to get to Markins store than taking the road as laid out by <sup>the</sup> newiers from Alonza Elliotts

Ans: I suppose it would read a mile and a half farther.

Ques: State whether or not you know of a private road running through Alonza Elliotts & Andrew Trauts over to the Top road.

Ans: They have a private road I believe.

Ques: State whether Alonza Elliott can get out to the Top roads by this private road.

Ans: He always has come out.

Ques: State whether or not you attended the sale of the real estate of Mrs. Eleanor Traut.

If so, state whether or not the Executor, Alonza Elliott, mistruated bidders and tempore in relation to certain privileges guaranteed to him by Michael Traut, <sup>a former owner</sup> and that the purchaser would be subject to those privileges.

Mr. Parker objects that the evidence sought to be adduced is immaterial and irrelevant that the rights of the public to a public road could not be affected by any arrangement between adjoining land owners, that the terms of the sale as fixed by the Judge's Court of Cambria Co. could not be changed by the Executor without authority from said Court, nor would any arrangement such as is alleged be binding on any one.

Ans: Yes sir:.... He said that any man who bought should have an outlet; it was the agreement between him and old Mr. Trust in his lifetime and he wished it to remain so. And that he, George Elliott, was to have an outlet through the same property.

Ques: State whether or not the Coyer repeated that before the sale as a part of the terms and conditions of the sale.

Ans: He did.

Ques: Do you know where that part of the road as located by the viewers from the Co. line down through the field of Richard Johns to the Prop road is.

Ans: Yes sir I know where it is.

Ques: State whether or not that is improved land where the proposed road runs through leading from the Co. line to Prop road.

Ans: Yes sir.

Ques: State what in your judgment would be the extent of the damage done

to Richard Johns, in case that portion of the road laid out by the menions would be opened.

Ans: I would consider the damage \$125- if it was mine.

Ques: State in what shape it would leave the field of Mr. Johns in case the road would be opened.

Ans: It would pretty near leave each side there cornered.

Ques: Do you know where the line is between Richard Johns and Dauglars

Ans: I do: yes.

Ques: State whether or not there is a public road in your Co. lately opened by order of Court leading from John Martin's store <sup>down</sup> ~~up~~ to the Co. line, and whether or not that is located on an old road.

Ans: Yes.

Ques: State whether or not that old road led <sup>from the County line</sup> out to the Twp. road leading up past Richard Johns

Ans: Yes.

Ques: State whether or not there could be an outlet from the terminus of the road leading from Martin's store to the County line from that point out to the Twp road along the line between Johns' & Dauglars'

Ans: Still there is pretty good grade there: steep.

Ques: State whether or not in your judgment a road could be built along that

line.

Ans: Yes it could be built it would be a middling steep grade

Ques: State what in your judgment would be the best route and the one that would do the least injury to private property to get from the County line out to the Top road leading up a part Richard Johns. Mr. Parker objects that the issue in this case for the Court, being between the view and the review and the Re-reviewers having reported adversely to any road it is immaterial whether a better road could be laid out than that laid out by the reviewers.

Ans: Along the line would do the least damage but would make a steep. The one that is there would suit the upper side better than to make it through Richard Johns field.

Cross examined by Mr. Parker.

I live about two miles from the point on the County line where the proposed road meets the Indiana Co. road. I was not along with either the reviewers or re-reviewers. Richard Johns showed me where the upper end was laid out. The men that own the ground told me where the road was laid out. Richard Johns told me where both ends of the road was laid out. Richard Johns & Aaron Johns told me where the road was laid out. I don't know where I was when they told me about the

road. I was on the ground when Richard  
Johns told me about his end of the road.  
I have not been over the ground since  
the news for the purpose of estimating  
what it would cost to open it. I have  
not been along the line of the road as laid  
out since the line between Aaron Johns  
and Richard Johns about six years  
ago. I have not been along the line between  
Aaron Johns and Hudson Grant since that  
time. I can't tell ~~now~~ when I was along  
the line between Andy and Hudson  
Grant

Ques: Then if this proposed road is on the  
line between J. D. Martin and Hudson Grant  
on the one side, and Aaron Johns and Andrew  
Grant, on the other, you are not acquainted  
with the ground.

Ans: Not on the upper end; It is the  
Elliott end I <sup>don't</sup> know.

I know the road up from the Top road  
as far as the Johns line runs. The road  
lately laid out in Indiania Co. runs to  
the Canby line where the proposed road  
meets said line. There is no way of  
getting from that point on the Indiania  
Co line to the road running past  
Richard Johns except by the proposed  
road. Since they have shut up the  
other roads this fall. Geo. Dauglar shut  
up the other roads. He closed up the  
road on his land. I'm going from <sup>Richard Johns to</sup> the Homestead

P.O. they use the road over Daughlans land the same road as they used before since the snow came. If this road was closed up permanently they would have to go the public road up past Lutes, or around by Hilleains' mill. It would be about three miles farther to go by way of Lutes than by using the proposed new road, and by way of Hilleains' about the same. The new road as laid out in Indiana Co. leads directly from the Co. line to the public road at J.D. Montain's store or Kimmills P.O.

Cross-examined by Mr. Secher.

Ques: Do you know the piece of land belonging to Richard Johns lying between the proposed road, the road to Indiana and the Indiana County line.

Ans: Yes I know that field.

Ques: What is that land worth per acre.

Mr. Evans objects for the reason that it is not a cross examination being a part of the petitioner's case in chief.

Ans: That's pretty hard for me to say what its worth. If I was selling land I would know what to answer but to cut a piece off that way I could not say. I have said what damage it would be to me but dont know what it would be to him.

I think there is from an acre and a quarter to an acre and a half, in that corner.

I dont think Johns owns any land below the Top road.

I dont see that this proposed road would be greatly traveled if opened, There would be some travel on it. There is no road but that there is some travel on it. I cant see how this road if opened would make an excellent route between these points. It would be convenient for some people.

Ques: Would it not be convenient and necessary for John Anderson, Lonnie Daughen John Fright, Samuel Good, Alonza Elliott, Jacob Good, Andrew Pruitt, Hudson Pruitt Aaron Johns and others.

Ans: It wouldnt be very convenient one that route. It would be for some of them.

Ques: Do not the parties named need a road about the the location of this vein (Mr. Enams objects for the reason; that it is not a cross examination)

Ans: I dont see that they need a road down through that swamp.

Ques: But they do need a road?

Ans: I claim that they do need a road to connect those two Top roads, from the Indiana Co line down to the Top road. They work on the Daughen road, as a public <sup>road</sup>, I dont know that it is laid out as a public road.

Ques: The private road you spoke of passes through Alonza Elliotts, Andrew Pruitt, and Aaron Johns and Geo. Daughens lands.

Ans: Yes. it passes through their lands as far as I heard.

I cant say who owns it, I believe George Elliott owns it and Andrew Grant I dont know what way Bangha turned, whether he goes that way or some other way, I have traveled it, if I am coming down across there. I would walk a road rather than go through a woods if I had one.

Jeremiah Keith

H. J. Krumenacker sworn.

I live in Bar Twp. I was one of the reviewers on a road leading from a point on land of George Elliott across to the Twp road leading up about Richard Johns. A part of the ground over which this road runs is very swampy. I should judge that about 40 or 50 rods of it is swampy. The swampy part is at the end of the road leading past Aaron ~~at~~ Johns to the County line.

Ques: State whether or not in your judgment the <sup>proposed</sup> road as laid out by the reviewers leading from the Twp road at George Elliott across to the Twp road leading up past Richard Johns is necessary for the use of the traveling public.

Ans: I think not.

Ques: State whether or not <sup>a sufficient number of</sup> roads <sup>are</sup> sufficient now opened and in use in the neighborhood of the proposed road to accommodate the people residing along the line of the Twp road leading

up past Alonza Elliotts

Ans: I think there are enough.

Ques: State what roads can be used by the people residing on that side to get across to the Trip road leading up a post Richard Johns

Ans: On that side? on what side.

Mr. Evans suggests "I mean on the Elliott side"

Ans: They can use the Baughen & Strickland road the road past Aaron Johns, westward with the at Grant mill, and that would be the route they would take to get across

(This erasure made before signing. At Myers Station)

Ques: State whether or not the Baughen road connects the road leading up a post Alonza Elliott, and the road leading up a post Richard Johns:

Ans: Yes sir it does.

Ques: State what is the distance between the Baughen road and the road as laid out by the viewers.

Ans: I judge it is near about a 1/2 mile more or less I did not measure it.

Ques: Then the Baughen road and the road laid out by the viewers are parallel

Ans: Yes sir very near it.

Ques: State whether or not the Trip road leading up past Alonza Elliotts connects with a Trip road leading up past Richard Johns out to Strickland.

Ans: It connects by the way of the Baughen road

Ques: State <sup>what</sup> <sup>is</sup> the condition of the public roads in your Twp.?

Mr. Secker objects to that as immaterial for the reason that this road is a necessity and the condition of other roads cannot effect it.

Ans: The hind part of the Twp they are very bad; the part in which this road is located.

Ques: State whether or not the tax levied for road purposes in your Twp. <sup>is</sup> sufficient to keep the public roads now opened and in use in good repair.?

Mr. Secker objects that it is immaterial for the reason that if roads have been granted that are <sup>not</sup> necessary or taxes unreasonably expended cannot effect this case.

Ans: They are not in the back part of the Twp.

Ques: State whether or not the ~~the~~ proposed road is in that part of the Twp that you call the back part.?

Ans: It is. That I call the back, <sup>part</sup> <sup>is</sup> under the supervision of Turno-

Ques: Your Twp is divided into two districts.?

Ans: Yes sir. and there are two supervisors.

Ques: State whether or not the tax levied and collected from property in each district is used in the district in which the roads lay and the tax collected.?

Ans: Yes sir; that's the work tax.

I went over the line of the proposed road as laid out by the surveyors from the Indiana Co. line over the land

of Richard Johns down to the public road.  
In case the proposed road is laid out  
by the survey is opened through the land  
of Richard Johns the damage <sup>I think</sup> would  
be about \$125 or \$150<sup>00</sup> if I owned the  
land. If the road is opened it would  
cross the field of Richard Johns in about  
the shape of a triangle, that is that part  
cut off. He might make a better field  
of the one on the other side than the one  
cut off.

Cross examined by Mr. Sehlen.

I live about 5 miles from the proposed  
road. Tick town is the principal village  
in the Twp. I live about two miles south  
east from tick town, The roads from  
tick town towards me lead one to Corral  
town and two to Ebensburg. This proposed  
road is about 3 miles north west of tick  
town, The proposed road would be a cross  
road from the Indiana Co. road to the  
Elletts road. I dont know that that part  
of the Twp get their mail at Kinnell  
P.O. in Indiana Co. I know all the roads  
in that part of the Twp. I dont know  
who owns the roads but I know the  
roads in Ben Twp. The Twp is divided  
from the road which leads from tick-  
town to Ebensburg, past Griffiths mill. <sup>ie</sup>  
The south end. ~~is~~ ~~separated~~ ~~by~~ ~~the~~ ~~road~~  
The <sup>other</sup> end; the road starts at tick town and  
leads to Mass creek or McAnulphys or the

1  
Luzque hauna Top line. The proposed road is on the north western end of the Top. There was one person elected Superior residing in that part of the Top both of the road from Stick town to William mill and that of the road from Stick town to McAnulty's but he did not serve.

This proposed road does not intersect the road dividing the Top for tax purposes, that is, does not reach McAnulty's.

I was one of the re-viewers, I did not see the petition for the re-view before it came to Court. I may have heard there was a petition for a re-view, I am not sure.

Hudson Trout had a petition against granting a view, I saw that, I think I signed that petition I am not certain but think I did. I don't know whether I advised any one else to sign that paper or not. I don't know of any other paper that Hudson Trout had. I don't know whether I knew of the petition for the re-view or not. I don't know that the paper I signed was a re-monstration against the road as laid out by Saulam, Gorman & Lutz, I read the paper and it was against the widening of this proposed new road. I may have expressed myself publicly against this new road before I was appointed a re-viewer. The paper that I signed was not filed in Court that I know of.

Re-examined by Mr. Evans.

The Baughen road is a public road.

Ques: State, if you did express yourself as being opposed to the opening out of the road as reported by the reviewers in this case you could have afterwards gone upon the ground having been sworn and then found that such road was necessary for public use you would have reported or been in favor of reporting that such road should be opened?

Mr. Seckler objects that it is surplusage the parties for the view not claiming that Mr. Krumenacker in giving an adverse report acted criminally; and immaterial.

Ans: Yes sir; certainly if I thought the road was needed I would have changed my mind.

Re. errors examined by Mr. Seckler.

The Baugher was opened as it was laid out by the reviewers, I don't know whether the road from Richard Johns to the Baugher road was opened upon the ground as located by the reviewers or not. H. J. Krumenacker

Jacob Good - Affirmed:

I reside in San Turk. My property adjoins the property of Alonza Elliott. I live upon the road that leads up a part Alonza Elliott.

Ques: State whether or not you have a road leading across from your road to the road running up past Richard Johns?

Ans: We have no near roads. We have to go up by Elliotts, the Baughen road and Grants mill. That's all the way we can go and that's not a good one.

I am acquainted with the ground of the <sup>proposed</sup> road as laid out by the vendors. There is plenty of the proposed road laid on swampy ground. I don't think the proposed road could be opened for less than \$1000<sup>00</sup> and make any kind of a road of it. I was at the sale of the real estate of Eleazar Trant. I heard the state ment made by Jeremiah Keith in his testimony in regard to the terms of sale in relation to a private road.

Ques: State whether or not the statement made by Mr. Keith on his examination in relation to notice <sup>given</sup> made at the time of the sale of the real estate of Eleazar Trant in regard to a private road is correct.<sup>s</sup>

Mr. Schler objects. First that it is hearsay evidence and second that it is immaterial.

Ans: Yes. He gave them good notice and warning before any body bought. That was the agreement ~~between~~ <sup>with</sup> old Mr. Trant before he died.

Ques: Do you know where the proposed road runs through Richards Johns field from the Indiana Co. line down to the Township road?<sup>s</sup>

Ans: Yes sir I do.

Richard Johns showed me where the proposed road runs through his field. I asked him to show me as I was coming up here and it would give me a little more of an idea about it. I think it is some where about 25 or 30 rods from the Indiana Co. line down to the Top road. I suppose the damage to Richard Johns, if this proposed road was opened, would be ~~about~~ <sup>about</sup> \$125 from about \$100 to \$125. I know where the line is between Douglas and Johns. I know where the road leading from Martin's Store to the Co. line strikes the Co. line; It is a pretty old road. The same road come out on the Top road leading up past Richard Johns. The old road from the Co. line up through the Douglas property to the Top road leading past Johns is used now. A road could be made along the line between Douglas and Richard Johns to intersect the road from the Co. line with the Top road leading up past Richard Johns, but it would be up a steep bank. John Martin has a farm down below Richard Johns farm. Cross examined by Mr. Seckler, I live about  $\frac{1}{4}$  of a mile from this proposed road, where it intersects with the Elliott road. I am acquainted with the farm of Richard Johns. There is a little

bit of Johns farm on the lower side of the  
Trap road. They showed me the line yes-  
terday. I dont know how many acres  
Mr. Johns farm contains: and dont  
know what he could get for it per  
acre. In fact I could not tell you  
what the corner cut off by this proposed  
road would be worth per acre. That  
part of the proposed road that is swampy  
crosses the Dutch run. The Elliott end  
is not quite so bad; it is up grade a good  
bit and there is a bad hollow to cross  
in Elliotts field. It would take the best  
part of the \$1000<sup>00</sup> to open up that part of  
the road across the swamp.

Conspicuous by Mr. Parker.

I signed the petition for a rev. view in this  
case. Hudson Trout brought it to me.  
There were bars erected by Daughlin across  
that road leading from the Indian Co. line  
down to the public road that passes Richard  
Johns. It was some time in chestnut time  
that these bars were put up, last fall.  
Up until the snow came people passing  
through these bars put them up after  
them. I did it myself. Mr. Daughlin  
told us we could go through until  
the snow would go off in the Spring  
if we would shut them up; then  
he was going to shut it up. Mr.  
Daughlin just cleared that land in  
the summer and fall. Before he cleared

the people went up... along the road,  
along the fence and along the woods.  
Ques: You have stated that the only road  
you have to go from the Elliott or Sully  
mill road to the public <sup>road</sup> passing Richard  
Johns is the Sawyer road. Now state  
whether or not you think it necessary  
that there should be a new public road  
to connect the Elliott road with the  
road running past Johns, and to  
connect that road with the Indian Co.  
line where the road from the Kennel  
P.O. comes in?

Ans: I don't care who it affronts or  
who it don't affront but I do say that we  
need a road, but I don't think it ought  
to be where this road is laid out, because  
where it is laid out it is no benefit to  
our side.

Ques: Where do you think it should  
be laid out.

Ans: I just think that a road up  
along Dan Long's line and Elliotts and  
mine. ~~That~~ ~~is~~ ~~not~~ ~~the~~ ~~best~~ I think it <sup>should</sup> ~~run~~  
along between Dan Long and Andrew  
Trout line on the other side of An-  
drew Trout. from from where it now  
is laid out. I think that if we  
get a road at all that that road would  
be a <sup>public</sup> necessity. Better not have a road  
at all than the one laid out. I could  
not tell you how far it would <sup>be</sup> from

the road I proposed to the one laid out  
about 60 to 80 rods I think.

Re-examined by Mr. Evans.

The road laid out by the reviewers is  
between the road I proposed and the  
Baughn road.

Nicktown, St. H. Myers Jacob <sup>his</sup> Good  
mark

J. A. Shoemaker sworn.

I was one of one of the re-viewers on this  
road. That part from the main road  
at Ellcatts down to the Troop road was  
pretty steep and part swampy. The eleva-  
tion of the proposed road would be a-  
bout 8°. There is a road at most  
parallel with this one about  $\frac{1}{2}$  or  $\frac{3}{4}$   
of a mile away. I noted in pencil the  
road leading up past the Grant mill,  
on the re-view;

Cross examined by Mr. Parker

The pencil marks were made since the  
report was handed in. It is <sup>is</sup> noted, that I know

of, usual for reviewers to take out reports  
out and sketch on them for the benefit  
of the learner. I am not sure that that  
speculating is exactly right. The last time

I was over the road leading past Grant  
mill was the day of the review. I went  
from Nicktown down past the mill. I have  
marked on the draft where I suppose Nick-  
town to be. Nick town is I think south east  
from Alonga Ellcatts. About the time we

Cross examined by Mr. Bishop

Cross examined by Mr. Parker

finished up this re-view it rained. I did not do any leveling to determine what the elevation of the road was. I thought at the time it was about 8°. ~~That shows~~ It's not so bad (the grade) from Alonza Elliott's to the Grants line, and from there it is a pretty steep hill until you strike the swamp. Some parts of this is 8°: it may hold it all the way down, some parts vary a little. In coming from Alonza Elliott's to Nicklown you go past Grants Mill. I did not take the bearing of the Indiana Co. line that day. I suppose the Indiana Co. line is about North and South nearly so. The parties who <sup>were</sup> with me the day of re-view ~~told me that~~ showed me a fence and told me that that was the Indiana Co. line. We ran to the fence or a little over. Just then a rain storm come up and we did not want to take the bearing of the Co. line. I knew nothing about the bearing of the Co. line. I could not tell whether the Co. line given on the draft has the right bearing or not. Ques: State whether or not the re-viewers when they agreed to report in favor of vacating the road as laid out by the receivers through Richard Johns land from the public road to the Indiana Co. line were under the impression that there was a public road connecting with the Indiana Co. line near to the point where the new road would connect with it.

Ans: As for the other viewers I could not say what their opinion was and as for myself I know that the road did not stop at the Co. line. I was of the impression that day and am yet that a public road we were on crossed the Indiana Co. line a short distance from where the new road was. The road twists there and I am not sure whether it crossed the Indiana Co. line or not. I <sup>know</sup> been over <sup>the</sup> road from Hick Linn Post Richard Johns to Martins store in Indiana Co. I dont know how far it is from Richards Johns to Martins store. I think after we came back on the day of review that Andrew Prant pointed out some road to Martins store I am not sure, I dont know whether that was the road I travelled over to Martins store or not. Parties there told me that where the proposed road stopped a road in Indiana Co. met it. I dont know of any one pointing out to me a by-road leading from the public road to the Indiana Co. line, <sup>from Richard Johns,</sup> He did not go farther north on the public road <sup>that</sup> the point where the proposed road leaves it. I was not on any road that day with a sharp ~~that~~ elbow or turn in it.

J. A. Shoemaker

David Long. Affirmed.

I live in San Twf. My neighbors are Mr. Andrew Prant, Mr. Good, George Elliott

I am acquainted <sup>with</sup> the road leading from  
Alonga Elliott over to the Top road  
leading up past Richard Johns as laid out  
by the surveyors. I know what they called  
the Baughen road. It runs past Douglas  
and leads to Stables mill. It runs from  
the Elliott to the Johns road. I suppose  
there would be <sup>1/3 or 1/4 of a</sup> mile difference between  
the Baughen road and the proposed road.  
There is part of the proposed road very  
swampy part is hilly and up grade  
and part flat so steep, nearly level.  
I can hardly say what it would cost to  
open this proposed road. I don't think  
it could be done for \$1000<sup>00</sup> and make  
a possible road out of it. We have very  
bad roads in that part of the Top. We have  
more roads now than the tops will keep  
in good repair. I know the ground over  
which the proposed road runs through  
the land of Richard Johns from the Co. line  
down to the Top road. I think that \$150<sup>00</sup>  
would be small enough damage for  
Mr. Johns if that proposed new road  
was opened. I suppose the distance from  
the Co. line down to the Top road over this  
proposed road is about 160 or 150 rods.  
The property of Mr. Johns through which the  
road runs is improved. The opening of this  
road would leave the field of Mr. Johns  
in two three square pieces. I am acquainted  
with the line between Douglas and Johns

I don't think that a road could be made along that line from where the proposed road strikes the Indiana Co. line down to the Trap road <sup>with any convenience</sup> it would be too steep. There is an old road that has been used for a number of years leading from where the proposed road strikes the Co. line out to the Trap road. That road has been used all along. I was at the sale of the real estate of Ellen Trout. Alonga Elliott is her Executor. I heard the conditions of sale at the time the property was sold. Mr. Elliott said that he wanted who ever would buy the property to understand that that road was to be left open between him and Mr. Trout. He said that that was the agreement with him and Mr. Trout in his lifetime, and he wished it to remain so. I don't recollect whether this announcement was made by the buyer at the sale or not, I think not. The announcement was made by Mr. Elliott himself just when the sale was opened. Cross examined by Mr. Parker.

The announcement was that there was an agreement between Alonga Elliott and Mr. Trout that each should go through the other's land. That road through there is considerably holed.

I should it myself some times. The Supervisors do not come to our neighborhood very often to work. The Supervisors generally live in the other end of the Trap. The roads

in the other end of the Trip are in pretty good repair as much as I have seen of them ~~about 1000 ft~~. There is part of that section of the Co. hills and part not so much so. I made no calculation in particular as to what it would cost to open this new road. I have had no experience in opening public roads i.e. as to the cost of it. I got my mail at Kimmel. I go the old road to the Post office, i.e. the old road I spoke of through Daugler's land. Since Mr Daugler cleared his land he has put bars across this road. If this road was closed up we would have no other road except around by Lutes. I suppose it would be a mile and a quarter further by Lutes. To go by the road you would have to go by Mr Daugler or to No. 17 School house. I suppose it would be a half a mile and a half from the road through Daugler to the ~~Post~~ School House. From the school house to Kimmel I think is about  $\frac{1}{2}$  a mile. I don't know how much it would cost to open the road through Richard Johns land because I know nothing about the cost of opening the road. There are stumps to be taken out where the road runs through Richard Johns. I was not there when the ~~the~~ <sup>road</sup> was run but was chained when it came in and went out of Johns land. I was not along with either the men or the view. I can't say whether a road has

them <sup>opened</sup> on the Indiana Co. side to connect with the proposed road or not? Let us know that they have worked on <sup>such a</sup> ~~these~~ road. I do know that it is open in Indiana Co. to the Co. line.

Re-examined by Mr. Evans:...

There has been a road open... on the Indiana Co. side ~~to connect with the~~ for a number of years. I understand that the road as viewed is on this old road. There has been a road there ever since I lived there about 21 years. There was a road ~~the~~ ~~road~~ which led out to the Trap road, but can't say whether it run on exactly the same ground; The road was moved when they moved the mill in there, to get a better grade.

Ques: State whether or not the road tax assessed against property in Pan Trap is worked out upon roads in the district in which the property is situated?

Ans: I believe they are.

Cross examined by Mr. Seckler.

There is some unincorporated lands in this part of Pan Trap. I can't tell you who collect the cash tax arising from unincorporated lands.

Ques: What you undertake to say is that so far as the taxes can be paid by work you have the same opportunity of paying in work on your own roads as other parts of the Trap?

Ans: Yes I believe we have. We have oppor-

trinity to pay it in work.

Ques: Do you know of any part of the cash tax of unseated lands or of the tax on seated lands paid in cash having been applied to the North Western portion of your Township; and if so state amount and by what Supervisor?

Ans: I know nothing about it.

My knowledge extends only to our opportunity to reap out our <sup>root</sup> tax. I know of some land tax paid in cash.

Be cross examined by Mr. Parker.

I meant that this old road was changed when they put in Roberts mill; they changed to to make a better grade, then Roberts mill was moved from the old seat to the new seat. This road was on the land of the parkis who were doing the sawing and owned the land and mill. Then parkis changed the road to get a better grade to haul their timber in. That was about 17 or 18 years ago. I know pretty near about when the Indiana Co. line is at that place. The change made in this road was in Indiana Co. I think, where it makes a turn there, it might be in Cambria Co. - As part of this old road, <sup>I spoke of</sup> lays in Cambria Co. This old road I spoke of as extending from the Indiana Co. line to the Pulp road is in Indiana Co. The part of this road that extends. And this is the end that they made when they moved their mill. Daniel Long

Jeremiah Keith recalled.  
(Draft shown witness)

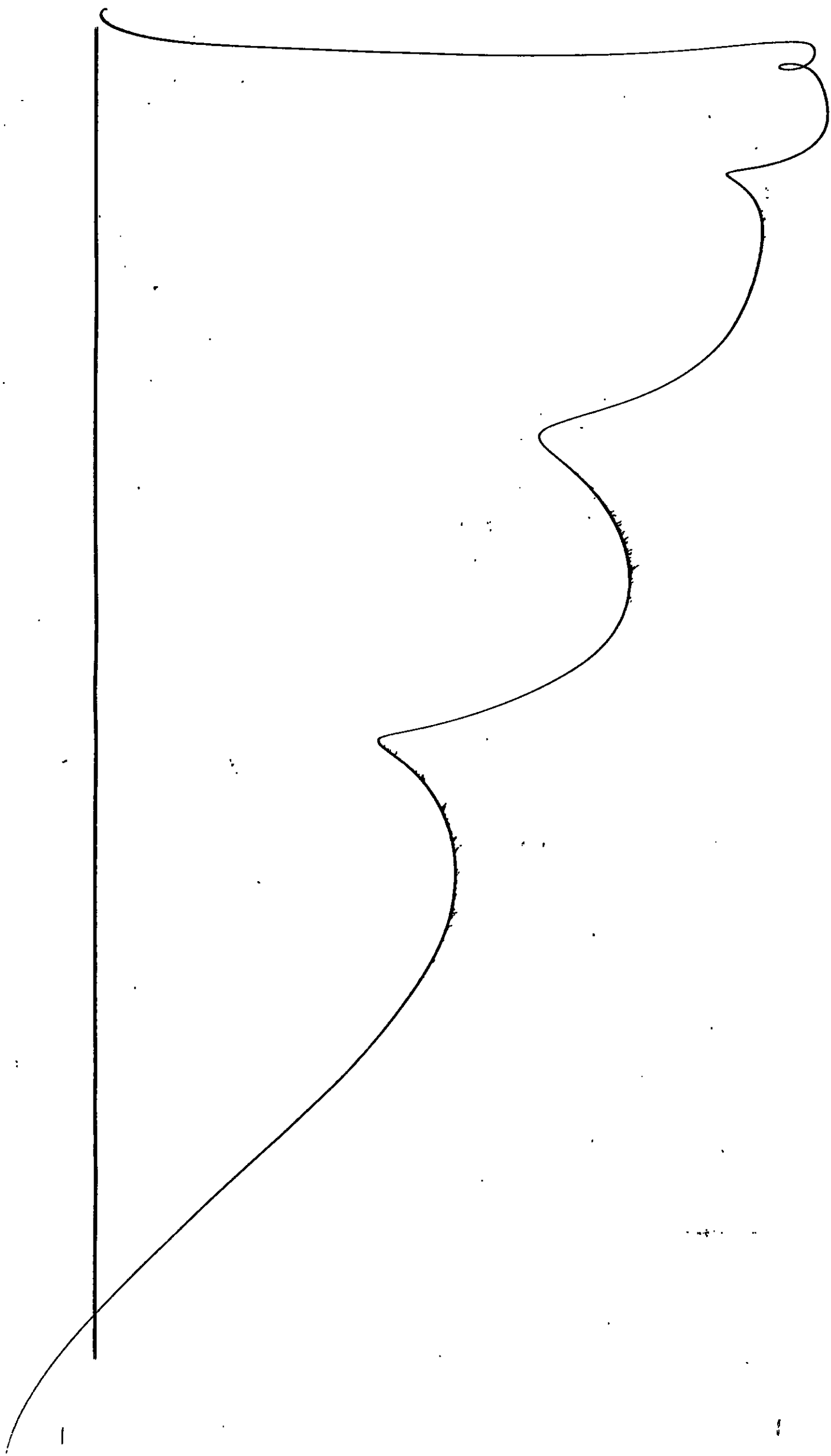
Question: Draft shown to witness and he is asked to state whether or not the same correctly represents the line between Richard Johns and Daughloss; the County line, the road leading from John Mosters store down to the County line; that portion of the proposed road leading from the Top road up to the Co. line; and the field of Richard Johns through which the proposed road passes.

Ans: It comes pretty close to it. It represents it very well according to my estimate.

Cross examined by Mr. Parker as to Draft. I did not make this draft. I was not present when it was made. I believe the words "Jacob Good" <sup>on the Draft</sup> represents where Mr. Good lives. I have put the letter "T" on the draft where I understand North to be. The Indiana Co. line at this place runs nearly North and South. I am a brother-in-law of Richard Johns.

Mr. Evans offers in evidence the draft identified by the witness, which is marked Exhibit "A".

Jeremiah Keith



Quarto Sessions

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

Of Dec Term, A. D. 1885, No. 3 Rd

Seckler  
Barker  
In the matter of the  
view and review of a  
road leading from Holtz  
road in Penn Township  
on land of Mingo Elliott  
to the Indiana County  
line

And now to-wit, the 11 day of January A. D. 1887

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 11 of Jan 1887

H. A. Shuman Prothonotary.



A. V. Barker, Esq, and Wm. H. Seckler, Esq, counsel for view in the above stated case.

Take Notice, That in pursuance of the above Rule the depositions of witnesses to be read in evidence on the hearing - of the above stated case - on part of the Exceptants will be taken at the ~~office of~~ Arbitration -

Room Court House, Ebensburg, Cambria Co., Pa, on Wednesday, the nineteenth day of January A. D. 1887, between the hours of nine o'clock, A. M., and eleven o'clock P. M., before W. H. Myers, Esq, 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.

Oliver Evans  
att'y for Exceptants,  
Jan'y 11th 1887.

No 3 Dec Term 1885 P.A.

Point in Dan Smalld  
easting from Betty  
road on land of Hango  
Blindly to the landowner  
County Lewis

Rule to take depositions  
on hand of Es respondents

January 11th 1887, served  
the within rule on A. B. B.  
-ter, Esq by Ranking him a  
true copy thereof.

Wm. C. C. C.  
Clerk of Court  
City and County of Lewis

Deane

STATE OF PENNSYLVANIA,

*Caubria* County, } SS:

I DO HEREBY CERTIFY, That the above witness *were* duly qualified and examined at the time and place stated in the above Caption; that the same was reduced to writing by me, in the presence of said witness and having been first read over to *them, they* subscribed *their* names thereto in my presence *and in the presence of Albin Evans Esq and A. V. Barker & H. H. Seckler, Esq* the Council present *\_\_\_\_\_*

Witness my hand and *Notarial* seal.

*H. H. Myers*  
Notary Public

No. 3 Dec. Term, 1885

2.9. *Richardson*

*James H. Kelly* made on behalf

of *Oliver Belmont & Co*

*vs*

*James Teasdale*

### Deposition

of Witness on part of *the*

*Respondent*

*James*

Fees for taking Deposition, \$ *11.60*

*Paid by James Teasdale*

Filed *March 7th 1887*

*W. H. Spencer*  
Prothonotary.

*James*  
Attorney.

In re of a road in Barr Township leading from Tubley road on land of Alonza Elliott to the Indiana County line

In the Court of Quarter Sessions of the County of Cambria Of December Term, 1885 No. 3 Road Docket

DEPOSITION of witness taken before me this 20th day of January, A. D. 1887, at Arbitration Room in Court House in Chambersburg Borough

between the hours of 8 o'clock A. M. and 11 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 to wit: A road in Barr Township leading from Tubley road on land of Alonza Elliott to Indiana County line

Defendant

Samuel Good being produced, sworn and examined on the part of the Petitioners for the road, doth depose and say:

My name is Samuel Good; am years of age;

I reside in Barr Twp. From one end of the proposed road I live, as near as I can tell, about 150 rods. The end next to Alonza Elliotts. I am acquainted with the ground over which the proposed road passes. I know where the line is between Aaron John and Andrew Trout on the one side and Hudson Trout and J.D. Martin on the other. Ques: State whether or not in your opinion it is necessary for the traveling public that there should be a public road opened to lead from the public road near Alonza Elliotts to the public road leading past Aaron and Richard Johns.

"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 whom they are put, otherwise an exception will not in general be sustained."

Ans: I think it is.

I think it is necessary for the traveling public that this proposed road through the land of Richard Johns be laid out, to get to the post office. If this public road was not opened the people living in this neighborhood would have to come back to what is called Grant mill, and then from that back to Roberts' old mill seat, to travel by a public road to ~~the~~ bring them to Arm Johns. If the road through Richard Johns field was not open they would have to come by way of the No 17 School House to get to Kinniel P.O. To get to Kinniel P.O. it would be about 3 or 3 1/2 miles further to go around by No. 17 School House than to go by the proposed road. I helped to move Roberts' mill from the first seat to the new seat. The purchase putting in this mill opened for their own special use a road up through Langlan's land. That was about 18 years ago as near as I can tell. A pair of bars has been put across this road lately. Part of the road leading down past Grant mill to the public road near Arm Johns was opened by Mr. Porter and part by the Prop. I believe there was no Prop road there when Mr. Porter opened this road.

Ques: For what purpose did Mr. Porter open this road and how long ago.

Mr. Evans objects for the reason that it is irrelevant and immaterial.

Ans: For his own use, I believe; for logging  
to his mill. I don't recollect how long ago.  
Ques: State whether or not there has been a  
view for a public road from Grants Mill  
to Lutes past Aaron Johns, since Mr. Parker  
opened that road.

Mr. Evans objects for the reason that the evi-  
dence now sought to be introduced is  
but secondary, that if there are such pro-  
ceedings in the Court of Quorum Terminus  
in this County for the purpose of opening  
from the points indicated in the question  
that would be the best and the only evi-  
dence.

Ans: Yes sir there was.

Part of the way, that road has been opened  
out as laid out by the newiers, and part  
of the way it has'nt. The public still  
use part of this road as laid out by  
Mr. Parker. They are compelled to use  
it to get down through there. I have helped  
to open two public roads in Tan Twp.  
To open this proposed new road through  
that swamp would cost I suppose  
about \$75 or \$100<sup>00</sup> to make it like our  
other new Twp roads in our Twp, and  
to ~~balance~~ open the balance of the road <sup>and</sup>  
make it like other <sup>new</sup> roads it would'nt  
cost over \$50 or \$60 at any rate. I am  
not including in my estimate the build-  
ing of fences.

Cross examined by Mr. Evans.

I live on the Alonza Elliott road. My property adjoins that of Jacob Good. I know of a private road leading from Alonza Elliotts over through Andrew Trauts and over to the public road leading past Richard Johns. It is not passable - a kind of a road - scarcely fit to ride horse back. I have no lumber to haul. The market to which our people generally haul their lumber is Eberesburg. That would be up past Hick town. To go to Hicktown from my place I would take what is called the Elliott road I believe. The Elliotts road lead into the Baughen or Gormans Mill road. It is the only outlet for it. The Baughen road intersects the road leading down from Richard Johns to Hicktown. There are several parts of the road leading past Richard Johns, where there are crooks, that are not public roads. The Twp. never straightened them. <sup>I mean</sup> The road leading past Richard Johns was not opened on exactly the same ground as laid out by the veiniers. The supervisors do not work as I know of on the road leading down past Richard Johns to where it intersects the Baughen road. I have stopped two of them myself. I said that Mr. Barker and the Twp both worked on part of that road from Richard Johns down to the Baughen road. There is a road leading past Richard Johns towards

kick claim that intersects with the Baughin road. The Supervisors have worked on that road in spots, some of it I don't think they ever worked on. They work on most the Twp roads in our section in spots, but they work a little every year. There are spots on that road that have never been worked upon since the road was laid out, except by Mr. Barker.

Ques: Shouldn't it be more convenient for the people on your side to have a public road, if a road is necessary, from that side at all, running down along the line between Alonza Elliott, Jacob Good, Andrew Grant and Daniel Long, to the Twp road, leading down past Richard Johns?

Mr. Barker objects that the receivers having reported in favor of a public road and having located one and the re-receivers having reported that it is unnecessary it is immaterial to the issue whether a more convenient road could have been laid out by the receivers.

Ans: It might be more convenient for me but I don't know as it would be for the rest of the neighbors that would use it. A road laid out along that line might be a more solid road than the one laid out by the receivers, <sup>but</sup> would not be able to get the grade at all I think. I suppose by looking around a little, and getting

off the line they might be able to get the  
grade, by cutting other people's land worse  
than Johns'. It would cut up worse  
than Richard Johns, <sup>Land</sup> Aaron Johns, Geo. Daugh-  
lass'. I think the land of Aaron Johns  
is on that side of the line, I would not  
be positive but think it is. I guess I am  
mistaken about Aaron Johns; the line  
would not strike him. This road along  
the line would not be convenient for  
Baughn, Feight, Elliott & Anderson. Baughn  
& Anderson & Feight do not live on the  
Elliott road: they live on the Baughn  
road. There is no <sup>Swiss</sup> road leading <sup>across</sup> from  
the Baughn road to the Elliott road. I  
say that opening this proposed road would  
lessen the distance for the people living on  
the Baughn road to get around to the  
Johns road. To go by the proposed road  
would be a mile and a half nearer.

Ques: State whether you pretend to say that  
it would be one and one half miles nearer  
for Anderson and Feight by traveling up  
the German Mill road until it intersects  
the Elliott road up to the point of the pro-  
posed road, down to the Swiss road pass-  
ing Richard Johns, than by traveling down  
the Baughn road to Grant mill and  
from that point up the Johns road where  
the proposed road intersects.

Ans: I suppose it will be some where near  
that, I never measured it, as near as I

can tell: I suppose it would be 3 or 3 $\frac{1}{2}$  miles from Richard Johns to Martins store by the Top roads. I suppose it would be a mile or more and a quarter from Richard Johns to Martins store by the proposed road. From my place to Martins store by the new road would be about 2 miles I suppose. From my place to Richard Johns on the new road would be about 1 mile or 1 $\frac{1}{4}$  miles I suppose. I never measured it. They call it 3 $\frac{1}{2}$  miles from my place to Hicktown. Part of the marketing comes up by Hicktown to Ebensburg and part - the small marketing - goes to Martins store, and part to Hicktown. The heavy marketing goes part to Ebensburg and part to Indiana. I mean by heavy marketing lumber and grain and by light marketing butter and eggs. They can go to Indiana by going up past Lutes, by going past Grant Mill and past Richard Johns. You do not have to pass Martins store going that way to Indiana, you turn off at No. 17 School House. What we call the Elliott road starts from the Indiana Co. line and leads to the Gorman mill road. There is no public in Indiana Co. which intersects with the Elliott road. It is a by-road left open by the mercy of two men. The road lately laid out from Martins store down to the Co. line was placed on an old road.

Ques: State if you can locate the old road

leading from Martins store down to the Co. line, the road upon which a view was had in Indiana Co and directed to be opened <sup>from</sup> from the Co. line along the same road out to the Pop road leading up past Richards Johns.

Mr. Barker object that it is immaterial whether the witnesses or any one else can now travel from the Indiana Co. line to the public road in this County unless it can be shown that he can do so over a public road.  
Ans: He can travel it down to the Co. line. There is a pair of bars there and I dont know whether Gen. Doylton allows them to be opened or not.

Those bars were placed there this fall some time. It was said this difficulty grew out of this road that those bars were shut up I believe. I did not go to Gen. Doylton and ask him to put up those bars. I dont remember that we ever talked about them more than that he said he had put a pair of bars up. I did not tell him that if he would put up bars that we would get a road down through Johns field. The distance down through Johns field from the County line along the proposed road would be 30 or 40 rods I believe. If that road is opened it will leave Mr. Johns field in a three cornered piece on each side of the road as near as I can tell. There <sup>are</sup> other ways that a pub

his road could be made than by the route  
as laid out by the neighbors. It would cost  
to open the proposed road and make it  
like our common Twp. roads about \$150 or  
\$160; some where along there. I mean to  
make the road so that you can travel  
through; not to make fences. I don't know  
exactly how many rods there are of that  
swampy part. Make 30 or 40 rods make  
not so much. I don't know what number  
of days it would take a team to haul  
stone to fill up that swamp. I don't  
think it needs stone.

Re-examined by Mr. Parker.

The swamp is caused by a spring <sup>run</sup> that  
comes from Andrew Trants, and Aaron  
Johns. Fox or three ~~spring~~s. After the  
timber was cut down there the trees shak-  
ed up the natural course of the water  
and spread it. I think it could be drained  
then to make a solid road bed without  
hauling stone. It would be about 1/2 mile  
nearer by the new road past Mortimer's Store  
to Indiana than by way of the No. 17 School  
House and Lutes. I don't <sup>think</sup> it would be quite  
so hilly by going by way of Mortimer's Store  
over the new road as it would be the  
other way. The most of the lumber from  
Flemming's mill goes to Indiana. I think  
the road from Flemming's mill up to Lutes  
is very bad in the fall hardly passable  
at all.

Re-examined by Mr. Erano.

All roads are bad in the fall but I think this is rather worse than the rest. Shingles are manufactured at Flemming mill. That's all that has been yet. I know of Andrew Trout and others hauling shingles from that mill to Ebensburg. The most of the shingles go to Indiana that I know of. I heard the most say that they were going to haul to Indiana. I don't know much about it. It is only hear-say. I don't know much about the mill. I heard John McFeater & Andrew Trout say that most of the shingles went to Indiana. I don't know that Tho<sup>s</sup> McFeater hauled most of his shingles to Ebensburg. I suppose he has hauled shingles to Hickman and Ebensburg. I couldn't say I never seen him. I know the exact point where the proposed road runs through this swampy ground. Erano not along with the viewers when the road was laid out. I know where the road is placed by the petition. Calling for a road on the line between Andrew Trout and Hudson Trout, J. D. Martin and Aaron Johns. Part of the timber that stopped up that water in the swamp was cut 20 years ago, part almost every year since. There was a swamp there before

any timber was cut down, but not increased  
so long. The land owned by J. D. Martin  
is fenced up but there is lots of brush  
and logs there yet. They ditched a little  
piece across the swamp and that got  
dry enough that cattle could feed on it.  
J. D. Martin farms part of the land, part  
is ~~too~~ swampy.

his  
Samuel X Good  
Mort

Adam Keith: Appraised.

I live on John D. Martin's farm in Pan  
Twp. I know where this proposed road  
runs through the swampy ground on  
the line between Sharon Twp. and J. D. Martin's  
farm of J. D. Martin's. I have recently  
drained a part of this swamp on Mr. Mar-  
tin's land.

Ques: State whether or not this swamp could  
be drained or ditched so that the ground  
would be firm enough for a public road  
without filling it in with stone.

Ans: Yes sir.

I could not, <sup>tell</sup> how much ditching it would  
take. I ditched about 20 rods I think.

It took me about a day or a day and a  
half to do it. The ditch I dug was to run  
the Spring run into the Dutch run. I drained  
this ground so that I could roll it up.

It made it sufficiently dry to roll it. I can  
hardly tell how many days it would take  
to drain this dry enough for the road to  
be built: about 6 or 7 <sup>or 8</sup> I suppose, for one

man, about that I can't tell exactly, the  
cause of this swamp was, the cutting of  
the timber; the tops of trees falling in shut  
up the run and spread it out.

Errors examined by The drawing I did  
was before the view was held on this road.  
Errors examined by Mr. Erans.

I am Mr. Martin's tenant, He keeps a store  
over in Indiana Co. I have lived on his  
place a little over two years. I was  
raised just handy there but had been  
away; it is about 3 yrs since I came back  
I was raised about two miles from there.  
There was a swamp along this line ever  
since I came there. I was not very  
much acquainted with this ground  
before I came there - not an awful sight,  
I was through there before I came there.

As for as I know, there has always  
been a swamp there. I made the drawing  
I spoke of before the view was had. It  
was some time last fall that the view  
was held. No person talked to me about  
the amount of work it would take to  
do this draining for the road. Mr. Martin  
did not speak to me about it, that  
is, not more than the other people; it had  
been talked about all around the neigh-  
borhood... There has been some talk amongst  
the neighbors about the cost of opening  
this road. I told no body till I told  
it here. that the draining could be

done in 6 or 7 days. You could not  
make a passable road there by just  
draining there would have to be some  
work done. I think there could be a road  
made without stone. You could make  
a passable road without stone as good  
as the general road. I suppose you  
would have to throw in brush and  
logs and make a kind of a corduroy  
road. I have had no experience in build-  
ing roads. I know where the road is laid  
out across Richard Johns field. If that  
road it opened out it will be much  
more convenient for Mr. Morton to get  
from his store to his farm.

Re-examined by Mr. Parker

There is a great deal of timber from  
Cambria Co. to Mortons store. I think it  
was two years this last fall since this  
ditch I spoke of was dug.

Re-cross examined by Mr. Evans.

The ditch I dug was about 70 ft <sup>in</sup> or near  
a foot wide and about 50 in depth  
and some places deeper. There is no  
trap road around to Mortons store from  
Richard Johns except by No. 17 school  
house or down by Williams mill.  
There are two trap roads you could go  
get to Mortons store from Richard Johns  
by going round. Adam Keith

Alonga Elliott sworn.

I live in San Pulp. I was along with both viewers and re-viewers on this road. I think that this road is necessary for the public. There is a good bit of travel from my neighborhood into Indiana Co. towards Martins Store. I think there is more travel from <sup>the</sup> neighborhood of Rechar John <sup>from other places</sup> than what comes from my neighborhood. There is people coming from Indiana Co. into this Co. that travel this road. Kemmel or Martins Store is my nearest Postoffice. Near all my neighbors get their mail at Kemmel. — The Gools — Jacob, Sr., Samuel Good, Tom Braker, Jos. Elliott, get their mail there. Daniel Kalleger gets ~~off~~ his mail there. I think Andrew Trout and Aaron Johns get their mail there. I think it is the nearest Post office to the persons I have named. There is no <sup>private</sup> road <sup>by the Grant</sup> ~~in~~ or road that has been laid out, and used that runs through mine and Trout and Aaron Johns land. Mr. Trout and myself have been letting people go through our land. There is a good deal of travel across that way. There are bars across this road on Aaron Johns land. There is no agreement in writing ~~which~~ <sup>which</sup> permitting these parties to <sup>go through</sup> use <sup>the</sup> land. <sup>the</sup> Other parties beside the owners of the land go through this land.

Ques: State whether or not you have

been prevented by the other parties own-  
ing these lands from crossing them.

Ans: They never prevented me from go-  
ing cross a-foot but they prevented me  
from going with a team. There was  
trees across the road. No person ever  
forbid me to go across this road, but  
there were trees across it which prevented  
me from using a team. This road running  
through my land is open on the public  
road running past my place. It would  
cost \$150 dollars to open the proposed road  
and make it as good as the road that  
runs past Grant mill. By the Grant mill  
road I mean the road that runs past  
Aam Johns and Hudson Grant.

Cross examined by Mr. Evans.

I dont hardly mind what kind of weather  
we had last August, but believe it was  
middling dry. I have not been a Superin-  
tor in our Twp. I have had some exper-  
ience in opening and building Twp.  
roads, not very much. The proposed  
road cross from my place to the Twp  
road that leads up to Richard Johns,  
would be necessary and convenient.  
It would be convenient to Mr. Good  
Jacob Good, Samuel Good, David Sawyer  
and I think it would be convenient  
to John Anderson. It would be conve-  
nient to myself, Andrew Grant, and  
I think it would be to John Feight

I dont know whether they would think it necessary or not but I think it would be a little to their interest. I would say it was necessary for some of them; It would be necessary for all the Goods and myself. They have been going through my land and Trout to reach the Trip road by Richard Johns. By my good will they go that way; - by my letting them go. I have driven my team through there; not the past year, through Aaron Johns; I went around by the woods. Other parties have driven their teams through there. I have hauled shingle on the Aaron Johns road up to Heid. Trout. As long as other parties keep the road through my land open it is open for public travel. The bargain I made with Michael Trout was that as long as he would let me down through, I would let him out. The same property afterwards became vested in Eleanor Trout by a will of Michael Trout. I was the Executor of Eleanor Trout. As such Executor I sold that property. I think the arrangement I made at that sale was, as long as they would let me through I would let them through.

Ques: Didnt you announce upon the day of the sale of the Eleanor Trout

property at the opening of such sale that you desired to have it understood that whosoever would become the purchaser of that property they would buy it, subject to an agreement which you had with Michael Trant in his lifetime in regard to leaving the private road open for the use of yourself and others.?

Ans: <sup>1st</sup> I think that I announced there on the day of the sale, that they could have a way out there as long they could give me a way through so I could get across and I think I said that if they shut me up I would shut it. I made the bargain with Andrew Trant, the purchaser, long before the sale and before his mother died, the same as I made with his father. I made the bargain with him long before he owned the property because he was living there. I did not expect Andrew Trant to be the purchaser. <sup>Mr. Good</sup> Good, Jacob Good, Samuel Good and myself can get up to the Truh road leading past Richard Johns on Truh roads by going round. It would be as far again to go round by the Truh road to get to where the proposed road intersect the Truh road leading up past Richard Johns, as to go over the proposed road. The length of the proposed

road is 210 rods across. Mr. Baugher  
John Anderson and John Fright <sup>would have to</sup> ~~could~~  
go up the road past my house to reach  
Richard Johns. They dont live on the same  
road I do. They would have to travel the  
Baugher road past Grant mill to reach  
Hudson Trouts. The Baugher road is not  
far from my place but does not go past  
it. The Baugher road connects the road  
leading up past my place with the  
road leading past Richard Johns.

The Baugher road does not run parallel  
with the proposed road, I dont think it  
does. I dont think they run nearly parallel  
They run in different directions. The road  
that runs up past Richard Johns is the  
road I understood to be the Grant mill  
road. The proposed road runs across from  
my road to the Richard Johns road. The  
Baugher road connects the the Johns road  
with my road.

Ques: State whether or not the Baugher road  
connecting the Trip road leading past your  
place, and the Grant mill or Richard  
Johns road runs parallel with or  
nearly so, the road laid out by the  
commissioners through your property across  
to the <sup>Grant mill or Richard Johns</sup> Trip road?

Ans: I would say that they did not.  
There are so many roads there that I dont  
know which it is. Mr. Baugher &  
Fright could get to Richard Johns

without passing my place by going  
by way of Grant mill. It is not  
as convenient to go to Micktown from  
my place as to go to Martin store. I  
could hardly tell the difference in the  
distance unless I would think it out.  
I would say it would be  $\frac{1}{2}$  a mile  
farther to Micktown than to <sup>go to</sup> Martins from  
my place. I carry my marketing to  
Martins. I have no lumber but I take  
most of my grain there of late years. I  
know that the people I named get their  
mail at Kinnits because I have brought  
mail for them. I could not say if  
they also get mail at Micktown. I  
dont live on the Grant mill and Richard  
Johns road. I can not see the road  
from my house. I know there is more  
travel on that road than to Martins.  
than on my road because I have  
seen them when I would be on the  
road. The people I would see would  
not come down the Gaucher road. It  
was when I was out on that road  
that I could see. They would come  
in from Micktown and from <sup>what</sup> is called  
N. G. on the Indiana side. I dont know  
whether people would come down from  
Micktown to deal at Martins store or not.  
The people coming from Lutos School House  
to Micktown, would travel past Martins  
store and Williams mill. I dont

think that the road past Richard Johns  
would be convenient much any way.  
People travel both ways; come in  
part one very often to Stricktown. They  
have three ways of getting from Lutes  
to Stricktown but they are three ways  
that come into one. I know the road  
lately viewed and opened in Indiana  
Co. from Martins Store down to the Co. line.  
It is laid on an old road. That road  
run right through to the Cook road lead-  
ing up a spot Richard Johns. The this  
road is traveled now. I know where  
the proposed road is laid through the  
field of Richard Johns down from the  
Co. line to the Cook road. If that road  
is opened it will leave Mr. Richard  
Johns field in a three cornered piece.  
The way he has the field fenced now  
it would make a three cornered piece  
on back sides of the road. I had no  
conversation with Geo. Langton about  
putting up bars on the old road. I ~~spoke~~<sup>was talking</sup> to  
John Anderson about this road and  
<sup>told him</sup> a road down on the line between me  
and Jacob Good would be a little  
handier for him and Fright than it  
is where it is now laid out. I said  
it wouldn't be so handy for me and  
Andy Grant. The proposed road would  
be specially convenient for me and  
Andy Grant.

Re-examined by Mr. Parker.

I have lived when I do now for 16 yrs  
I think. It is about 2 1/2 miles from  
my place to Hicktown. When I said  
that it would be a half mile farther  
to Hicktown post office than to Kesimel  
I was calculating on using the road  
down through my land and Andrew  
Trant's land to the Johns road, and  
then from there up the road through  
Daughers' land.

Re-cross examined by Mr. Evans.

I mean, if these roads are open,  
George S. Elliott

Andrew Trant sworn.

I was along with both the viewers and  
re-viewers in this case. The viewers meas-  
ured the distance from the Indiana Co line  
to Martins Store on the road as laid out  
in Indiana Co. The distance was a fraction  
over half a mile, either a rod or a rod &  
a half. Martins store is on the public  
road leading from Strongstown to Cherry  
tree. There is considerable ground from that  
neighborhood of Horn & Richard Johns in this  
Co. to the stone of Martin in Indiana Co.  
Ques: State what conversation you heard of  
any between Hudson Trant and the re-view-  
ers, Mr. Shamerkin, Mr. Fresh and Mr. Kru-  
menacher in regard to the public already  
having a road to connect the public

road near Richard Johns with the Indiana  
Co. line at the point where the road laid  
out from Moshins connects with it.  
Mr. Evans objects for the reason that it  
is irrelevant and immaterial that the  
Re-viewers have returned to the Court of  
Quartz Decisions their report in which  
they find that the road laid out under  
the view is unnecessary and inconve-  
nient and that conversations had between  
the parties at that time would be merged  
in the report of their findings and returned  
Ans: When we got on the Richard Johns road  
about four or five hours John's born Hudson  
Trant showed the Re-viewers a road  
down past my house to Aaron Johns born  
later than that we didn't <sup>need</sup> no other road -  
we had a road there. Then when we got  
up to the top of the hill, the Indiana Co.  
line, he showed them another by road  
that leads through clay low fields, that  
is now shut up, and told them that  
that road was sufficient without  
going through Richard Johns' field.  
Ques: Did you hear either Mr. Shammuck  
or... That is about all the conversation  
I heard between them.

Mr. Shammuck said he saw the road  
when he showed it to him. I know  
when this swampy ground is on the  
proposed road. The swamp is caused  
by a spring run that goes from my

place known to that swamp, and  
some other springs off Aaron Johns land.  
There has been trees, timber, cut in the  
swamp & caused it to shut up the  
natural course. That swamp could  
be drained into Dulich run, I think  
it could be so drained that a public  
road could be built that would  
be solid with out stonning it. I suppose  
\$100 ought to make the bridge and  
the road cross the swamp in a passable  
condition. I mean make it like our <sup>new</sup> Twp  
roads are in Bon Twp. To open the balance  
of the road and make it in the same con-  
dition would cost from \$25, \$30 or \$35.  
I wouldn't know.

Cross. Examined by Mr. Evans.

I made no answer when Hudson Grant  
took the me. re-viewers of the road  
running down past my place, but  
when he took them about the road  
from the Co. up to the Twp. road,  
I told them that it wasn't a Twp road.  
Shumaker told me he thought it was.  
I told him it was not. He said he had  
always understood that it was. It was  
after they had run over the route that  
the rain storm come up. A rain storm  
come up and we run to shelter after  
it slacked a little we all started home.  
Shumaker went past my place. I stopped  
him at my barn. The weather had been

dry up to that time. I was not carrying  
the chain at the re-survey. There is a Twp  
road leading up past Johns by way of  
Lute and the 17 School House. The Twp  
road past Martins store runs past the  
School House. There is not an open  
road from Martins store to the Co. line  
and then to the Twp. road. There is to  
the Co. line. Daugler has cleared the  
ground there and fenced it up. There  
is a pair of bars there. He told me he  
was going to put bars there. I did not  
tell him that by putting the bars there  
that we would be able to get a road  
down through Johns field. He talked  
about the bars and I asked him how  
he expected us to get out our chumps  
and lumber up through there if he  
shut it up. Up from Flemmings Mill  
right below there, He says, says he, by  
permission from him, He says, I wont be  
hard with you, if you kick <sup>the bars</sup> up after  
you. I did not urge him to close that  
road I told him I did not care how  
soon he closed it if we had an lumber  
up, and another outlet. There could  
be an outlet without going down  
through Johns field. In case that road  
is opened it would leave a small  
three cornered piece of Mr Johns field  
cut off. The way the fence is at present  
it would make two three cornered

pieces, I have a road way now through  
the property of Elliott out to the Top road.  
I told the receiver that both Mr. Mc-  
Kin and myself had agreed to work  
a week on that swamp free. I have  
lived in that neighborhood for 25 years.  
The grand of <sup>born</sup> Peckham John was not  
so swamps when I first knew it, not  
as much as since they have logged across  
it; since they have cut the timber the  
logs stopped up the natural course of  
the water. The Dutch men passed through  
the swamp. I believe they did float  
some logs down that stream. That  
is not the stream that is closed up now.  
<sup>Part of</sup> The swamp has grown worse since 20  
yrs ago. The logging was done there in  
the neighborhood of 20 yrs ago. There has  
been a little change since that time.  
The swamp is not now as bad as  
it was 20 yrs ago. Part of the swamp  
has been drained by Adam Keith  
which is better since the drain. The draining  
by Adam Keith was before this road  
was made. One part of the swamp  
is better than it was 20 yrs ago and  
part is worse. The part that is worse  
was made so by cutting the timber  
down and stopping the natural course  
of the water. The sun would not have  
a much better opportunity to strike the  
ground <sup>because</sup> when it is covered over

with logs and brush. I dont know  
as the cutting down of large timber  
about springs lessens the stream.  
I dont know as the rays of the sun  
on a spring not shaded by timber  
has the effect of drying it up or  
lessening the stream. I say that this  
swamp is made worse by the timber  
lying down and stopping up the  
natural courses of the water. The  
ground in that swamp is naturally  
swampy, sandy, ground. I have never  
been Supervisor in Pan Twp. I have  
helped to build and built bridges.  
The Twp roads in our section are  
pretty bad roads. Andrew Trout

Quarto Session

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

Of Dec Term, A. D. 1885, No. 3 R. 10

*Banker for view*  
In the matter of the view and review of road leading from Botley road in Barr Forge on land of Alonzo Elliott to the Indiana Co line  
*Evans*  
and exceptions

And now to-wit, the 14 day of January A. D. 1887

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

Cambria County, ss.

Extract from the Record of said Court. Certified

the 14 of January 1887

*H. A. Shrock* Prothonotary.



To The Exceptants in above case or Alvin Evans Esq. Their Attorney. -

Take Notice, That in pursuance of the above Rule the depositions of witnesses to be read in evidence on the *hearing* of the above stated *case* on part of the *Petitioners for view* will be taken at the ~~office of~~ *Arbitration* Room, Court House, Ebensburg Pa. on *Thursday*, the *20<sup>th</sup>* day of *January* A. D. 1887, between the hours of *8* o'clock, A. M., and *11* o'clock P. M., before *H. H. Myers* Esq. a Notary Public in and for said *Per. Co. 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.

*W. Seeler*

*W. Baker*  
*Attys for View*

No 3 December Term 1857  
Rouse & Son vs

In the matter of the river  
and course of road  
leading from Lottery  
road in Pine Bluff  
on land of George  
Blount to the Indians  
County line

vs  
George Blount

January, 14, 1857, removed in  
Albion Evans, Esq. by George  
Evans a copy. — A. H. Parker  
Pul. to take depositions  
on part of Rouse & Son

Parker

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STATE OF PENNSYLVANIA,

*Cambria* County,

} ss:

I DO HEREBY CERTIFY, That the above witnesses were duly qualified and examined at the time and place stated in the above Caption; that the same was reduced to writing by me, in the presence of said witness and having been first read over to them, they subscribed their names thereto in my presence and in the presence of *St. Barker Esq. & William H. Seehle Esq. Atty. for the Petitioners* *for road* and *Alvin Evans Esq. Atty. for the Respondent*

Witness my hand and *Nataniel* seal.

*H. H. Myers*  
Notary Public

No. 3 Dec. Term, 1885  
R. D.

Read in Court  
to be read from the  
book on hand of  
Allyn. Be with it the  
Attorney Gen. Lane

## Deposition

of Witnesses on part of  
Debitors for Sears

Fees for taking Deposition, \$ 10 40

Paid by Mr. [unclear]

Filed April 7th 1887

W. H. [unclear]  
Prothonotary.

Attorney.





to Hicktown. I have noted on the draft a portion of the road leading to Lorman Mill. That is the road that passes up by Dr. Baughers place. The road running past Alonza Elliotts on the draft is the Elliott road. The red line with the figures 3500 ft. represents the proposed road. The figures found with the red line indicate the number of feet from one end to the other. The roads were chained out as far as they are full lines on the draft. We did not chain the dotted lines as marked on the draft. The dotted line on the West side of the draft represents the old road running round by the saw mill.

Cross examined by Mr. Sechler.

I ran the road across Mr. Johns field at the Re-view. I measured it again when I was making the draft.

Re-examined by Mr. Evans.

I had my leveling instrument with me when I did this surveying. They are instruments for that particular purpose. They were regular Rail Road leveling instruments. I have had some experience in the matter of surveying rail roads. I have been engaged in civil engineering and work of that class for several years. I used my leveling instruments on this proposed road for the purpose of ascertaining the grade. I made draft of the work I did at that time showing the elevation and

degrees of said road. (Draft shown with-  
ness) That is the draft I made. The  
work I did at that time was accurately  
done. The draft represents the whole of  
the proposed road from the <sup>one</sup> Pop road  
to the other. I took the elevation at intervals  
of every 50 ft. The elevations run from  
nothing up to 10°. At one point there  
is a rise of 9 ft in ~~every~~ <sup>grade</sup> 50 ft. and that  
would make an ~~elevation~~ <sup>grade</sup> of about 10 degrees.  
I have noted the number of degrees in  
the elevation at intervals along the road  
on draft. The elevation of the road around  
by the Saw Mill varied from five to  
eight degrees. The elevation of the <sup>road</sup> proposed  
from the Pop road across Richard Johns  
field to the Co line varied from 5 to 7 degrees.  
There is six hundred and fifty feet of the  
proposed road through the swamp.

(Draft offered in evidence and marked  
Exhibit B.) Different men carried the  
chain for me while making this survey -  
Mr. Joe Elliott, Mr. Grant, & Mr. Richard Johns.  
Mr. James Murray carried the level rod.  
I could see whether or not Mr. Murray  
did his work correctly. I made it my  
business to see that it was done correctly.  
Cross examined by Mr. Sebler.

The heavy ruled lines on draft are 500 ft  
apart, that is the ~~horizontal~~ <sup>horizontal</sup> lines. The ~~heavy~~  
i.e. the ones running perpendicular. The  
heavy lines running horizontally are

5 ft apart. By making my stations more  
or further apart might have changed my  
elevations a little. The stations are just  
5 ft apart. It would require considerable  
grading to make the road where I have  
marked ten degrees. By grading where  
the elevation is marked ten degrees and  
filling in where it is marked 7 degrees  
would not reduce the grade to 5 degrees.  
It would take considerable grading there  
to reduce it to 5 degrees. It would  
take five feet of a cut. By cutting off  
the top and filling in the depression  
would reduce the elevation. It would  
be almost impossible to cut it down  
so as to reach <sup>a lawful road</sup> ~~the~~ I mean by  
a lawful road a road of 5 degrees.

The ravine marked on draft, is about  
800 ft <sup>across</sup>, taking it down lower it would  
be only 100 ft. There is a considerable  
of a raise ~~that~~ on each side that could be  
used to fill up the ravine. I think Mr.  
Alonzo Elliott was not with us when  
this survey was made. I am sure he  
was not. He was there the first time. I  
don't remember whether Mr. Elliott said  
at that time that he would fill up the  
ravine at his own expense with stone.  
He could easily do it. He has plenty  
of stone there. I did this work as if  
carefully as if I was <sup>making a preliminary survey for</sup> ~~to~~ a rail  
road.

Ques: Applying the same test that you have  
to this proposed road to an ordinary Park  
roads would not most of them have  
elevations exceeding five degrees.

Ans: Mr. Evans objects that it is not a cross  
examination,

Ans: I never had occasion to test one.  
My judgment about this road was not  
very good I did not think it would  
exceed 7 degrees, there are some other  
roads in the Co. that exceed 5 degrees,  
I could not say how many. I have  
traveled the road from Doughers to  
Lorris, Mills but not lately, I don't  
know any thing about the elevation  
of that road. But as for as we survey-  
ed the road it was good not more  
than a degree or so. In going from here  
to Mottam by Evans mill, there are  
parts that might exceed 5 degrees.  
There may be some parts on the South  
road that would exceed 5 degrees.

Ques: Excepting the stone pike and the  
old plank road to Helmsboro do you know  
of any public road leading from Ebens  
less a distance of ten miles in which  
there are no elevations exceeding 5 degrees.

Ans: This matter of grade is very deceiving.  
You can be deceived very easily. It's  
a pretty hard question to answer. I can't  
answer that you could be deceived  
so very easily, I don't <sup>know</sup> that that the road

around by the saw mill was closed up. The road through Mr. Johns field runs up as high as 7 degrees. At the part where I found 7 degrees there was a narrow depression. It could be filled up. To fill that up would not reduce the degree very much. It would reduce it a little. I did not make the road on draft of any width. The lines do not so indicate.

J. A. Shoemaker

Henry Hopple. sworn.

I reside in Dan Twp. I am acquainted with what is known as the Gormans Mill pond in Dan Twp. I am acquainted with the road leading up past Alonza Elliotts to the Good settlement. I am acquainted with the Twp road leading past Grant Melles to the Co. line. I know where John Martins farm is. I know where Andrew Trout lives. I know near about where the the proposed road from Alonza Elliott to the Johns farm is located. I dont know the exact survey. I think there is no necessity for another road <sup>there</sup>. I think they have too many already. Cross examined by Mr. Sebler.

The road leading past Alonza Elliotts leads to Gormans Mill, by going around. It is not the Gormans Mill road. I dont know that the people travel this road

on account of the Gauger hill.

I dont know when the Grant Mill road was made a public road. I wagoned in there before Grant Mill was there. I dont know whether the Grant Mill road was laid out on the ground on which it was located or not. I dont ~~suppose that it would be a half a mile~~ I suppose it would be a half a mile nearer by the proposed road starting from Menza Elliotts to Martins store than by the old road. The road that leads past Grant Mill goes past Richard Johns to Martins store. To go to Martins store from Richard Johns you can <sup>go</sup> drive to where Roberts mill used to be, and then turn up to the left, or by another road, you can keep on down towards Pruitts and then go up to Lutz and that way to Martins store. I couldnt say whether the road leading up to the left at Roberts mill is a public road or not. I heard of a road laid out from Martins store to Richard Johns field to intersect with the new road. I think it might be a necessary road <sup>for the Indians & people</sup> if the road from Martins store to Richard Johns and through his fields were opened, I live in the Eastern end of San Jwp. about 5 miles from this road. The roads in our

end of the Twp are not so very good.  
There are bad roads all over Barr Twp  
there are worse roads in the back part  
of the Twp. because it is a newer  
country. If we had fewer roads  
they would be better.

H. J. Hoppel

Samuel B. Ediniston sworn.

I live in Barr Twp. I know the  
Norman Mill road. I am acquainted with  
the public road leading up into the  
Good settlement. I helped lay it out.  
I am acquainted with the Grant Mill  
road leading down past Richard  
Johns. I am familiar with the ground  
on which the proposed road leading  
across from Elliotts to Martin farm  
is located. I don't think that this  
proposed road from Elliotts across  
to the other Twp road is a public  
necessity. It is located in a swamp  
i.e. the end next to Johns. I don't  
know much about the balance of  
it. It is about 35 or 40 rods across  
the swamp. The balance might be  
opened. I don't think you could  
make a public road of this road  
from Elliotts to the other Twp road  
for less than \$1000<sup>00</sup>. I have been a  
superior in Barr Twp for two years.  
I have had some experience in open

ing public roads. It would not be  
of any convenience for the people on  
the Baughman <sup>road</sup> in my estimation to open  
this proposed road. I know where  
that portion of the proposed road  
that runs through Richard Johns  
field to the Co. line is, I don't know  
what the damage to Mr Johns would  
be if this road was opened but if  
it was my field I would not take  
less than \$200. I signed the petition  
for the view in this case.

It was signed by me because there  
was a misunderstanding I had in re-  
gard to the points of the road. I under-  
stood the road to lead from the road  
past Adams Johns to Martins Store.  
Cross examined by Mr. Secher.

I think that part of this proposed  
road would be of benefit to the public.  
I believe Mr. Prout did not read  
the petition to me. The most expensive  
part of this proposed <sup>road</sup> to make would  
be the part across the swamp. To  
open the road across this swamp  
I would not take less than \$900.  
I suppose it would take \$800. to open  
the balance of the road. If some person  
would make this road <sup>through the swamp</sup> for \$100.  
and keep it up I would have no  
objection. We have too many roads  
now. I think as near as I can tell

it would be from a mile to a mile  
and a half nearer to Martins Store  
by this proposed road if opened from  
Martins Store to Elliotts than by the  
old road. To go to Martins store by  
a public road would be about 2  
miles, from Sam Johns. By the proposed  
road it would be about  $\frac{3}{4}$  of a mile  
to Martins Store. I couldnt say what  
<sup>deed</sup> land in this neighborhood would be  
worth as I paid \$20<sup>00</sup> an acre for mine.  
That included the whole place and build-  
ings. As near as I could tell there  
would be about an acre of Richard  
Johns land cut off by this proposed  
road. I couldnt say whether his land  
is better than mine. I suppose its about  
the same quality. I signed the remon-  
strance. I signed the remonstrance  
some time after I signed the petition  
for the road. Then I found out  
where the road was I thought it was  
not necessary. That is why I signed  
the remonstrance. ~~It was~~ I could not  
tell whether it was after the view was  
seen that I signed the remonstrance  
or not. I think it was. I could not  
tell whether Jos Banks name was  
on the remonstrance when I signed  
it or not. I do not live on this proposed  
road.

S. B. Edmiston

Jacob J. Kief sworn.

I live in San Pulp. I know pretty  
near where the proposed road from Ellsville  
to the other Pulp <sup>road</sup> is located. I know pretty  
nearly where it intersects the road leading  
past Anza Elatts. I have <sup>been</sup> on Andrews  
Trants place different times. It is about  
130 rods across from the proposed road  
to the Trant & Good line. I live between  
three roads - the <sup>3<sup>rd</sup></sup> Mill road, the road that  
comes from Indiana Co. and the Paugh  
road. The opening of this proposed road  
would be of no accommodation to  
me. I could not get on to it with-  
out going through other men's fields.  
I could hardly say whether there is  
any <sup>public</sup> necessity for this proposed road  
or not. It might be for some. I don't  
<sup>think</sup> that it would be any accommodation  
to any person living along the Paugh  
or Lorman mill road. I knew James  
Graham in his lifetime. I think he lived  
in 1870 when Thos M. Featers lived. It  
is in the direction of the Little School  
House. In coming from Ticktown down  
past Richard Johns you would then  
be on the road leading past the Graham  
farm. Richard Johns lives on the line  
of the same road from Grant mill  
to Robert Graham.

Examined by Mr. Seckler

I couldnt say which road is

nearest to me. I believe that the road  
from Indian to Gorman mill is the  
nearest. The Elliott road intersects  
that road. I dont see how this new  
road would be of any convenience  
to me. I would have to cross other  
mens fields Jacob & Keith

James C. Murray, sworn

I live in Newburg, I was with  
Mr. Shumaker when he made a survey  
of roads in Burr Twp. One of the roads  
we surveyed - the one we started on  
was the Grant mill road, leading to  
Indiana Co. We were on what is called  
the Gorman mill road that day. We  
were on the road leading up to the  
Good settlement. I was along when  
we ran over this proposed road  
from Elliott to the other Twp road.  
I had charge of the leveling rod. I  
held the same under the direction of  
the surveyor. The work was done for  
the purpose of obtaining the elevation  
of the road, thats what the surveyor  
told me. There was a portion of this  
new road that at any time except  
the time we were there would be  
almost impassable. It was frozen  
then. In my judgment this would  
not be suitable ground on which  
to make a road, if I could get

around in any other way by going  
a mile or a mile and a half  
crossed by the Lake.

I had never been on this ground  
before. There was snow on the ground in  
some places in others there was none.  
I saw their stock, a pale deer in  
the swamp ~~from~~ three to four feet.  
If any person were to open this road  
through the swamp and make a good  
public road for one hundred dol-  
lars, it would still be unnecessary  
there being in my judgment as a  
stranger in the country too many  
roads already. I heard them call  
the run through this swamp, the Slutek  
Run. The run perhaps four or five miles  
of road that day; perhaps more or less.  
I used my own judgment as to the  
necessity of this road from observa-  
tion not from what they told me.  
I did not go to Morbin's store I  
think we want to the Co. line. I don't  
know the distance from Richard Johns  
to Morbin's store.

Re-examined by Mr. Evans.

The part ~~of~~ of this proposed  
road that is not swampy is quite  
hilly. There could not be a passable  
road made across that swamp in my  
opinion for \$100<sup>00</sup> James C. Murray,

Joseph Elliott. sworn.

I live in San Pulp, I am acquainted with the Gorman Mill road the Elliott road. I am acquainted with all the roads in that neighborhood. I know where this proposed road from Elliott to the Pulp road is located. I don't think that this road is ~~not~~ a public necessity. I have lived there some 25 or 26 yrs. Providing they don't close up other roads this proposed road would be of no consequence to me. I know where Mr. James Graham lived. I ~~know of the~~ <sup>know of the</sup> road leading up from Griffith Griffith's part Richard Johns to Graham's. Its part of the road known now as the Grant Mill road or Dutch Run road.

Cross examined by Mr. Seehler.  
I don't think that this proposed road would take the place of that part of the Grant Mill road, from the Baughen road to the Johns road. I can go on my own land to the Grant mill road. though I do go through aishu man's land now.  
J. B. Elliott

Mr. Coons offers in evidence an order to view and lay out a road from a public road near Griffith Griffith in Carroll Pulp. to a point in lands of James Graham

intersecting the line between Cambria  
and Indiana Co. with draft of said  
road with return of the revenues.

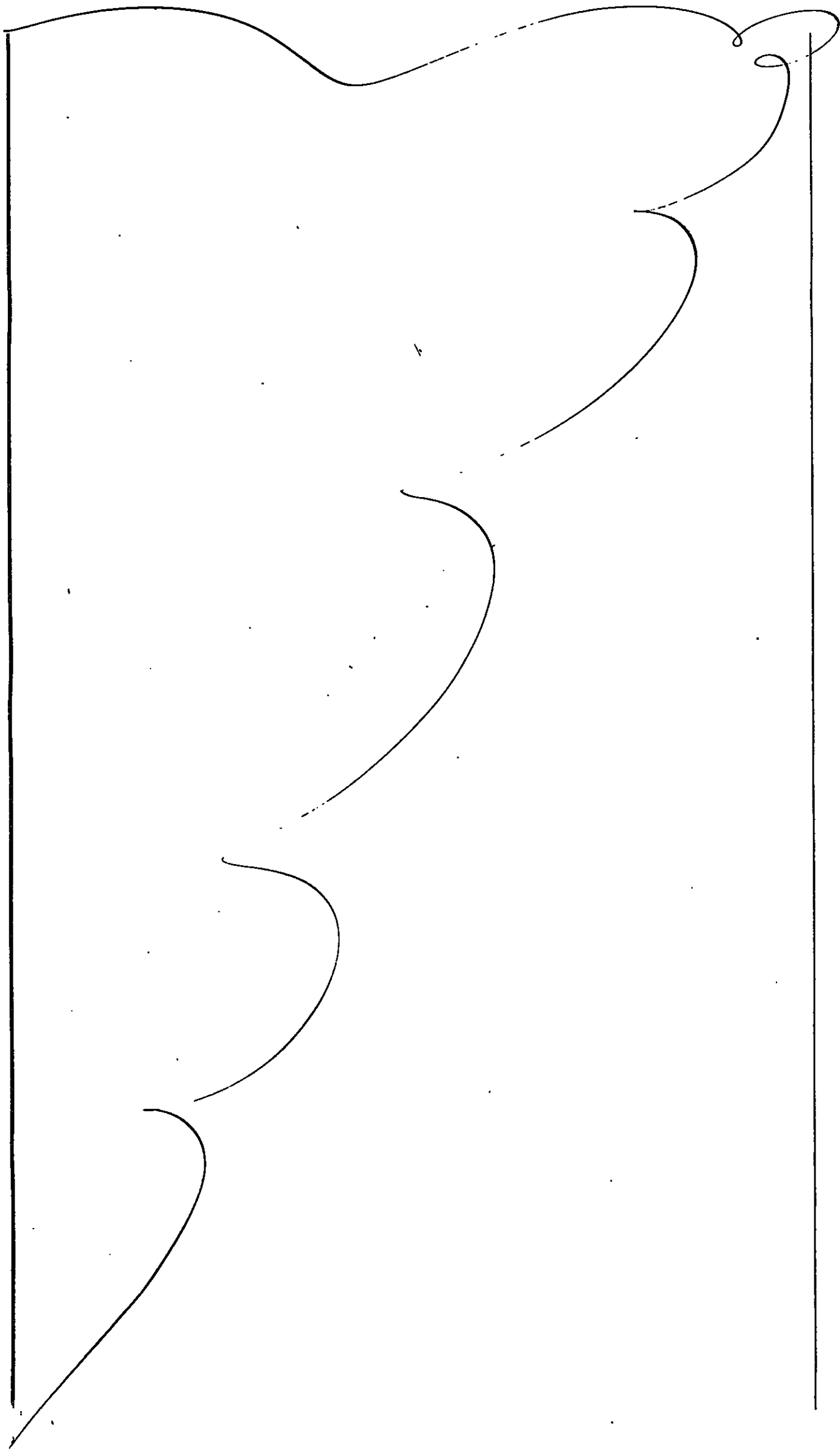
Confirmed absolutely July 15, 1870.

Mr. Seehler objects that the record of-  
ficed in evidence is immaterial in  
this case.

Mr. Evans offers in evidence an order  
to view and lay out a public road  
from a point at or near Jas. Ellsatts  
to the Indiana Co. line in Dan Twp.

Also a deed from Mr. Berkshreiner &  
wife and Daniel A. Berkshreiner & wife  
to Michael Trant, dated 7th May 1867,  
recorded in Recorded Record Book vol.  
27, page 388.

Mr. Seehler objects to the last offer be-  
cause it is irrelevant.



In the matter of the  
decree & review of a  
road leading from  
Stable road in Penn  
Township on land of  
Alonzo Elliott to  
Indiana Co. Line

*Quarter Session*  
In the Court of ~~Common Pleas~~ of  
Cambria County, Pa.:

Of *the* Term, A. D. 1887, No. *3* R.D.

And now to-wit, the *22* day of *March* A. D. 1887:

Rule on part of *Exepts* 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 *22* of *March* 1887

*H. Shaenster* Prothonotary.  
Clerk



To Messrs. A. V. Barker and *Wm. H. Sechler*, counsel for  
Petitioners and view

**Take Notice,** That in pursuance of the above Rule the depositions of witnesses  
to be read in evidence on the *hearing* of the above stated case on part of  
the *Exepts* will be taken at the ~~office of Arbitration Room,~~  
*Court House, Ebensburg, Pa* on *Monday*,  
the *28<sup>th</sup>* day of *March* A. D. 1887, between the hours  
of *nine* o'clock, A. M., and *ten* o'clock P. M., before *W. H. Myer, 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.

*Alvin Evans*  
Atty for Exepts

No. 3 Mo. Minn 1887 R.L.

In the matter of the  
revis<sup>d</sup> & revision of a road  
leading from Jolly road  
to Dan Hook on land of  
Hempstead & Putnam  
Co. Minn.

Rule on part of Excep-  
tions to the Act.

Mar. 22<sup>nd</sup> 1887, served the  
within rule on the Hook  
"the Excep" by returning him  
a true copy thereof  
Alvin Brown

Brown

STATE OF PENNSYLVANIA, }  
Casselman County, } ss:

I DO HEREBY CERTIFY, That the above witnesses were duly qualified and examined at the time and place stated in the above Caption; that the same was reduced to writing by me, in the presence of said witness and having been first read over to them they subscribed their names thereto in my presence and in the presence of H. H. Shuler, Esq. Atty for Road and also Alvin Cannon, Esq. Atty for Excise.

Witness my hand and Notarial seal.

H. H. Myers,  
Notary Public



© 1874

19  
25<sup>th</sup> December

No. 3 N. 20. Term, 1889

Done of and in Presence  
of John H. H. H. H.

of  
County of Virginia  
State of Virginia

### Deposition

of Witness on part of  
Joseph H. H. H.

Fees for taking Deposition, \$5.60

Paid by Robert H. H.

Filed April 7<sup>th</sup> 1889

W. H. H. H.  
Prothonotary.

James H. H.  
Attorney.



In re road in Burr  
Township leading from  
road on land of Alonzo  
Ellis to the Indiana  
County line

In the Court of United Term's  
of the County of Cambria  
of December Term, 1885  
No. 3. R. D.

DEPOSITION of witness taken before me this Third day of  
January, A. D. 1887, at Arbitration Room in  
Court House in Chessburg Borough

between the hours of 9 o'clock A. M.  
and 11 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  
to wit: Road in Burr Township leading from the  
hobby road on land of Alonzo Ellis to the  
Indiana County line

Defendant

Henry Scaulan being produced, sworn and examined  
on the part of the Petitioners for the View, doth depose and say:

My name is Henry Scaulan; am      years of age;

I was one of the members in this road in  
dispute. I was the surveyor and ran the line  
of the road. My recollection of the grade of the  
road is that it would not exceed 5 degrees.  
It may exceed that, as a ravine lent the general  
bearing of the road would not exceed 5 degrees.  
And as roads are generally opened it  
would not exceed 5 degrees. I don't think it  
would be more expensive than the average  
road to open, most of it is on solid ground  
at the rear there is a flat place. If properly  
opened it will make a good road. I think  
the road could be opened and made passable  
for \$100<sup>00</sup>. I think the road is necessary

"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 whom they are put, otherwise an exception will not in general be sustained."

✓  
for a mill road, post office and road  
to store. I think it would be convenient.  
I was shown a post and was told that the  
viewers from Indiana had placed it when  
they stopped their view - connecting with  
this road. The post of the road from Indiana  
Co. was said to be on the Co. line. The post  
was in a field; said to be land of Richard  
Johns. We began at that post and ran  
to the Hobley road. He intended that the  
line between Hudson and Andrew Trout  
should be the center of the road.

Cross examined by Mr. Evans.

I generally pay particular attention to  
the elevation of roads when I am running  
them. I can't say positively whether I used  
my instrument to get the level or not  
but think I did, I generally do. I had  
my instrument along with me. I generally  
tell the parties at once the grade. A good  
portion of the ground is on solid ground.  
That is the hilly portion; it is solid ground  
until you get into the run. I think this  
road could be made passable for \$100.

The greater portion of the road is cleared.

The brush must be taken out of the road.

The only brush is on the land of St. Trout.

The rest is all cleared. Ellcott's land is

cleared, Andrew Trout's & Richard Johns

are cleared, Aaron Johns is pretty well

run out. Ellcott is cleared on both sides.

The Hobley road leads from a Hobley road.

There is a road from Peter Gorman

that leads up to Brockton, That road and  
the road raised in this petition connect  
on the land of Elliotts Co. runs through  
the Good settlement and connects with  
the Indiana Co. line, ~~as~~ I cant say that  
it connects with a road ~~west~~ there at the  
Co. line: - but they travel it. The road lead-  
ing up from Gorman mill and the one  
leading through the Good settlement both  
lead up to the Staley mill and are both  
Staley roads. The Tougher road is the  
first road I mentioned, at least Mr.  
Tougher would live on that road. I am  
at I ought to know it. The road as laid  
out by the viewers connects with a road  
running from the Elliotts land to the  
Good settlement on to the Indiana Co. line.  
Before you reach the Indiana Co. line you  
strike the road leading up past Richard  
Johns. It would be something in the neighbor-  
hood of 100 rods from where the new road  
starts in at Elliotts to the Tougher road  
I think; - traversing the regular road. I  
cant tell you whether the road leading  
up past Richard Johns connects with the  
Gorman mill road or not. There was a  
road there but dont know whether it is  
open now or not. Some two or three years  
ago, from the Elliotts property; it adjoined the  
Gout mill property, I think, I am not  
clear on that; I know I ran below where  
the mill property was. The Gorman mill

road connects with the Trough road below Daughus. I dont know whether there is any other road connecting them or not. I think not. There might be a road down through Keiths hollow, but dont know whether there is a Doonahit road or not. It would not be a short way up to Beckham to post office as to Morkins. I would not like to say for those people but I would rather go to Morkins than to Beckham, it is shorter. ~~It is~~ I have not measured the distance. I have been writing to people, and they say "send our mail to Kimmell". I dont know who it would be most convenient for. I judge it would be more convenient for them to go to Kimmell than to Beckham because they say to send their mail to Kimmell. It is 45 rods from the Co. line down through the field of Richard Johns to the Top road. I may have run some of the lines of Hudson Tracts: but none for him. It is the Stables mill that I think makes this road necessary. The Stables road and the Lorman road is the same road. The Stables mill and Lorman mill are the same mill. The store I refer to is John Morkins store in Indiana Co.

Henry Seaulay

5-  
Oleiv Evans: Sworn.

I was a resident of San Turk in the Spring of 1856. I signed a remonstrance against the road in controversy. I signed it on the 30<sup>th</sup> Nov. 1856. Hud. Trout brought it to me to sign. He said it was a road leading from the Morhies store to the Poughon road running through his land, and destroying his farms if made. It would go through a dense swamp and could never be made into a road. I know pretty nearly where the road is to be between the farms of N. & A. Trout. A road is needed there, connecting the road past Poughon with the road to Mathews store.

Sworn-examined by Mr. Evans.

The road passing Poughon leads from Rock-town to Gorman's mill I think. This road touches a road leading from John Peavers out past Poughon. I have been at Gorman's mill. Along the road to Gorman's mill; - Poughon's land near; its an outlet for John Anderson, I don't know any other, I know where Hugh Lewis. He uses the road. I do not know the road leading past George Elliotts. Its quite a good spell since I have been in there. I have frequently traveled the road from Grant mill to Mathews store. It would be convenient for the people on the Gorman mill road to use this new road to go to their post office - Kennick. I did some hauling from

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Roberts Mill. Part of the way from Grant  
mill to Roberts we used Parkers old  
dog road. I know that Parker made  
and planked the road and so on. It  
is not a Twp road all the way. I cant say  
just where the road leading up past  
Richards Johns is, <sup>It takes up over the hill.</sup> I think we left it  
at the foot of the hill. I am speaking of  
the road from the Grant mill over <sup>over into</sup>  
the road past Richard Johns, <sup>and it is the end next</sup> I dont  
<sup>forget mill.</sup> think there is a Twp road past Richard  
Johns. There was a road there, I suppose  
it was made by Thomas Jones when they  
were logging to Roberts Mill. I dont  
know for sure that there is not a Twp road  
there. I dont know just how I got  
it into my head. I dont just remember.  
Ques: Do you pretend to say that it would  
be convenient for parkers going down from  
Sicktown to travel up the Rough or German  
mill road, then down the road to Alonga  
Elliotts across from there over the to the  
Twp road by the way of the road laid  
out by the river is this case, ~~that it~~  
~~would be convenient for those to travel~~  
to Monhies store or in that direction?  
Ans: I dont think that I can answer  
that question.  
I live in the neighborhood of six miles  
from the proposed road. I do not live  
in the Twp road. I dont mean to say  
that the road up over the hill leads

past Richard Johns. From the foot of the hill to Beavers did not use all of the Trip road but used the old mill road most of the way. I dont know exactly where this new road runs from across from Elliatts. Only from hearsay. (A draft made by the witness in explanation of his testimony is offered in evidence and is annexed hereto and marked "Exhibit A")

Oliver Everett

Thomas M. Feater. sworn.

I live in Indiana Co. - Green Township. I live about  $\frac{3}{4}$  of a mile from the proposed road. I know of a road having been laid out in Indiana Co. from Kennel P.O. to the County line. I was one of the viewers in locating that road. It stopped on land of Richard Johns, in cleared land in a field. Mr. Johns was present when we made the survey. The road I helped to view or lay out is open. They tell me that this proposed road connects with the road in Indiana Co. It drove a post in the field where we supposed the Co. line was. It was not very far from the fence of Richard Johns field. I dont know the distance. I dont know the ground over which this proposed road <sup>runs</sup> except through the field of Richard Johns if I am rightly informed. I would just conjecture that the people over on that side ought to have a road to connect the

road as laid out by us, with the Hatley road. To make our road of any use there would have to be a road in this County to connect with it.

Cross - examined by Mr. Evans.

There was a road on the Indiana Co. side <sup>down</sup> pretty close to the field of Richard Johns. Mr. Cross went into the field and drove a post. At the time we viewed this road there was a road leading from the Martins store <sup>up</sup> to the Trup road that leads past Richard Johns - a way of travelling. That road that leads past Richard Johns leads to Hicktown. I suppose it a public road. I don't know any thing else. It is the same road that leads out to No. 17 School House. I know the road that leads up from Gorman's mill past John Fright, John Anderson and Daughen. I came on this road by way of Hicktown to Ebenezer with a load of bark. The road past Richard Johns intersects that road near Grant mill. I know when George Elliott & Gads live. This would - the proposed road - would make a shorter road from Elliotts to the County line than around <sup>to Martins store</sup> and if the people wanted a shorter road it would be for a convenience and necessary both. That is the way I would look at a road. I say it would be convenient and necessary because it would lessen the distance. It would lessen

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distance for, George Elliott, Jacob Good, Samuel Good, Andrew Pratts, Hudson Pratts Joseph Elliott myself and others. I could name a good many others if I thought it necessary. It would not be near so far for Hud. Pratts to go on this proposed road as to go round by No. 17 School House, and Killman's mill.

Ques: State whether or not when you speak of the new road lessening the distance for these parties named in coming out to John Martin's store you have special reference to that portion of the proposed road that leads from the C. C. line down through Richard Johns field, and intersecting with the Twp. road.

Ans: I mean the whole road.

I only know where the proposed road is located by what I am told. Hud. Pratts lives right beside a road leading through my place. I believe the distance for Hud. Pratts to go by this proposed road,

Ques: State in what direction would Hud. Pratts travel by the proposed road from his place to Martin's store and how would that lessen the distance that he would be required to travel from his place where he now lives, connected to the Twp. road that is opened and used.

Ans: He would travel the road that runs by his place till he would come to the

proposed road, than that would be a much shorter way of traveling for him to Martin's Store, than 'round by to 17 School House, or Hillman's Mill, being the only public roads open for travel leading to Martin's Store.

The rest of the road would shorten the distance for other parties named. The better part of the proposed road would not lessen the distance for Ned. Trants to Martin's Store. I might be mistaken, I think that the other part of this proposed road would shorten the distance for Joseph Elliott. Joseph says. There are different roads down through that section of the County.

Thos. S. M<sup>ch</sup> Heaters

R. F. Templeton, Sworn.

I live near Kemmel right adjoining Martin's Store. I think I am acquainted with the proposed road from the Co. line to the Elliott road. I have understood that the road in Indiana Co connecting with this proposed road is not opened quite all the way. It is opened to District John Spencer. I think there is a necessity for a public road where this proposed road is located.

Cross-examination by Mr. Evans.

I live in Indiana Co. The road from Martin's Store to the Co. line is an old road. It has been open that for for a number of years. The road was closed lately at

or near the Co. line.

Res. examined by Mr. Seckler.

The the road that is closed is a road that John and Robert made to get lumber to Indiana. The new road was located on this road as far as it went, then Mr. Dangler shut up the balance of it. There is no part of this new road that has been shut up by Mr. Dangler.

R. F. Templeton

M. J. Sugrunt. Sworn.

I live in Clearfield Co. near Cherry Tree I am a surveyor, I made a survey of this proposed road and some of the roads in that vicinity. I made a draft of my work. I began at a point said to be on the Indiana Co. line where the new road lately laid out in Indiana Co. was said to terminate, from there I went to Reston John field, from there further down into a road between R. Johns & Aaron Johns, thence by that road to the line between Aaron Johns and J. D. Martin, thence on the line between Aaron Johns, A. D. Martin & A. Truitt & A. Truitt and through land of Alonzo Elliott to a road - Elliott road I believe they call it -

At the time this survey was made it was all surveyed and I could not tell the nature of the ground very well. It may all now <sup>be</sup> to me. From all that I could see I couldn't see any thing to prevent making a public road. There was a swamp of

about 39 rods in width, but I am of the opinion that it could be drained and made a passable road. The new road from the Indiana's Coline to the Elliott road is 298 rods. From the beginning of the proposed road back to Martin's store is 165 rods. From Martin's store to No. 17, School House, is 394 rods. From No. 17 School House to Fleming's mill is 602 rods. From Fleming's mill to the intersection with the proposed road 63 rods. The length of the road owned by the No. 17, School House from the Coline back to where it intersects the proposed road is 1224 rods. It would be 1319  $\frac{8}{10}$  rods further to travel from the Elliott road round by No. 17, School House than by the proposed road. I ascertained the grade of the proposed road from the Elliott road to the Johns road. I have the grade marked on the draft between the station. I found the grade no where greater than 4  $\frac{1}{4}$  degrees. The work on this draft is all my own work.

Mr. Sehn offers draft prepared by the witness on the stand, which is hereto annexed and made part of this evidence and marked "Exhibit B."

It was shown the road that Mr. Daughless shut up. I took the grade of that road. The <sup>grade of the</sup> last course of that road from Fleming's mill to its intersection with the proposed new road was six degrees. The other

courses were within the five degree limit. I took the grade of the line <sup>between</sup> Richard Johns and G. M. Dauglas, to the Johns road. The angle of elevation from the Johns road up along the line was 12 degrees.

Cross-examined Mr. Evans.

I had a grader with me. A grader is a two pieces of boards planed up any way to a regular width, on one of which the degrees are drawn by a protractor from 0 to 12 degrees. They are then hinged at the vertex of these angles and as elevation or depression of the longer board is read from the degrees marked on the shorter. I made the instrument myself. It is not the most accurate method of obtaining elevations. It would not do for engineering purposes but does for roads. It would be accurate as far as it goes - down to a quarter of a degree. It is not the instrument used by engineers in obtaining elevations. An elevation of one degree is <sup>nearly</sup> 1.75 in one hundred. Now an elevation of five degrees ~~would~~ in 100 ft. would be nearly 8.75 ft. If there was any considerable portion of a road over 5° I would condemn it, if I was a viewer. ~~In taking~~ The angle of elevation or depression was taken from one station to another. These stations were selected for that purpose. The depression from the 1st station to the 2nd a distance of 37.2 rods was 3 1/4 degrees. After passing over the swamp from

the edge of the swamp to the 1st station beyond was 11 rods with a rise of 4 degrees. Between to two next stations it was 3<sup>2</sup>/<sub>4</sub> and 4 degrees. ~~The~~ I do not know that the road intersected by the proposed from the Elliott road is a top road. I don't know anything about those roads. I never saw them before. I know that there is a road leading past Richard Johns that is open and used.

Willis J. Nugent

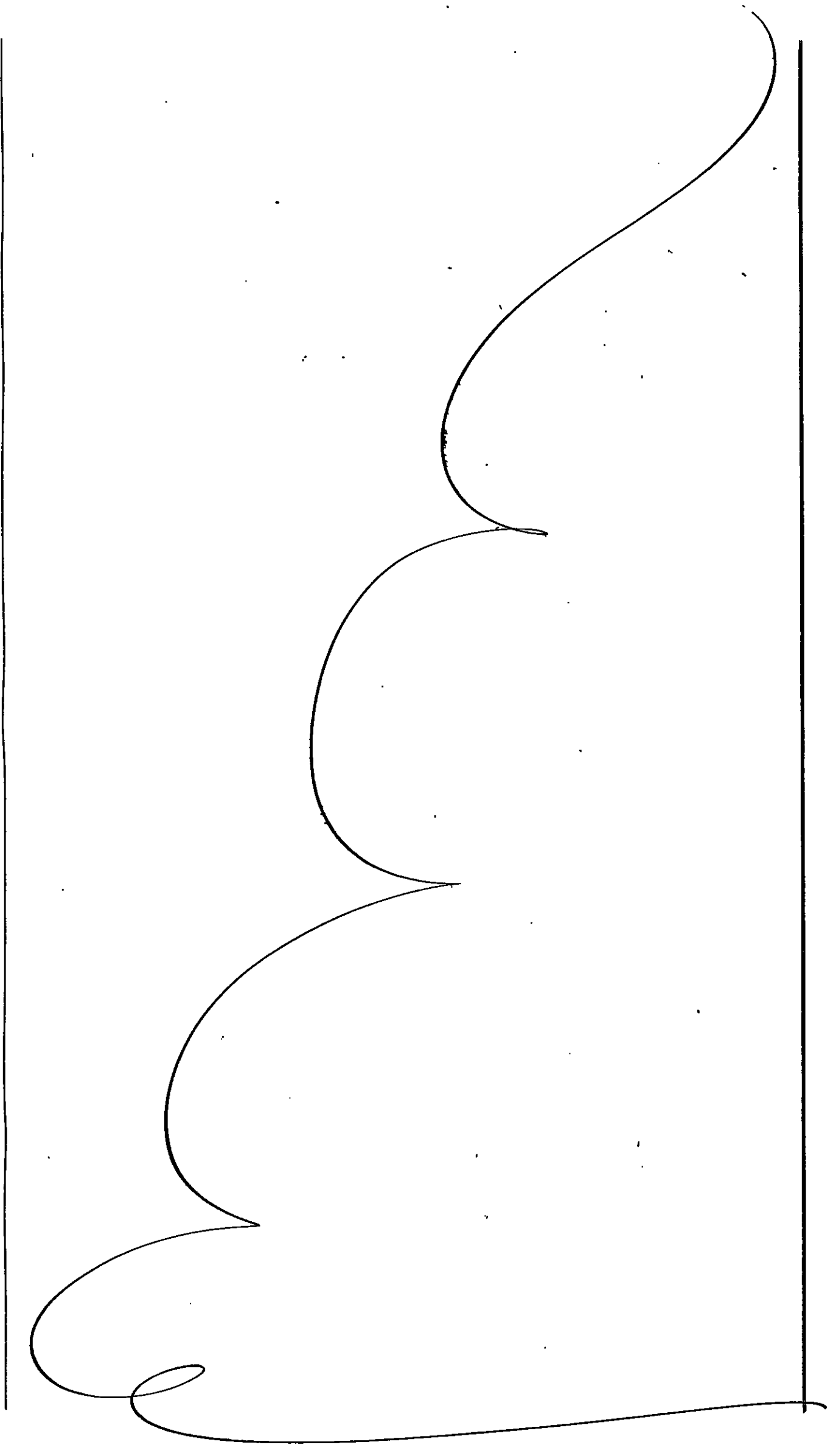
G. H. Daughers, Sworn

I was along with Sy. Nugent when he run these roads. I carried the front part of the chain - front chainman or what ever they call it. It was done correctly as far as I know. I done it according to Sy. Nugent's instructions. The ground along this proposed road along the line between A. N. Traute Martin & Sam Johns, and through Elliotts land, was swampy for about 3/4 rods. I should say that there could be a road there but as to the cost of making it I could not say I have never been a supervisor. Through Mr. Johns field it passes over very nice ground I don't know any thing about taking the survey. but I should think it would be a pretty good grade for a road. I chained the front when the proposed road intersect the Elliott road to the Daughers road then

From the Baughers etc along the Baughers  
road then to the Grant mill and from  
there to when the new proposed starts across  
between Aaron Johns and J. D. Martin.  
From the Elliott road to the Baughers road is  
121 rods. Along the Baughers road to Grant  
mill 149 rods. From when the road  
crosses then to when the road starts  
across between Johns & Martin is 327 rods.  
I live right then at Martins store. I  
should think it would be a convenience  
to the public to have a road from the  
Elliott road to Martins store over this  
proposed route. I know that a great  
portion of the people living in the neighbor-  
hood of Elliotts get their mail at Kimmel.  
I usually follow blacksmithing. My shop  
is at Martins store.

Cross examined by Mr. Evans.

The Baughers road and the Gorman road  
are the same road as I understand. I  
should think it would be nearer for  
the people living on this road to go to  
Martins by the proposed road. I would  
not say what amount it would be nearer.  
The greatest convenience to these people  
would be that it would lessen the  
distance. I believe the Gorman mill road  
and the Botley road are the same road.  
The proposed road I believe starts from  
the Elliott road. I live in Indiana Co.  
in Gormans Prop. L. W. Douglass



In the matter of the  
view & re-view of a  
road leading from lot  
by road in Penn Twp  
on land of Alonzo  
Elliott to the Indian  
Cov. line

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

Of Dec Term, A. D. 1885, No. 3  
Road District

And now to-wit, the 27<sup>th</sup> day of Jan A. D. 1887

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

Cambria County, ss.

Extract from the Record of said Court. Certified

the 27 of Jan 1887  
H. A. Meyer Prothonotary.



To Whom Evans Esq. Attorney for the Exceptants  
and for the Review

Take Notice, That in pursuance of the above Rule the depositions of witnesses  
to be read in evidence on the hearing of the above stated case on part of  
the view will be taken at the office of Arbitration

Room, Court House, Ebensburg, Pa. on Thursday

the 27<sup>th</sup> day of January A. D. 1887, between the hours  
of 9 o'clock, A. M., and 11 o'clock P. M., before H. A. Meyer  
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.

A. E. Barker  
H. A. Meyer  
Atty. for the view

No. 3 Ala. Term 1850  
N. D.

Read in Dean Park  
leading from Jetties  
road on corner of  
Allegre Blewitt to  
Francis G. Lewis

Write on front of Book  
for name to set back

Decker

Cy he

Boyle's Book

Small

"Exhibit A"  
H. St. Myers,  
Attorney Public.



STATE OF PENNSYLVANIA,

*Chester* County, } SS:

I DO HEREBY CERTIFY, That the above witnesses *were* duly qualified and examined at the time and place stated in the above Caption; that the same was reduced to writing by me, in the presence of said witness and having been first read over to *them* they subscribed their name thereto in my presence and in the presence of *Wm. H. Seehlis Esq. Atty for the Petitioners for venue and Alvin Lewis Esq. the Atty for the Re-venue*

Witness my hand and *Notarial* seal.

*H. H. Myers*  
Notary Public

No. 3 Dec Term, 1885

Read in Open Court  
to read from the  
record on cause of  
Alma Elliott vs  
the County Treas.

### Deposition

of Witness on part of

Attorney for miss.

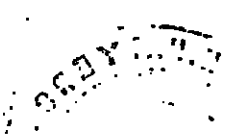
Read by Mr. H. B. ...

Fees for taking Deposition, \$ 15 <sup>60</sup>/<sub>100</sub>

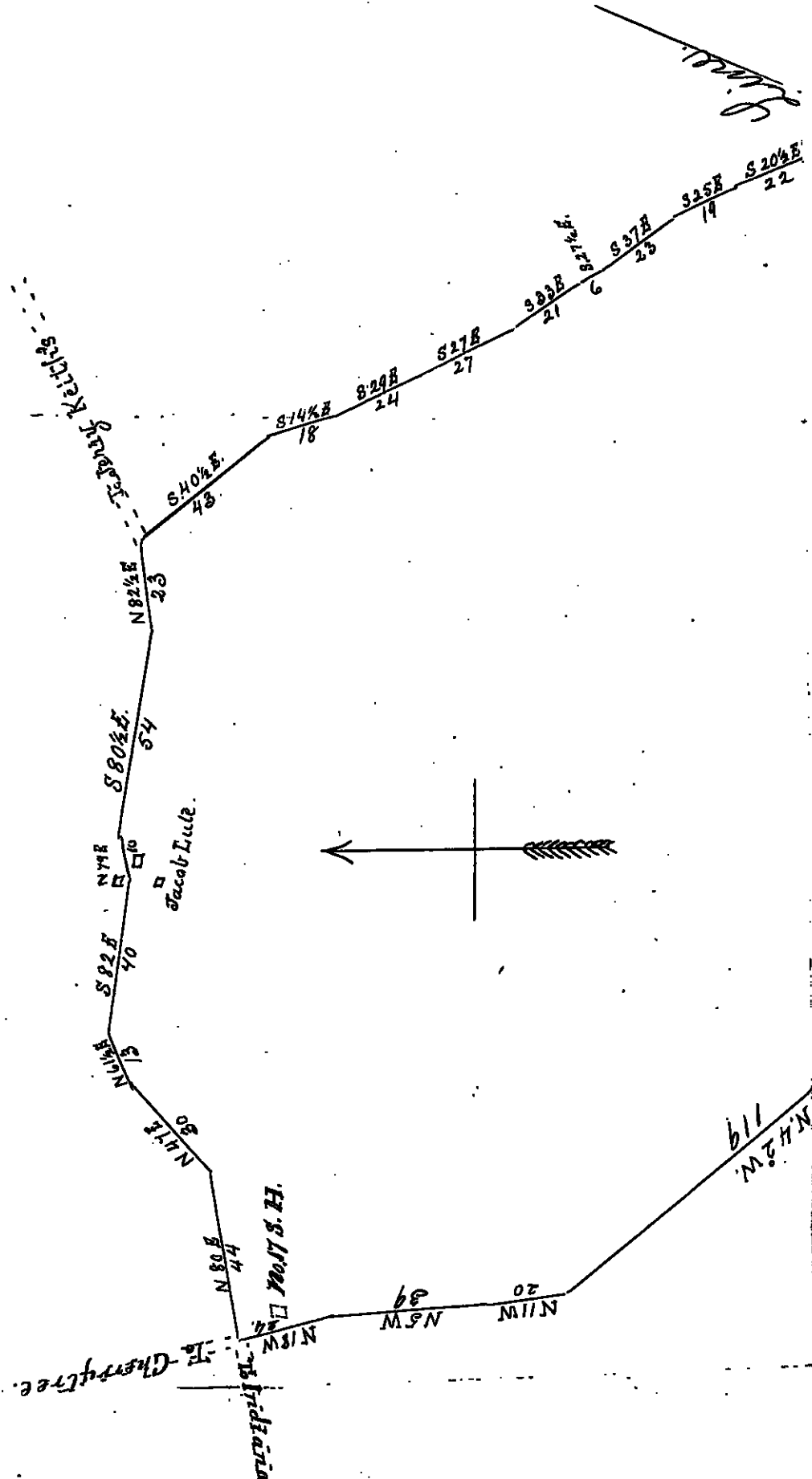
Filed April 7<sup>th</sup> 1887

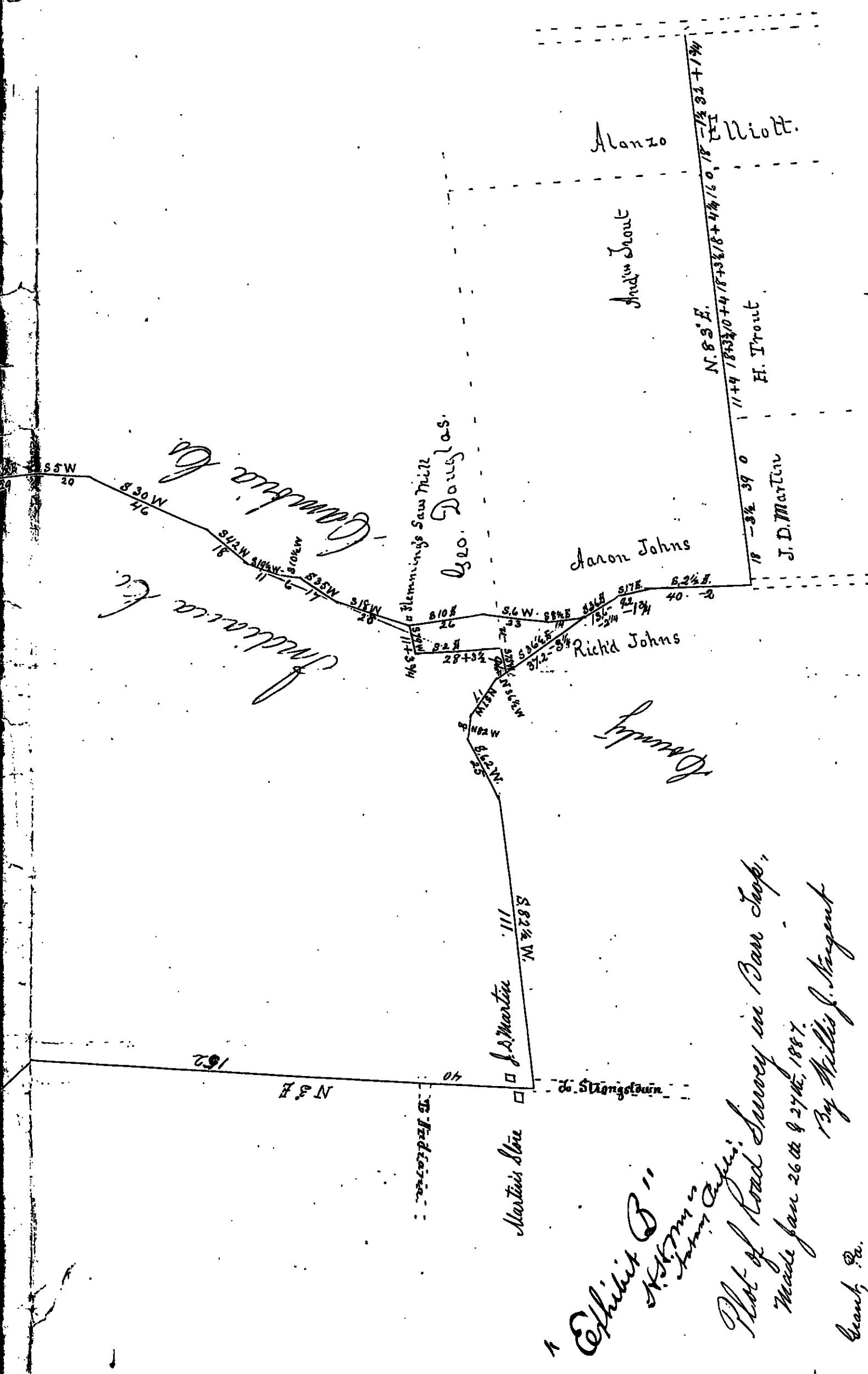
W. A. ...  
Prothonotary.

Attorney.



Scale: 40 rods to 1 inch.  
 Figures in red denote grade.  
 +4 = angle of elevation 4°.  
 -2 = angle of depression 2°.  
 0 = Nearly level.





Alanzo Elliott.

Andrus Trout

N. 8° 30' E.  
1174 18 3 1/2 16 + 4 1/4 16 + 4 1/4 16 + 4 1/4 16 + 1 1/2 32 + 1 1/2 32

H. Trout

J.D. Martin

Geo. Douglas.

Blennings Saw Mill

Aaron Johns

Richd Johns

J.D. Martin

Martin's Store

Stangston

Columbia Co  
Madison Co

Road

Exhibit B  
H.S. Johnson  
John Johnson

Plot of Road Survey in Bar Top  
Made Jan 26th & 27th, 1887.  
By Miller J. Argent

Grant, Pa.

Commonwealth of Pennsylvania, }  
County of Lebanon, } SS.

At a court of Quarter Sessions of the Peace of the County of Lebanon  
held at Cherub in the said County, on the 16<sup>th</sup> day of  
December A. D. 1885, before the Honorable the Judges of the same  
court: Upon the petition of divers inhabitants of the township of Barr  
in the said county, setting forth that they labor under inconvenience for want of a  
public road or highway, to lead from  
a point on public road from Nickerson to  
Lotter's Mill on land of Alonzo Elliott, to  
intersect a road now being laid out from  
the store of John D. Martin to the Lebanon  
and Indiana Co line on land of Richard  
John in Barr Sp

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, Henry Scaulan SURVEYOR,  
and Gamban and Ben Sute

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:

N.A. Shornaker  
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. 3

December Term 1885

Order to view a road to lead  
from Mather road in  
Barren on land of  
George Elliott to the  
Indiana Co line

Dated 10 June 1886

James Henry Scanlan  
J. Harmon  
Wm. L. Lute

And now made 12<sup>th</sup>  
1886 the within Order  
continued, the viewers  
to report to next session.

By the Court  
7 Feb. 1887. Report back  
to view to about 100 ft  
of distance. P. L. L.  
Wm. Shookmaker Secy

Md. 9. March 1887

Secy

Aug. 3. 1886. Confirmed view and ordered  
to be opened 30 feet wide.

And now, June 6. 1887. View set aside,  
By the Court.

To the Honourable Robert L. Johnston Esq  
and his associate Judges of the Court of  
Common Pleas of the county of Cambria now  
composing a Court of Quarter Sessions of  
the Peace in and for said county at  
December Sessions 1885.

The petition of divers inhabitants of the  
Township of Barr. and parts adjacent in said  
County respectfully sheweth:

That your petitioners labour under great  
inconvenience for want of a road beginning at  
a public road leading from Hicktown to  
Robley's Mills <sup>at a point on said road or</sup> ~~at the line of the land of~~  
~~Jacob~~ ~~Scott~~ and ~~Alonzo~~ Elliott; thence by  
nearest and best route until it intersects  
a road now being laid out from the store  
of John D. Martin to the Cambria and Indiana  
County line on the land of Richard Johns  
in said Township.

Your petitioners therefore pray your Honours  
to appoint proper persons to view and lay  
out ~~the same~~ according to law.

and they will ever pray

E. G. Gessler  
John Bitters  
George Miller  
Samuel <sup>his mark</sup> + Good

C. C. Adams  
R. G. Gessler  
A. B. Morrison  
C. Smith  
Homer G. Smith

John Anderson  
John E. Rischer Es. Davis

Henry Beckel  
Jos. Spry

John M. Juch  
Casper Lick  
Pete Morgan  
Geo. W. ...

Joseph ...

A. S. Elliott

William <sup>his</sup> Giles

James <sup>his</sup> Giles

John G. Williams  
Peter L. Boland

Simon Fiedle

Adam ...

George Sherry

Joseph Kline

Jacob Keith

John A. Keith

Daniel Keith

William ...

John ...

John <sup>his</sup> Feicht

W. D. Mully

John Peters

J. H. Lute

Andrew Trout

Baron S. Johns

Henry ...

No 3 Decent 1857

Petition of the citizens  
of Barr Township

for a public road  
from the village of  
to the Indiana County  
line -

Present

Henry Decker

Wm. J. Cannon

Wm. C. Cate

By the clerk

Filed 16 Dec 1857

1857

In the Court of Quarter Sessions  
of Columbia County.

In the matter of the proposed  
road in Barr Township, from the  
Sotley Road to the Indiana County line.

No 3 Dec. Term 1887. Road Book

I, Alonzo Elliott, do hereby agree, if the  
above named road is confirmed by the  
Court, to bridge the ravine where said  
road crosses it in my meadow, with  
stone, so as to make it a good road, free  
of charge.

Witness my hand this                      day  
of February A. D. 1887.

Alonzo S Elliott

No. 3 Dec. Term 1857. R.S.

Three fowls' meat  
from Ashley road to  
Lawrence Co. Lewis.

Wm of George Bellitt

Filed Apr. 7. 1877.

Scottie

In the matter of a public road leading from a point at or near Alongo S. Elliott's to intersect a road leading to John Martin's store. - Barr Township.

Exceptions to the confirmation of the above stated road on behalf of Hudson Trott and Richard H. Johns.

Exceptions on behalf of Hudson Trott as follows:

1. That the road as laid out by the viewers does not run along the line between Hudson Trott and Aaron Jones and Andrew Trott, as intended, but is wholly upon the land of said Hudson Trott.

2. That if the road be confirmed and ordered to be opened, as laid out by the viewers, it will result in great injury and damage to the property of said Hudson Trott.

3. That the viewers failed to assess damages for the injury which will be done to the property of said Hudson Trott should the road be opened, or to call upon him for the purpose of obtaining a release as required by law.

Exceptions on behalf of R. H. Johns, as follows:

1. That the amount of damages assessed by the viewers in favor of R. H. Johns (\$15.00) is wholly inadequate and will not compensate him for the injury done to his property should the road be opened.

2. There is no necessity for opening the road laid out by the viewers, as the roads now opened and in use are sufficient to accommodate the traveling public.

3. That the tax levied and assessed for road purposes is insufficient to keep the present

roads of the Township in proper repair, and the confirmation and opening of this road would be burdensome and inconvenient to the tax-payers.

Alvin Evans,  
Atty for Heudem Farm and R. H. Johns,  
Exeplants.

July 30<sup>th</sup> 1886.

To: 3 December Term 1886  
Road Drakid

In the matter of the report  
of viewen to open a public  
road leading from a point  
at or near along S. Ellipse  
to interest a road leading  
to John Martine's along in  
Bany Township.

Exeplants

Filed July 5, 1886

Evans

In the Court of Quarter Sessions of Cambria County. In the matter of the road to lead from the Nolley Road to the Indiana County line, in Barr Township.

At 3 December Sessions 1885:

I Andrew Trout do hereby become bound, if the above stated road is confirmed by the above named Court; to make a passable road, such as supervisors usually prepare when a road is first opened, from the Alongs Elliott Road to the Aaron Johns Road, on land of Alongs Elliott and on line between Hudson Trout and Andrew Trout, and on line between Aaron Johns and J. D. Martin, — for the sum of one hundred and fifty dollars, this to include making a bridge over Dutch Run. And I hereby bind myself to the supervisors of Barr Township to comply with the above offer. Witness my hand this Twenty ninth day of March A. D. 1887.

Andrew Trout

I hereby become absolute security for the performance of the above offer or bid to open the part of said road above mentioned by Andrew Trout. Witness my hand this Twenty ninth day of March A. D. 1887.

J. D. Martin

No. 3 Sec. 20. Term 1885-1889

More public road  
from Ashley road to  
Madison Co. line

Bill of Andrew Frank

Filed Apr 7. 1889.

Rich

Petition for a review of a public road recently <sup>laid</sup>  
To the Hon Judges of the Court of quarter  
Session of the Peace in and for the County of  
Cambria the petition of the undersigned inhabita-  
tants of the Township of Barr in said County  
respectfully sheweth that a road hath been  
lately laid out by order of Court from a point  
or road near Alwys S. Elliott and to intersect  
with a road leading to John D. Martins Store  
in Indiana County which road (if confirmed  
by the Court) will be very injurious to your  
petitioners and burthensome to the inhabitants of  
the township through which the same will pass  
and there are roads sufficient now and and  
there will not be any person hemmed in for  
want of a road. Your petitioners therefore Pray  
your Honors to appoint proper persons to review  
the said road and parts adjacent and make a  
report to the Court according to law and they  
will ever pray

Geo A. Hancock  
A. J. Dick  
P. H. Malloy  
Anton Libold  
Joseph Blouch  
William Shunk  
D. J. James

Peter Spillinger  
E. W. Evans  
Frank Springer  
Henry Springer  
Jacob Schip  
Elisha Christy

William Shunk  
O. J. James

Jaac. Schup  
Christian Smith

Henry Baugher  
James Giles  
M. Kirsch  
R. H. Morris  
J. A. Elliot  
R. W. Johns  
Daniel Long  
Jacob Good

D. J. Ho  
Joseph Giel  
Peter Schief  
Morris Stuebner  
John Bitters  
J. J. David  
Oliver Ervand

Hudson Trout  
H. H. Keith

Wm Byrne

J. C. Williams

John Shileng

Laword Margold Henry D Adonis

William J. Morgan

R. D. Williams

Michel Rind

J. B. Williams

Casper Smith

Wm. Trout

John D. Davis

Anthony Doussett  
W. Earnston

Frank Peter

D. J. Doffel

John G. Kirsch

Wm. J. Doussett

Crist White

John D. Ager

Francis Peter Sr.

Antone Kline

Joseph A. Trout

Andrew Peter

Maxwell Neelen

John H. H. H.  
Peter B. B.  
A. H. H. H.

Nov 3 December Term 1886

Petition of the inhabitants  
of Barr Township for appoint-  
ment of a road, in a  
road leading from a point  
at or near Clingo's Elbow  
to intersect a road leading  
to John Martine stone, in  
said township.

Approved  
J. A. Shumaker  
George Fresh  
H. J. Kinnaman  
By the Court

Filed July 5, 1886

Done

Commonwealth of Pennsylvania,  
County of Cambria } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria  
held at Clearburg in the said County, on the 5th day of  
July A. D. 1886, before the Honorable the Judges of the same  
court: Upon the petition of divers inhabitants of the township of Sarr  
in the said county, setting forth, ~~that they labor under inconvenience for want of a~~  
~~that a road hath been lately laid~~ road or highway, to lead from  
out by order of Court from a point or road near  
Alongu S. Elliotts and to intersect with a road lead-  
ing to John D. Martins store in Indiana County which  
road (if confirmed by the Court) will be very injurious  
to your petitioners and burthensome to the inhabitants of  
the Township through which the same will pass,

and therefore praying the court to appoint proper persons to re-view ~~and lay out~~ the  
same according to law. The Court upon due consideration had of the premises, do  
order and appoint, J. A. Shoemaker SURVEYOR,  
and George Fuch and H. Kremscher

RE-VIEWERS, to re view the ground proposed for said  
road, and if they re-view the same, and shall agree that there is <sup>no</sup> 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 <sup>un</sup> necessary for a public or private road, together with a plot or draft  
thereof, and the courses and distances, and references to the improvements through  
which it may pass.

BY THE COURT.

Attest:

J. A. Shoemaker  
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.”

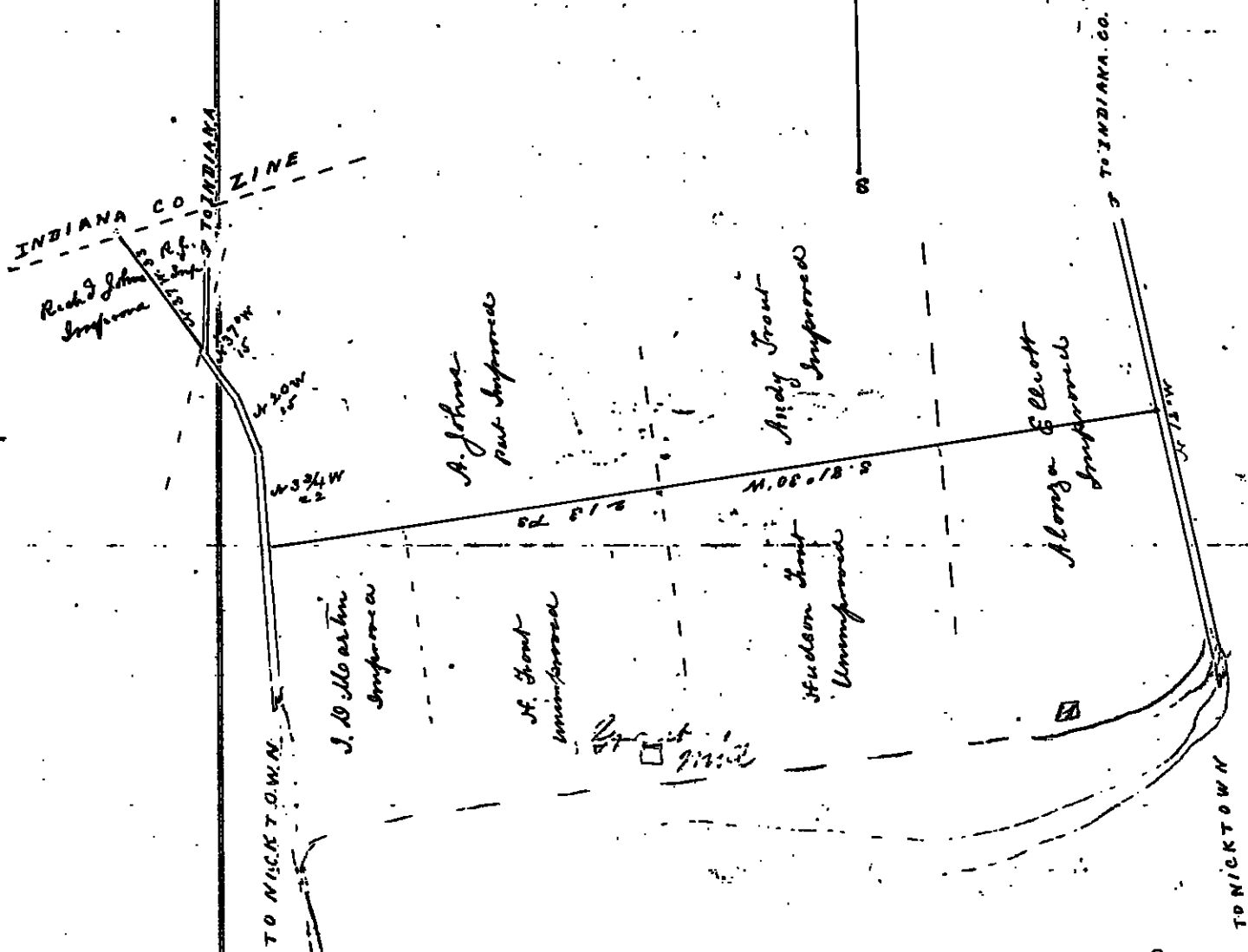
“The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, 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. 3  
 December Term 1883  
 Road &c.  
 Order to view a road to lead  
 from Valley road in Town  
 of York on land of William  
 Cellott to the Chesapeake Co.  
 Mine  
 Viewers  
 J. S. Shreve  
 George Frank  
 H. J. Shreve  
 Taken Sep. 6. 1886.  
 C. S. Shreve  
 Atty. Gen.  
 Evans

Oct. 5. 1886 Confirmed View and ordered  
 to be opened 30 feet wide. By the Court  
 And now, June 6. 1887. The view is set aside  
 and the Review confirmed absolutely.  
 By the Court

Part vacated shown by black lines  
 Part not vacated shown by Red lines



*Supposed to be  
 vacated*

J. A. Shoemaker Surveyor	8	7m
George Fresh Ey viewer	3	30
H. J. Kaminator	1	10
H. Trout Chamman	1	
E. P. Shoemaker	1	

To The Judges of The Court of Quarter  
Sessions of The Peace of Cambria County  
We The undersigned, appointed by your  
Honors in The annexed order, to review  
a road to lead from Hatley road in  
Barr Township, on land of Alonza Elliott  
to The Indiana Co line - Do report that  
having been sworn according to law,  
and due notice of The time and place  
of meeting having been given - We reviewed  
said road - Starting at The Hatley road  
We ran S.  $81^{\circ}30'W$ . 213 ps to a Township road  
Thence along said Township road  $S. 3^{\circ}45'W$  22 ps  
N.  $20^{\circ}W$ . 15 ps. N  $37^{\circ}W$  15 ps - Thence thro' im-  
proved land of Richard Johns N.  $37^{\circ}W$ . 33 ps to  
The Indiana Co line - We find that portion  
of road that is not opened for public  
use entirely unnecessary, inconvenient and very  
burdensome to the inhabitants of Barr Twp  
We therefore vacate that portion marked on  
draft "not opened"

Witness our hands this 30<sup>th</sup> day of August 1886

J. A. Shoemaker  
George H. Fresh } Reviewers  
H. J. Humenaker }

No

1846

Penicillin

March 1846

5

To the Honorable R. J. Johnston Esquire Pres-  
ident Judge John Shanigan and Joseph Masters Esquire his  
Associate Judges now composing a Court of Quarter Sessions  
and for the Peace for the County of Cambria at June Term  
A.D. 1886

We the undersigned Jurors do report that having  
due and timely notice by putting up three written notices  
in three public places adjacent to place of road a copy of  
notice is hereto attached and we do further report that  
we met at time and place designated by said notices  
and after all first being sworn and affirmed according to  
law we proceeded to the duties of our appointment and  
view marks and lay out the following for a Public Road or high-  
way beg. Beginning at a Post on Indiana & Cambria County line  
at terminus of a Public road said to be laid out in Indiana County  
on land of Richard Johns in Bon Township thence through  
improved land of Richard Johns South thirty six and one half  
degrees East at thirty six perches more improved land in all  
at forty five perches Post in public road thence by said Township  
road for the two following Courses and Distances South Eighteen  
degrees East fourteen perches thence South four degrees East  
forty five perches Post thence by line of land of Aaron Jones John  
Sellers and others North Eighty three and one half degrees  
East two hundred and six perches to Post on public road  
leading from St. Nicholas to Nolleys Mills all in Bon Town-  
ship Cambria County which said laid out road is necessary in  
our opinion to accommodate the traveling public and we do  
further report that we have assessed the following damages

payable when said report is Cautioned and opened  
for public travel viz To Richard Jones to Aliza Elliott  
fifteen dollars. also release Gibson Jones Arthur Groat  
and award no damages to John Bellardin as we were inform-  
ed he desired no damages. further we award no damages  
to Jackson Groat his land being bounded by line of said  
cut road and unimproved.

Witness our hands this 31<sup>st</sup> May 1886

Henry Scoulan  
William Gutz  
Frank Garman

Sum of thirty five dollars and Aliza Elliott  
the sum of fifteen dollars, which was  
omitted in the foregoing report by a  
mistake of the scrivener, said damages  
to be paid when road is opened for  
travel. Witness our hands this 3<sup>rd</sup>  
day of March A.D. 1887.

Henry Scoulan }  
Frank Garman }  
William Gutz }

To the Honorable the Court within named  
We the under-  
signed Sewere do report that we intended in  
the <sup>above</sup> report damages to Richard Johns the  
sum of thirty five dollars and Aloza Elliott  
the sum of fifteen dollars, which was  
omitted in the foregoing report by a  
mistake of the scrivener, said damages  
to be paid when road is opened for  
travel. Witness our hands this 3<sup>rd</sup>  
day of March A.D. 1887.

Henry Seidlau }  
Frank Gorman }  
William Gule }



RELEASES.

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

Witness our hands and seals, the 31<sup>st</sup> day of May ... in the year of our Lord one thousand eight hundred and Eighty Six.....

Sealed and delivered in presence of us.

Baron S. Johns.....[SEAL]

Andrew Groat.....[SEAL]

.....[SEAL]

.....[SEAL]

.....[SEAL]

Frank German  
William Sute

Attest May 31<sup>st</sup> 1886

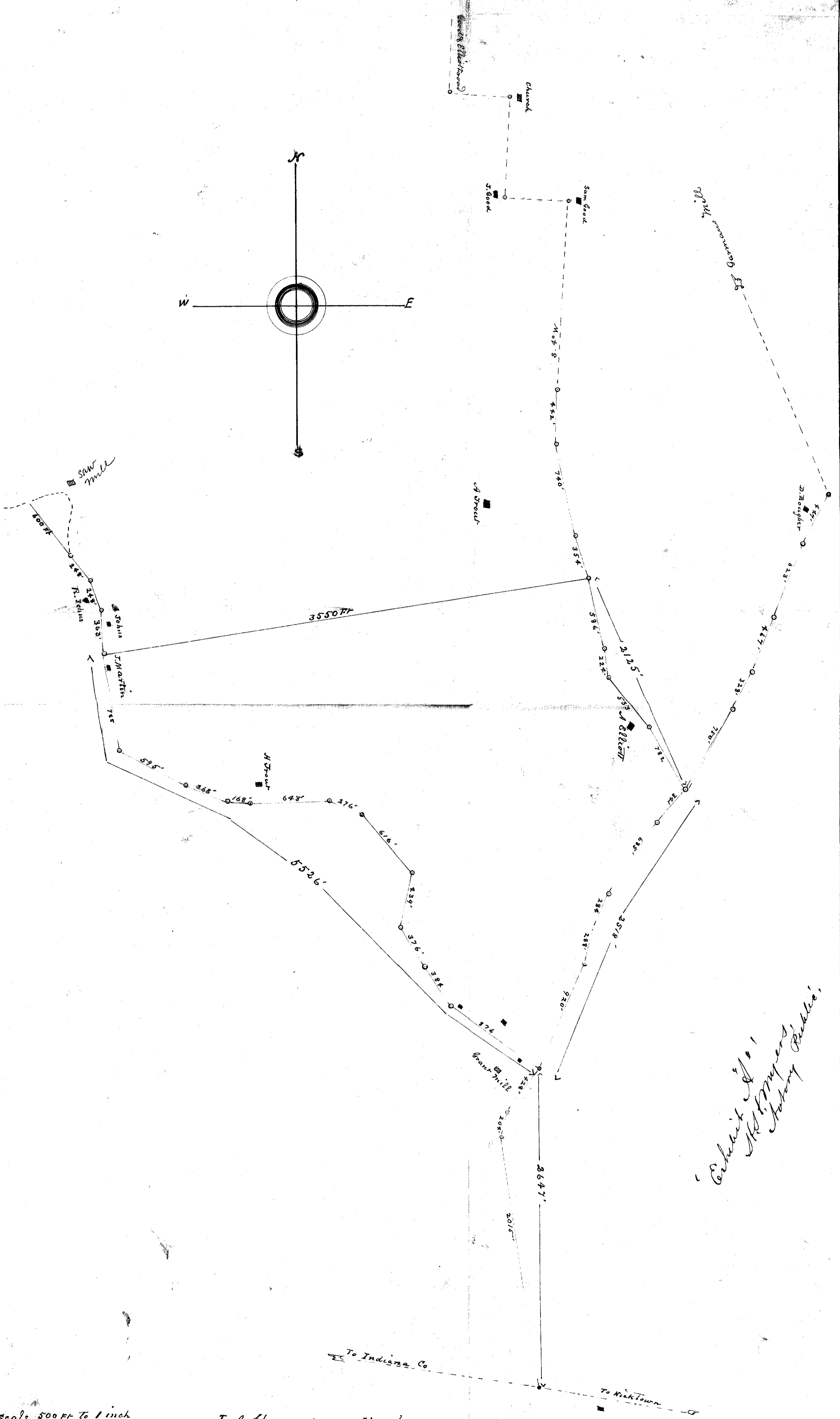
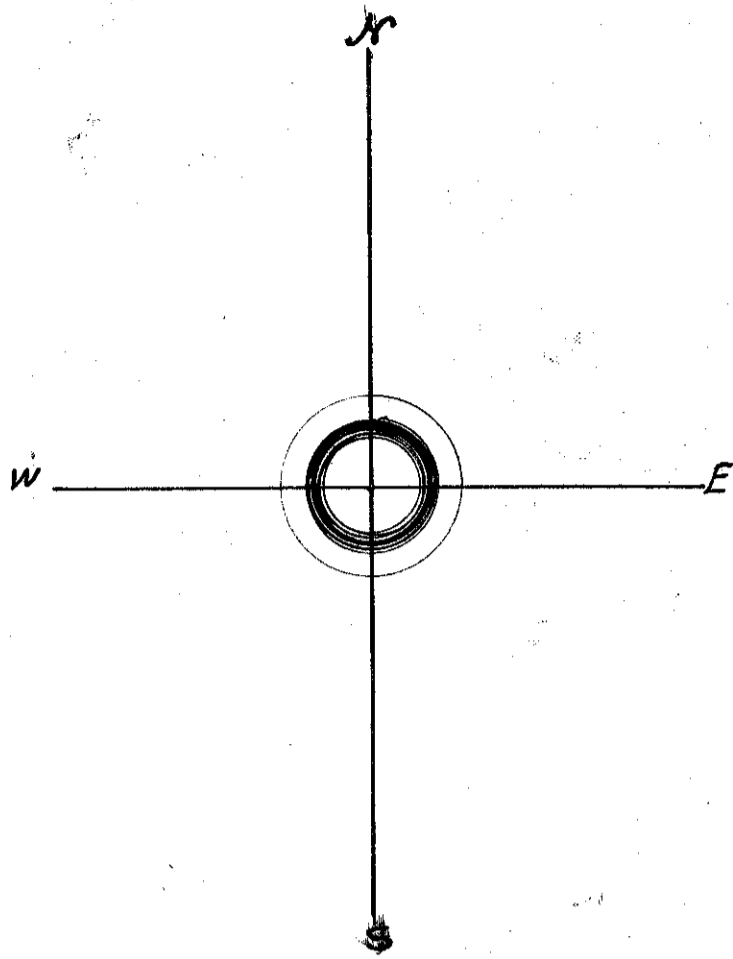


Exhibit A  
J. H. Myers  
Johnny Riddle

Scale 500 FT. to 1 inch

J. A. Shoemaker - Ebensburg - 1887.

To Indiana Co.

To New Town