

July 26th 1898



Plot showing connection from a point which is $n 5^{\circ} 05'$ or $73\frac{1}{2}$ ft. from the s. r. cor. of Wood Alley and Wilson St. said pt. being on or near the centre line of Wilson St. to that pt. from which the survey for Road made the 20th day of April began. This connection was run on a 5° grade which is equivalent to a rise of 8'-4" per 100 ft.

Surveyed by C. P. Collins July 16 1898

R.D.#6 - Mar 1897

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Quarter Sessions

IN THE COURT OF COMMON PLEAS OF
CAMBRIA COUNTY, PA.

.....
In re Road from
South Fork
to
Joint School House
in Jackson Twp
.....

on March Term, A. D. 1897, No. 6
.....
.....
.....

And now, to-wit, the Thirtieth day of September, A. D. 1898, Rule
on part of Petitioners for Road to take depositions of witnesses
before Daniel L. Parsons, Esq., Commissioner, to be read on the hearing of the
above stated case.

CAMBRIA COUNTY, SS:

Extract from the Record of said Court. Certified the
30th of September, 1898.
S. W. Davis Clerk, Prothonotary.

TO Kittell & Little, Attys for Petitioners for Review
in above stated case

TAKE NOTICE. That in pursuance of the above Rule the depositions of witnesses to be read in evi-
dence on the argument of the above stated case on part of
the Petitioners for view and road will be taken at the office of J. P. Wilson, on North
Railroad Street in the Borough of South Fork, Cambria County, Penna on Wednesday
the nineteenth (19) day of October, A. D. 1898, between the hours
of nine o'clock A. M., and nine o'clock P. M., before Daniel
Parsons Esq. Commissioner in and for said county
or by some other person of competent authority, at the time and place aforesaid, when and where you may
attend if you think proper.

H. B. Budsley
Atty for Petitioners for view
and in favor of said Road.

Robt. Mar. Sess 1897 P2

Line Road from

South Fork

to

Joint School House

in Jackson Twp.

RULE ON PART OF *Petitioners*

for Road

TO TAKE DEPOSITIONS.

Endley

In re Road from
South Fork

to

The Joint School House in
Jackson Township.

In the Court of Quarter Sessions of
Cambria County.

No.

Term, 189 .

Depositions of witnesses produced, sworn or affirmed and examined by me, the 19th day of October, A. D. 1898, between the hours of 9 o'clock, A. M. and 9 o'clock P. M. at the office of J. P. Wilson in the Borough of South Fork, Cambria County, Pa. by virtue of the annexed Rule of Court, and notice hereto attached, for the examination of witnesses in the above stated case depending in said Court.

Samuel L. Parsons
Commissioner.

H. S. Endsley , Esq., appeared for the petitioners for the road.

P. J. Little, Esq., appeared for the exceptants to the said road.

George Byers called, sworn and testifies as follows, viz:

~~XXXX~~ Mr. Endsley, Counsel for the petitioners for the Road states that the purpose of the testimony is to show the necessity for a public road as laid out and recommended by the viewers and to show that the exceptions filed to the report of the viewers are not well founded and that the conclusions reported by the re-viewers are also not well founded.

Mr. Little, Counsel for the Exceptants object to any testimony being taken and read at the hearing of the above stated cause tending to show the necessity for the opening of the proposed road for the reason that the decision of the Court in a road case must be based upon the report of either viewers, reviewers or re-reviewers, and not upon the testimony taken by a commissioner upon a sort of general appeal.

Q.--Where do you live, Mr. Byers?

A.--In East Taylor Township, I am familiar with the road laid out by ~~XXXX~~ viewers in this case. I think there is a necessity for the road which has been laid. There are no other roads leading directly between the termini of this road. At present from our settlement it would be about six miles of a drive to South Fork and that is by way of Summerhill. I live about 500 yards from the line of the proposed new road. I live about 2 or 2 1/4 miles from the Joint School House in Jackson Township. The territory in and around Jackson Township is reasonably settled. Same may be said of East Taylor & Croyle. This road would accommodate a large majority of the people from the three townships, also to the town and the settlement of South Fork, in order that they might get out. South Fork is the nearest large town to the settlement which would be tapped by the proposed road, and is the best market and nearest Railroad Station. The proposed new road would only be about One-half the distance which the present means of travel afford. The grade of the new road is not so steep, as the old road as I was along this road when it was surveyed

The proposee new road intercepts two public roads besides the the Stone Pike at the Joint School House. One of these roads is the road which leads from Summerhill to the Upper Johnstown Road, and the other intercepts the main road which leads from Summerhill to the Stone Pike or Ebensburg Pike. A part of this proposed new road would be a benefit in school advantages, in enabling children to get to the public schools.

Cross examined by Mr. Little.

I do not remember the view that I was on when I was along with the survey, but it was the first one I think. I was not one of the viewers, I was just interested in having the Road opened. I say that Croyle is a reasonably well settled township, the length of the proposed new road is from two-and one-half miles to three miles ~~in length~~. About one-half to three quarters of a mile of this new proposed road is in East Taylor Township, about the same is in Jackson Township, maybe a little more, I do not know exactly where the township lines are, and the balance of the road is in Croyle Township. About four or five families live pretty handy to the road in Croyle Township, they live right on the line as close as you can get, of course they cannot all get in a bunch. This is what I ~~call~~ call reasonably well settled, ~~along~~ along the line of the road for the distance ~~of~~ of the road in said Township.

The proposed new road intersects only one road between the termini.

Q.--If the proposed new road is open for the accommodation of the public what part of the expenses of opening will East Taylor Township where you reside, bear?

A.--I cannot give any definite answer.

Q.--Which Township will bear the burden of the Road?

A.--Croyle Township will bear the heaviest expense.

Q.--From your figures I learn that two-thirds of the proposed new road is in Croyle Township?

A.--Yes sir.

Q.--

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Q.--The character of the ground over which the proposed passes in Croyle Township is mountainous?

A.--Yes sir.

Q.--You own no property in Croyle Township and pay no taxes?

A.--No sir.

Q.--The distance by other roads to post office, railroad and market is but three miles longer than the distance over the proposed new roads, from the settlement in which you live?

A.--Yes sir.

Q.--You were a signer of each of the other petitions for the road which were decided adversely by the Court?

A.--I signed one petition for the road.

Q.--You are so much interested in the proposed new road that you followed the viewers when they made their location?

A.--Yes sir, I went with the viewers

~~Re-~~

Re-direct by Mr. Endsley.

Q.--Besides the people who live directly on the line of the road in Croyle Township, State whether or not the road would accommodate and be reasonably necessary for other citizens of Croyle Township living at some distance from the line of the road?

A.--Yes sir it would be a benefit to the whole Township.

Q.--Would you call the Country through which the road passes in Croyle mountainous or just hilly?

A.--It is not what you call just mountainous it is just hilly

Re-cross-examination by Mr. Little.

Q.--How will all the citizens of Croyle Township get to this proposed new road in order to be benefitted by it?

A.--They can get to this road by other roads which will lead to this road.

Q.--Would that not be farther than the direct road to Summerhill and to South Fork?

A.--No sir.

Geo Ryers

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J. S. Oaks called, sworn and testifies as follows, viz:

Q.--Where do you live?

A.--In Croyle Township.

Q.--How near the line of the proposed new road?

A.--About as near as I can get unless I move right into the road, the road goes between my house and barn.

Q.--How far do you live from South Fork by way of the present nearest public roads?

A.--It is between five and six miles.

Q.--What is the route?

A.--We have to go by way of Summerhill.

Q.--How far would you have if the new road would be opened?

A.--I did know the exact distance but it would not be quite two miles from my place.

Q.--Would the proposed new road tap a reasonably well settled community?

A.--Well yes.

Q.--About what is the distance of the new road?

A.--It is a few rods over three miles.

Q.--What other public roads does it cross?

A.--It crosses the mineral Point and Summerhill Road, or in other words the road leading from Summerhill, it crosses the road in East Taylor Township.

Q.--State whether or not there are any other public roads running near or parallel to the road laid out by the viewers in this case?

A.--No sir.

Q.--State whether or not there is a necessity for the opening of the public road as laid out and recommended by the viewers?

A.--Yes sir, I think it is badly needed.

Q.--What is the nearest large town to you?

A.--The nearest ~~next~~ large town is South Fork.

Q.--What is your best point for marketing and nearest point.

A.--South Fork.

Q.--What is your post office?

A.--Mineral Point.

Q.--If this road was opened where would be the most advantageous place to get the mails and to strike the Penn'a R. R..

A.--South Fork would be our most convenientx place.

Q.--Mr. Oaks state any other reasons you may have for thinking that the proposed road is reasonably necessary ~~is~~ for the accommodation of the travelling public?

A.--Well it would open a way for the travelling public from other townships, that is East Taylor, Jackson Township and from Croyle ~~xxxx~~Township, that is the north corner of Croyle Township besides that along the line of the road, and also for South Fork, and it would be an accommodation to some persons having children attending the common schools, it would furnish the only public road for my children in reaching the school they attend, namely the Joint School House in Jackson Township, also Mr. Daniel Stutzman, Fred. Stutzman, then there is Mrs. Ezra Oaks and Samuel Wilson in Jackson Township. It would also open a way for us to get out beyond that townxxx Ebensburg

Q.--Would it afford you a means to get to church?

A.-) Yes sir, besides me it would accommodate a great many beyond me to come to our church there.

Cross-examined by Mr. Little.

Q.--You say Mr. Oaks that the proposed new road will tap a reasonably well settled community, will it run ~~through~~ through a ~~well~~ reasonably well settled community?

A.--Why the road as it runs through is not just so thickly settled that is right along the road, but it meets roads that will open into thickly settled parts of the north end of Croyle also Jackson and East Taylor.

Q.--How much farther would the people living in North Croyle, Jackson and East Taylor have to get to South Fork by travelling the present road than by the proposed new road?

A.--Those in North Croyle I could not just state particularly, it would be a difference at least of a mile; for Jackson it would be the same distance about as for me, it would be very nearly four miles;; for East Taylor Township there will be a difference of about Four miles.

Q.--Mr. Oaks you are one of the parties who has been seeking for the last three years to get this new road?

A.--Yes sir.

Q.--It would be a great benefit to you because of its running so close to you residence?

A.--Why certainly.

Q.--There are only two or three of your neighbors living in Croyle Township who are benefitted to such an extent as you are?

A.--About four.

Q.--How many citizens of Croyle Township signed the last petition for view?

A.--Now I cannot say.

Q.--Did you not carry the petition around?

A.--I did but other had it afterwards.

Q.--Your township will bear about hree fourths of the burden of opening the road and will receive less benefit than an other township through which the road passes?

A.--No I do not think it will be three-fourths, I think Croyle will bear two-thirds. I would not want to say that Croyle would receive less benefit.

Re-direct by Mr. Endsley.

Q.--What other benefit would the opening of this road be to Croyle?

A.--Surely if we had a new market road our land would be more valuable than without a road.

Q.--Mr. Oaks you answered a question put by Mr. Little that this new

read would be a great benefit to you because it passed so near your house, state whether or not the greatest benefit is that it would furnish you with an outlet, which you have not got.

A.--Why most certainly, it would give an outlet.

Q.--Are you the owner of real estate in Croyle Township?

A.--Yes sir, I own a farm of about three hundred acres.

Re-cross-examination by Mr. Little.

Q.--How far are your farm buildings from the Township Road?

A.--It may be a little over a quarter of a mile

Q.--In estimating distances to South Fork and other places did you include the distance from your farm buildings to the public road?

A.--Yes sir.

J. S. Oaks

N. S. George called, sworn and testifies as follows, viz:

Q.--Where do you live and what is your business?

A.--At South Fork and my business is hardware, furniture and undertaking.

Q.--What is the population of South Fork Borough?

A.--About 3000.

Q.--Of what does its principal business or industry consist.

A.--Coal mining.

Q.--What Rail road facilities have you?

A.--Main line of the Penn'a, R. R., and Dunlo and scalp Level Vbranch.

Q.--State whether or not South Fork would be the natural shipping point, trading point and post office of people living in the neighborhood and territory which will be reached by the Proposed new road?

A.--Yes sir, undoubtedly.

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Q.--Are you familiar with the country through which the proposed new road is laid out, and ~~the xxxxxxxx~~ that part of Jackson Township which would be served by the road?

A.--Yes sir.

Q.--Would it tap a reasonably well settled community?

A.--Well yes a reasonably well settled community.

Q.--State whether or not there is a necessity for the opening of the road as laid out by the viewers in this case?

A.--Yes, yes sir.

Q.--Give any reasons?

A.--The reasons are that there are no way to reach that settlement except by going by the way of Summerhill which necessitates the travelling of between five and six miles to the point that this new road would reach, and on account of there being no other road.

Q.--Would it be an advantage to this community to have this road opened?

A.--Oh yes' quite an advantage.

Cross examined by Mr. Little?

Q.--Do I understand you to mean that it is five or six miles by present public roads from and to the same point between which the proposed new road runs.

A.--Yes between five and six miles.

Q.--Are you more familiar with the community and the vicinity through which the proposed new road runs than J.S.Oaks?

A.--No sir.

Q.--Did you hear his testimony?

A.--Yes sir.

Q.--Did you hear him say that it was between three and four miles difference the proposed road and the present road?

A.--No, I cannot recall that to my mind.

Q.--You think that the proposed road would be a benefit to South Fork?

A.--Yes sir.

Q.--It would be a means of causing farmers in Croyle, Jackson and

East Taylor Townships to change their place of marketing to South fork?

A.--It would not say change because they go to the inconvenience to reach this market.

Q.--I expect them all to come if the new road is opened?

A.--Yes sir.

Q.--And you as a merchant will be benefitted?

A.--Yes sir, no doubt.

Q.--You do not mean that because South Fork is a larger town than Summerhill or Ehrenfeld that all the roads should lead to South Fork?

A.--Oh no, but Ehrenfeld would be benefitted as well as South Fork.

Q.--If nearly all the farmers do their marketing in South Fork now what benefit would it be to South Fork?

A.--It would open up more facilities to South Fork, it would open up more routes, it would increase our facilities.

Q.--You want the road because it would be a feeder to South Road?

A.--Yes sir, that is part, but also because it is a benefit to those persons who have access to it.

N. B. George

A. J. Oaks called, sworn and testifies as follows, viz:

Q.--Wher do you live?

A.--In Groyle Township.

Q.--How far is it from where you live to to South Fork by the present public roads?

A.--It is near about five miles, it may not be quite it may be a little over that. This is by way of Summerhill.

Q.--Are you familiar wit the line of the proposed road as laid out by the viewers in this case.

A.--I was not along the line with the viewers but I know in a general way the route of the proposed new road.

Q.--What is the distance by this proposed new road from your ppace to South Fork?

A.--About two miles.

A.--Is the proposed new road necessary for the accommodation of the travelling public?

A.--Yes sir.

Q.--State what benefit it would be to the people living in the country through which it passes?

A.--It would give them a direct route for a market, which is at South Fork.

Q.--What benefits would it afford in opening up a public way to schools and churches?

A.--I think it would be quite an advantage, principal part of the church goers have to go through private roads to go to church on that hill.

Q.--What do you mean by private roads?

A.--Either through fields or through private roads which go through private grounds?

Q.--Where these private roads laid out by the Court?

A.--No sir, not to my knowledge at least.

Q.--Do the children of people living along or near the line of the proposed new road have a public road in going to the public schools?

A.--No sir, not on this side of the Jackson Road.

Q.--Is there any other road ~~is~~ nearly parallel to the proposed new roads reaching the same two points?

A.--No sir, it is the only road that crosses the public road that leads from Summerhill to Mineral Point.

Q.--What is the character of the country that is reached by this new road as to population or settlement?

A.--The ground that the ^{road is} laid out through is not so thickly populated at this end, but at the other end there are possibly a ~~six~~ dozen farms that are close around. Farther out there are possibly about two or three dozens of farms that would be benefitted by this road.

Cross-examined by Mr. Little.

Q.--Are you a son of J. S. Oaks?

A.--Yes sir.

Q.--Do you live at home on the farm?

A.--I live on one of father's farms.

Q.--You entertain the same opinions as regards the proposed new road as your father does?

A.)--As far as the general opinion goes, yes sir.

Q.--In the vicinity where the half dozen farms along the proposed road are situated, the proposed road crosses the Summerhill Road?

A.--From there out toward and in Jackson Township.

Q.--Those farmers have a public road?

A.--Some of them have.

Q.--From your testimony in chief you say it is about three miles farther for the people in the vicinity of your father's farm to come to South Fork over present roads than it will be by the proposed road?

A.--Yes sir

A. J. Oaks

William Rose called, sworn and testifies as follows, viz:

Q.--Where do you live?

A.--In East Taylor Township.

Q: -How far do you lie from the proposed new road?

A.--I live about a mile from where the proposed new road intersects the road leading from Summerhill to Mineral Point/

Q.--Are you familiar with the general course of the proposed new road?

A.--I do yes sir.

Q.--State whether or not there is a necessity for a public road as laid out and recommended to be opened by the viewers in his case?

A.--Yes sir there is.

Q.--What is the best point along the Penn'a R. R. for persons living in Jackson and East Taylor Township and that part of Croyle Township which are reached by this new road to market their produce?

A.--South Fork, that is for those parts of the townships.

Q.--State whether or not the proposed new road would accommodate a large number of people of the three townships named?

A.--It is pretty hard to tell the number of people but it would be a great advantage to some of them.

Q.--What is your nearest large Rail road town?

A.--South Fork?

Q.--How far have you by the present public roads to South Fork?

A.--Between five and six miles.

Q.--How far would you have by the proposed new road?

A.-- I suppose not over three miles.

Q.--

Cross examined by Mr. Little.

Q.--Mr. Rose your distance to South Fork would be lessened by between two and three miles?

A.--Yes sir.

Q.--You own no property in Croyle Township?

A.--Not any.

Q.--You know that Croyle township would have to bear the largest expense in building the road?

A.--I am aware of that.

Q.--You live close to the proposed road?

A.--From where it intersects the other road it is between three quarters of a mile to a mile.

Q.--It is a great benefit to ~~xxxxxxx~~ you to have the road opened?

A.--Yes, that is the reason I want it.

Redirect by Mr. Endsley.

Q.--You own real estate in ~~xxxx~~ East Taylor Township?

A.--Yes sir.

Q.--Do you own a farm?

A.--Yes sir.

Q.--State whether or not the new road would be a general public advantage?

A.--I think it would, of course.

William Rose

Daniel Stutzman called, sworn and testifies as follows, viz:

Q.--Where do you live?

A.--Croyle Township, Cambria County.

Q.--Do you own real estate in that township?

A.--Well I pay taxes in that township.

Q.--How much real estate have you been paid taxes on?

A.--About 85 or 90 acres.

Q.--Are there improvements on the real estate?

A.--Yes sir, my house, barn and outbuildings are on it.

Q.--State ~~xxx~~ how near you live to the proposed road and how far from South Fork by the present public roads as compared with distance you would have if the proposed road were opened?

A.--~~xxxxxxx~~ The proposed road goes right through the farm of mine ~~xxxxxxx~~ north and south. By the present public roads I have five miles to get to South Fork, and by the proposed road we have, according to the statement of Mr. Slicks draft, about a mile and one-half to the borough line .

Q.--Are there any other roads by which you could reach South Fork or the Joint School House in Jackson Township, except the Summerhill Road?

A.--No public road, I mean Township Road.

Q.--What public road does the proposed new road cross between the Joint School House and South Fork?

A.--It crosses the summerhill and Mineral Pint Road.

Q.--State whether or not the country which is or which will be reached and tapped by the proposed new road is well settled for farming country ?

A.--At present it is that towards the north end it is pretty well settled.

Q.--Are you familiar with the location of the road laid out by the report of the viewers in this case?

A.--I am.

Q.--State whether or not there is a necessity for the opening of the road as a public road recommended by the viewers?

A.--Yes sir there is.

Q.--Would such road if opened accommodate a small or a large number of people?

A.--I think it would accommodate a large number.

Q.--What point on the Penn'a R. R. is your best point for marketing purposes for shipping and for post office?

A.--South Fork.

Q.--Would the proposed new road serve useful public service connected with schools or churches?

A.--I think so.

Q.--State how?

A.--It would give people an opportunity to get to Joint Schools we have no public road I mean the Township Road. It would serve Mr. Oaks the widow Oaks Fred. ~~Stutzman~~ Stutzman, my son, Mr. Albert Oaks, Mr. Samuel Wilson. It would give facilities to persons desiring to go to church.

Q.--Do you know anything else for or against the opening of this new road?

A.--One reason for having it opened would be to accommodate the neighbors out about Jackson, if they had a road straight through to South Fork they would come in.

Cross-examined by Mr. Little.

Q.--Have you a road to send the children to school?

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A.--A kind of a road through the woods.

Q.--Can you drive it?

A.--I hear you cannot drive it now, but you used to.

Q.--For how many years has that road been opened and been in use?

A.--I cannot answer.

Q.--Has it been for over twenty-one years?

A.--No sir not that ~~kind~~ long I do not think.

Mr. Endsley notes the following objection, viz: that a road by prescription cannot be obtained through unenclosed woodland.

Q.--Is that woods through which this road passes appurtenant to cleared land?

A.--No sir.

Q.--Is that woods not under fence?

A.--No sir.

Q.--I understand that you say that it is only a mile from your place by the proposed road to South Fork?

A.--I did not say I was certain.

Q.--How far is it then into the town?

A.--As near as I can tell about One and one-half to two miles.

Q.--How far do you live from J. S. Oaks farm?

A.--Adjoining.

Q.--Have you as far to go by the proposed road as he has?

A.--Not quite.

Q.--It is three miles farther by the present road to South Fork than by the proposed road?

A.--Between two and three miles.

Q.--You gave the names of four families of Oakes and two families of Stutzman who would be benefitted by the proposed road in travelling to Church and Sending to School, do all ~~these~~ these families live on adjoining farms?

A.--Yes sir.

Q.--The road would be a great benefit to these people?

A.--Yes sir and also to others.

Q.--You are anxious to have the proposed road laid out because to of the convenience of your self and family?

A.--Yes sir and to others.

Q

Daniel Stutzman

Mrs. Henrietta Oaks called, sworn and testifies as follows, viz:

Q.--Where do you live?

A.--Jackson Township.

Q.--Do you own real estate there?

A.--Yes sir.

Q.--Have you a family?

A.--Yes sir.

Q.--How near does the proposed road pass to your premises?

A.--It passes through our land.

Q.--How far do you live from the Joint School House in Jackson Township?

A.--I do not know how far it is, but we have no public road to the school house.

Q.--To what public school do you send your children?

A.--Joint School.

Q.--Have you a public outlet or a public road to attend church?

A.--No sir.

Q.--Would the proposed road furnish you the outlet?

A.--Yes sir?

Q.--What is the nearest large town to you?

A.--South Fork.

Q.--Have you a public road leading directly to South Fork?

A.--No sir.

Q.--What way must you take to travel from your home to South Fork?

A.--We have to go through J. S. Oakes' land to the Mineral Point Road ~~xxxx~~ also through Stutzmans' land and then around by Summerhill.

17.
Q.--Do y u know how far it is that way?

A.--It is between five and six miles.

Q.--About how far would you have ir the proposed road were opened?

A.--About two miles.

Q.--State whether or not there is a public necessity for the opening of the road recommended by the viewers in this case?

A.--Yes sir there is.

Q.--Would such road if opened be of advantage to a small number of people or a large number of people?

A.--I think it would be adv ntage to a large number of people.

Q.--Are you a widow?

A.--Yes sir.

Cross examined by Mr. Little.

Q.--What relation to Mr' J. S. Oakes *are you?*

A.--He is my husbands'x uncle.

Q.--You live on the adjoining farm.

A.--Yes sir.

Q.--~~Did~~ you ever talked ~~over~~ over this proposed road with Mr. Oaks?

A.--No sir, I never did.

Mrs Bernietta Oaks

Mr' B. Stutzman called, sworn and testifies as follows, viz:

Q.--Where do you live?

A.--Urcyle Township.

Q.--Are you familiar with the course of the road ~~pxm~~ laid out by the viewers in this c ase?

A.--I am, I was with the viewers at the time.

Q.--How far do you live from the line of the road?

A.--About 100 yards from the line of the proposed road.

Q.-pWhat is the nearest large town to your place, Mr. Stutzman?

A.--South Fork.

Q.--Is that your principal shipping point or trading point?

A.--It would be in case there was a road.

Q.--What public road facilities have you at present for reaching South Fork and how far?

A.--By way of Mineral Point and Summer hill Road, the distance about five miles.

Q.--Is it a direct or roundabout way?

A.--Roundabout, I think.

Q.--How far would you have by the proposed new road?

A.--About one mile and one-half.

Q.--State whether or not the proposed new road would be of advantage to citizens in the Townships for school and church purposes?

A.--It would.

Q.--Are there any citizens who do not have public road facilities for these purposes now, who would be given such facilities by this road?

A.--There are.

Q.--Who are they.

A.--I am one, Mr. Josiak Oaks, Henrietta Oaks, Mr. Samuel Wilson and there are also some down this way who would also come up there to church if there was a road to drive.

Q.--Do you own real estate in Cröyle Township?

A.--Yes sir.

Q.--State whether or not there is a public necessity for the opening of the road recommended by the report of the viewers in this case?

A.--Yes sir there is.

Q.--Are there any other roads near or parallel to the line of the proposed road by which the same points could be reached?

A.--No sir there is none.

Q.--Would the proposed road if opened accommodate a small or large number of the travelling public?

A.--It would accommodate a large number.

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Cross-examined by Mr. Little.

Q.--Are you a son of Daniel Stutzman?

A.--Yes sir.

Q.--You live up in the Oaks and Stutz man settlement?

A.--Yes sir.

Q.--And you have the same opinions regarding this road as your father has?

A.--Yes sir, I suppose I have.

Re-direct by Mr. Endsley.

Q.--You have a family of your own?

A.--Yes sir.

F. B. Stutzman

Mr. Samuel Wilson, Called, affirmed and testifies as follows, viz:

Q/--Where do you live?

A.--In Jackson Township.

Q.--Are you a farmer?

Yes sir.

Q.--How far do you live from the line of the proposed new road?

A.;--About two hundred yards.

Q.--How far is your place from the Joint School House?

A.--In the neighborhood of One-half to three quarters of a mile.

Q.--How far is it from your place to South Fork by the present public road?

A.--About six miles and one-half, I think.

Q.--How far would you have by the proposed new road if opened?

A.--I would have in the neighborhood of three ~~xxxxx~~ miles.

Q.--What is the best market town and shipping point for you?

A.--South Fork.

Q.--What is your post office at present?

A.--Mineral Point.

Would this be a better Post office for you if the new road were opened?

A.--I do not know as it would be, it is a little nearer. I would want my postoffice where I did my marketing.

Q.--State whether or not the opening of the proposed new road would furnish a public outlet for people for school and church purposes, who are now without such facilities?

A.--Well there are a good many people up around there, the Widow Oaks, myself, Os. Oaks and others, who have no public road, to get to school or to church.

Q.--State whether or not there is a public necessity for the opening of the road recommended by the report of viewers in this case?

A.--Yes sir.

Q.--Would the opening of that road accommodate a small or a large number of the travelling public?

A.--A large number.

Q.--You are a married man and have children?

A.--Yes sir, I send my children to the Joint School House.

Samuel Wilson

Daniel Stutzman recalled.

By Mr. Endsley.

Q. Are you acquainted with D. B. Wilson? A. Yes sir.

Q. Where does D. B. Wilson live? A. At Mineral Point, Conemaugh Township.

Q. How long has he been living in Conemaugh Township? A. To the best of my recollection he has been living there for or five years.

Q. Where did Mr. Wilson live previously? A. He lived at Mineral Point, East Taylor Township.

Daniel Stutzman

E. S. Gramling called and sworn.

By Mr. Endsley.

Q. Where do you live Mr. Gramling and what is your business?

A. South Fork Borough and Storekeeper.

Q. What is the population of the Borough? A. About three thousand.

Q. What are the principal industries of the borough? A. Coal mining.

Q. Is it a good or bad market? A. I think the market is good for farmers.

Q. What demand is there for country produce? A. A very large demand.

Q. What railroad facilities has the Borough? A. The Pennsylvania Main line and the Windber Branch.

Q. Are you familiar with the country through which the proposed new road passes? A. Not very much acquainted; part of the way I am until up on the hill here up to Stutzman's I am beyond Stutzmans out I am not.

Q. Is there any direct public road leading from South Fork to the Stutzman neighborhood? A. No sir.

Q. State whether or not there is a public necessity for the opening of the road as recommended by the report of the viewers in these proceedings? A. There is.

Q. Would the proposed road if opened accommodate a small or a large portion of the travelling public? A. A large portion.

Cross examination by M^r. Little.

Q. Do you believe that farmers in a community should have a public road because they have three miles farther to go to market than by a direct, but new and expensive road? A. I do; I do not consider this road an expensive road.

E. S. Gramling

22

D. W. Luke called and sworn.

By Mr. Endsley.

Q. Where do you live and what is your occupation? A. I live in South Fork and my occupation is a coal operator.

Q. What is the population of South Fork? A. I will say about two thousand.

Q. What are its railroad facilities? A. The Pennsylvania Main Line, the South Fork and Windber Branches.

Q. Are you familiar with the general course of the road proposed to be opened in these proceedings and the character of the country which will be tapped by said road? A. I am.

Q. State whether or not there is any direct public road at present connecting said points? A. There is not.

Q. State whether or not there is a public necessity for the opening of the road recommended by the viewers in these proceedings? A. I believe in fairness to the citizens concerned there is a public necessity for this road.

Q. State whether or not the proposed road would be an advantage to the citizens of the Borough of South Fork? A. I think it would.

No cross-examination.



Harry Rose called and sworn.

By Mr. Endsley.

Q. Where do you live and what is your occupation. A. I live in East Taylor Township, and am a farmer.

Q. Are you familiar with the route of the proposed road between the Joint School House and South Fork? A. Yes sir.

Q. How far do you live from the line of the said road? A. I live about two miles from the new road.

Q. How far do you live from South Fork? A. Well straight across here it is not more than a mile and a half.

Q. How far is it by the public road now open? A. It is four miles to Summerhill and two Miles to South Fork, making six miles.

Q. Is that your nearest public way at present to South Fork? A. Yes to come with a wagon.

P.B.

Q. What point on the railroad would be your best shipping point and marketing point? A. Well the nearest point is Mineral Point.

Q. Is that as good a point as this is? . No, this is the best point.

Q. State whether or not there is a public necessity for the opening of the road as recommended by the report of viewers. in this case? A. I never was over that road; I do not know where the road runs at all.

Q. State whether or not there is a public necessity for more direct road from your neighborhood to the Borough of South Fork than you now have around by Summerhill? A. I suppose there would be if the road was made.

Witness
Don L Parsons

Harry X Rose

J. A. Hildebrand called and sworn.

By Mr. Endsley.

Q. Where do you live and what is your occupation? A . I live in South Fork Borough, and am a Justice of the Peace and Burgess of South Fork Borough.

~~Q. Paper shown witness~~) Q.--Squize state what that paper is?

A.--Well the way I understand this, it is a survey made of a road commencing at a point on Wilson's Street at a point marked "A", and leading to a point on the Borough line called point B, where this township road is to start from.

Q.--What else have you there?

A.-- I have an ordinance, declaring said survey open.

Q.--Was that ordinance adopted by the Council of South Fork?

A.--Yes, it was regularly adopted and passed.

Q.--Was it advertised according to law?

A.--Yes sir.

Q.--By publication in a newspaper?

A.--Yes sir, it was published in the South Fork Weekly newspaper.

Q.--How long have you lived in this vicinity?

A.--15 years since April 18.

Q.--Are you familiar with the general course of the proposed new road and the region through which it passes and which it taps, up in Jackson Township,?

A.--Partly so, I have been over the ground a number of times.

Q.--Is there at present any direct public road connecting said points?

A.--No sir.

Q.--State whether or not there is a public necessity for the opening of the road as recommended by the viewers in these proceedings?

A.--I believe there is.

~~XXXXX~~

Cross examined by Mr. Littel.

Q.--Mr. Little attorney for the objectants objects to the foregoing testimony sought to be introduced relative the ordinances of the Borough of South Fork for the laying out of streets for the reason that such testimony is entirely irrelevant and immaterial to the matter in controversy in the Court of Quarter Sessions of the County of Cambria.

J. A. Hildebrand

Mr. J. P. Wilson called, sworn and testifies as follows, viz:

Q. Where do you live and what is your occupation? A. I live at South Fork and am Superintendent of coal mines.

Q. What is the population of South Fork? A. I think about two thousand.

Q. What are its industries? A. The coal trade is about the principal one.

Q. State whether or not there is a large demand in this community for country produce? A. There is.

Q. Is South Fork the largest town in close proximity to the region through which the proposed road runs? A. Yes sir.

Q. State whether or not there is a public necessity for the opening of the road as proposed? A. Yes sir I believe there is.

J. P. Nelson

J. S. Paul called and sworn.

By Mr. Endsley.

Q. Where do you live Mr. Paul? South Fork.

Q. How long have you lived here? A. Since the fall of 1876.

Q. Have you ever been out in Jack & East Taylor Townships? A. Yes sir, frequently, fact is I have had my home out in Jackson.

Q. Mr. Paul state whether or not there is a public necessity for the opening of the road recommended by the viewers in this case? A. I do.

J. S. Paul

Mr. Endsley counsel for the petitioners offers the Book of Minutes of Proceedings of the Town Council of the Borough of South Fork showing the passage of Ordinance No. 16, providing for an extension and opening of Wilson Street in said Borough, approved 19th Aug. 1898/ by the Burgess and recorded at length on page 46&47 in said book, this for the purpose of meeting an objection raised in the report of reviewers, also offers a draft of said extension as proven by J. A. Hildebrand, Burgess. Also offers a certified copy of said ordinance under the hands of the Burgess and the Clerk.

P. J. Little, Esq., counsel for the exceptants objects to the above offers for the reason, First.--That the certified copy of Ordinance No. 16 is but secondary evidence and inadmissible at this time, Second. --That no record offered showing a duly adopted ordinance which has been passed by the Borough of South Fork contains the signature of the officers of Council, Third.--That the ordinance sought to be introduced is invalid, because of its not being properly

passed by Council, Fourth.--That admitting the ordinance valid (which counsel in no wise admits) the whole matter is irrelevant and immaterial as the issue before the Court is to determine the adoption of either the report of viewers or the report of reviewers or the appointment of re-re-viewers and the ordinance sought to be introduced was not in existence at the time of filing of either of any of said reports.

~~XXXXXXXXXXXXXXXXXXXX~~,

Counsel for exceptants admits that this is the book of Minutes of the proceedings of Town Council of the Borough of South Fork as kept by William Weisel the duly authorized clerk of said Council.

William Weisel called, sworn and testifies as follows, viz:

Q.--Where do you live?

A.--In South Fork.

Q.--What official connection with the borough have you?

A.--Borough clerk.

Q.--Is this yur book of minutes of the proceedings of council?

A.--Yes sir.

Q.--Look at page 47 of that book and state whether the proceedings therein set forth relative to the extension of Wilson Street are correctly recorded?

A.--Yes sir it is substantially correct.

Q.--Has the Borough a regular Ordinance book in which the ordinances are recorded?

A.--They have a regular ordinance book, but the ordinances are not recorded, the reason for that is they have a book in which all the ordinances are pasted in and they wanted the clerk to write them all off but it is too much of a job for twenty dollars a year.

~~XXXXXXXXXXXXXXXXXXXX~~

~~XX~~

Q.--Do you intend to transcribe the ordinances which have been passed this year.

A.--Yes sir.

Q.--Why have you not done so

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Because I have not had time.

W. W. [unclear]

[Faint, illegible text]

I hereby certify that the above witnesses were duly qualified and examined at the time and place stated in the above caption, and subscribed their depositions in my presence.

Daniel L. Parsons,

Commissioner.



Cambria County, ss.

The Commonwealth of Pennsylvania,


@ Daniel Stetman, J. P. Wilson

We command you, and each of you, that setting aside all business and excuses whatsoever, you be and appear in your proper persons before the undersigned, Daniel L. Parsons, Commissioner appointed by the Court to take depositions of witnesses in part of petitioners for Road at the office of J. P. Wilson, cor. North Railroad St., Borough of South Fork, Cambria County, Pennsylvania, on the 19th day of October 1898, between 9 am and 9 o'clock P.M., of that day, to testify all and singular those things which you shall know in the matter of the petition for Road from South Fork, to Joint School House in Jackson Township.

And hereof fail not under penalty of one hundred pounds.

Witness my hand and seal this 10th day of October

A. D. 1898

Daniel L. Parsons,
Commissioner, 

No.

SUBPOENA.

In re Road from
South Fork

to

Joint School House
in Jackson Twp.

William Rose Geo. Byers ✓

~~Samuel Rose~~

Geo. W. Williams ✓

Arthur ✓ Whartenetta O. West

A. J. Perkins ✓

J. D. Grove

J. E. Henne

Geo. Williams

Henry Rose ✓

A. B. Stutz ✓

J. A. Aldebrand ✓
Wm. Pysel

W. S. George

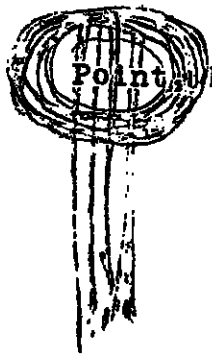
J. W. Luke ✓

~~Frank H. Boyer~~

E. S. Gromling ✓

J. S. Paul ✓

Samuel L. Parsons,
Commissioner.



Point East Taylor Township.

ORDINANCE!

An Ordinance, No. 16.

PROVIDING FOR an extension and opening of Wilson street in the Borough of South Fork.

SECTION 1. Be it enacted and ordained by the town council, of the borough of South Fork, and it is hereby enacted and ordained by the authority of the same, that Wilson street be extended and opened to the borough line, with the following courses and distances:

Beginning at a point on Wilson street, which is north 5 degrees, 5 minutes west, 73 1/4 feet from the southwest corner of Wood alley; thence through land of Cambria Iron company south, 86 degrees, 35 minutes west, 80 feet; thence by the same and crossing Mountain avenue north, 63 1/4 degrees west, 100 feet; south, 75 degrees west, 100 feet; south, 73 degrees west, 75 feet; north 39 degrees, 25 minutes east, 75 feet; north 33 1/4 degrees east, 50 feet; north 27 degrees, 10 minutes east, 50 feet; north 17 degrees, 5 minutes east, 50 feet; north 21 degrees east, 100 feet; south 89 degree east, 50 feet, and north 75 degrees, 5 minutes east, 50 feet to the point where the road begins, which was surveyed April 20, 1897, by viewers appointed by the court of quarter sessions of Cambria county in proceedings at No. 6, March sessions, 1897, Road Docket.

Sec. 2. That the width of said extension of said street shall be 80 feet.

Attest: WILLIAM WRAEL, Clerk.

Approved the 19th day of August, 1898.

J. A. HILDEBRAND, Burgess.

A true copy, certified from the records of the Borough of South Fork, this 19th day of August, 1898.

Wm. Wraael, A. Hildebrand
Clerk Burgess

106 March Term 1894

In the Court of

Quarter Sessions
of Cambria Co.

In re Road from
South Fork
to
Joint School in
Jackson Twp.

Depositions of Witnesses

Filed 17 Nov 1898

DANIEL L. PARSONS,
ATTORNEY AT LAW,
JOHNSTOWN, PA.
Commissioner

W. V. OERMITT & CO. PRINTERS

PAVERS, STATIONERS, 407 GRANT ST. PITTSBURGH.

To the Court of Quarter Sessions for the County of Cambria:-

The undersigned viewers named in the within order respectfully report:-

1.- That all of said viewers met at the time and place specified in the notices, to-wit: On Monday, the 19th day of April, 1897, at 10 o'clock, a.m., in the Borough of South Fork, Cambria County, Pennsylvania, at a point in Wilson Street 330 feet north 12 degrees 30 minutes west from its intersection with Portage Street, and before proceeding to the discharge of our duties, we were severally sworn or affirmed according to law.

2.- The notices required by law were duly given; that is to say, not less than ten typewritten notices of the time and place where said viewers were to meet for the purpose of viewing said road were posted in the most public places and at different points along and in the vicinity of the ground to be viewed more than ten days before the time of such meeting, a copy of said notice is hereto annexed and marked Exhibit "A".

3.- In pursuance of said order, we viewed the site and locality of the road proposed to be laid out, making a personal inspection of the ground between the points designated in the petition and order, on the 19th and 20th days of April, A.D. 1897, and at the same time a survey stating the courses and distances and noting the improvements along the line of the same was made by C.P. Collins, one of the undersigned viewers; the map or draft of which survey is hereto annexed.

4.- We are of opinion and agree that a public road between the points mentioned is necessary, and we, therefore, authorize, lay out and return for public use a road as follows:- Beginning at a point in Wilson Street in the Borough of South Fork, Cambria

County, Pennsylvania, which is 480 feet north, 18 degrees 5 minutes west from its intersection with Portage Street; said point being near the line dividing said Borough from Croyle Township; thence ^{partly} through ^{(said borough and partly through Croyle Township and through} property of Cambria Iron Company and property of J.P. Wilson and D.W. Luke north, 82 degrees 5 minutes east, 200 feet; thence through ^{Croyle Township and through} property of Wilson and Luke north, 63 degrees east, 100 feet; north 44 degrees 35 minutes east, 200 feet; north, 41 1/2 degrees east 100 feet; north, 26 degrees 25 minutes east, 100 feet; north 1 degree 35 minutes west, 100 feet; north, 11 1/2 degrees east, 200 feet; north 16 degrees east, 100 feet; north, 15 1/2 degrees east, 100 feet; north 3 degrees 35 minutes east, 50 feet; north 11 degrees 45 minutes west, 50 feet; north 19 1/2 degrees west, 300 feet crossing the line to land of Cambria Iron Company; thence through said land north, 24 degrees 45 minutes west, 100 feet; north, 33 degrees west, 100 feet; north 42 degrees 5 minutes west, 100 feet; north, 3 1/4 degrees east, 150 feet; north, 12 degrees 45 minutes west, 350 feet; north, 25 degrees 50 minutes west, 100 feet; north 45 degrees 5 minutes west, 100 feet; north, 40 degrees west, 100 feet; north, 54 1/2 degrees west, 400 feet; north 52 degrees west, 400 feet; north 59 degrees west, 300 feet; north, 32 degrees 50 minutes west, 100 feet; south 39 degrees west, 100 feet; south 36 degrees east, 100 feet; south 15 minutes east, — 100 — feet; south 31 degrees 40 minutes east, 200 feet; south 83 degrees 40 minutes west, 200 feet; north 88 degrees 20 minutes west, 200 feet; north 65 degrees 10 minutes west, 100 feet; south 79 1/2 degrees east, 100 feet; south, 83 1/2 degrees west, 100 feet; north, 87 degrees west, 100 feet; south, 60 degrees west 100 feet; north, 87 1/2 degrees west, 100 feet; south 69 1/4 degrees west, 100 feet; north 58 de-

North 62 1/2 degrees west 100 feet
 North 40 1/2 degrees west 100 feet
 North 31 degrees, five minutes west 100 feet
 North 37 degrees west 400 feet

grees west, 100 feet; north 75 degrees 40 minutes west, 300 feet; north 80 degrees west, 300 feet; thence crossing the line between Croyle and East Taylor Townships north, ^{and through the last named Township} 85 1/4 degrees west, 586 feet; north 22 degrees west, 483 feet; north 38 degrees 40 minutes west, 291 feet; north 31 1/2 degrees west, 283 feet; north 3 degrees 20 minutes east, 205 feet; north 7 degrees 25 minutes east, 339 feet; thence by land of Cambria Iron Company and land of Daniel Stutzman north 1 degree 20 minutes east, ⁽⁷⁸⁹⁾ 789 feet to a post on the northern side of the public road leading from Summerhill to Mineral Point; ~~XXXXXXXXXX~~ north 6 degrees east, 1023 feet; thence by land of J.S. Oaks north 15 1/2 degrees east, 515.8 feet; north 72 degrees 20 minutes east, 135 feet to a post near the southern corner of J.S. Oaks' barn; north 48 degrees 50 minutes east, 420 feet; north 41 degrees east, 303 feet; north 15 degrees east, 413 feet; north 5 degrees 20 minutes east, 269 feet; thence through land of Ezra Oaks and crossing the line between the townships of East Taylor and Jackson ^{and through the last named township} north, 7 degrees 20 minutes west, 321.5 feet; north 45 degrees east, 617 feet; thence through land of John Betts north 42 degrees east, 525.5 feet; thence along the property line dividing land of said Betts and land of J.L. and Leo Weiss south 85 1/2 degrees east, 1850 feet; south 81 degrees 45 minutes east, 250 feet; and south 85 1/2 degrees east, 210 feet to a point in the public road leading from Summerhill to the stone pike at or near the joint schoolhouse in Jackson Township, being the objective point named in the annexed order and view; the said road as laid out and returned by the viewers has a grade of not exceeding 5 degrees to Station 69, and from there to the objective point near said schoolhouse the road is comparatively level.

5.- We further report that we endeavored to obtain from all the owners of land upon which said road is located releases of damages that might arise by reason of the location and opening of said road; We procured releases of damages from Josiah S. Oaks, Henrietta Oaks, Daniel Stutzman, F.B. Stutzman, D.W. Luke, J.P. Wilson and Cambria Iron Company. We estimated and assessed the damages of John Betts and of J.L. and Leo Weiss at nothing, and the said John Betts and J.L. and Leo Weiss refused to execute a release of damages. We allowed no damages to them because we considered the advantages which will accrue to their respective properties by reason of the location and opening of said road as being equivalent to all damages which will be sustained by them.

6.- We annex hereto a release of damages obtained by us, and also a statement of the time and mileage of viewers and chainmen employed in making said view.

7.- We have considered and passed upon the question of damages sustained by the persons through whose land said road is located on the basis of a road 33 feet wide.

WITNESS Our hands this fifth day of June A.D. one thousand eight hundred and ninety-seven.

C.P. Collins

D. B. Wilson

J. A. Stutzman

Viewers

S-T-A-T-E-M-E-N-T

Of Time and Mileage of Viewers and Chainmen.

---OXO---

Aaron Stutzman:-

2 Days at \$2.00 per day, - - - \$4.00
20 Miles at 10 cts. per mile, - - - 2.00

D.B. Wilson:-

2 Days at \$2.00 per day, - - - \$4.00
6 Miles at 10 cts. per mile, - - - .60

C.P. Collins:-

2 Days Field work at \$4.00 per day, - - \$8.00
2 Days on Plotting and Map, \$4.00 per day, 8.00
20 Miles at 10 cts. per mile, - - - 2.00

Edgar Campbell:-

2 Days Chain Carrier, at \$1.50 per day, \$3.00

G.B. Baumgardner:-

2 Days Chain Carrier at \$1.50 per day, \$3.00

Samuel Wilson:-

2 Days Rodman at \$1.50 per day, - - \$3.00

F.B. Stutzman:-

2 Days Axeman, at \$1.50 per day, - \$3.00

WHEREAS, By an order of the Court of Quarter Sessions of Cambria County, dated March 15, 1897, directed to C.P. Collins, Aaron Stutzman and D.B. Wilson, a certain public road running from a point in Wilson Street in the Borough of South Fork, and thence passing through a portion of said borough and the Townships of Croyle, East Taylor and Jackson to a point on the public road leading from Summerhill to the stone pike at or near the joint schoolhouse in Jackson Township was laid out and located, which said road so laid out and located runs through and over lands of Wilson and Luke, Cambria Iron Company, Daniel Stutzman, J.S.

Oakes, Etta Oakes (widow), ~~Daniel Stutzman~~
~~Frank Stutzman, J.L. & Geo. Ness, and John~~
~~Betz,~~

therefore,

Know all men by these presents, that we, the undersigned, through whose lands said road is located, in consideration of the advantages we expect to derive from the same if confirmed, do hereby release the County of Cambria from all damages that have accrued, or that may hereafter accrue to us or either of us for or on account of, or by reason of the locating, opening or using of said road, or that might accrue to us from said road for any reason whatsoever.

WITNESS Our hands and seals this ----- day of -----

April

A.D. 1897.

Joseph H. Oakes (Seal)
Henrietta Oakes (Seal)
Daniel Stutzman (Seal)
F. B. Stutzman (Seal)
D. B. Wilson (Seal)
J. P. Wilson (Seal)
Cambria Iron Co. per C. P. Collins (Seal)

N-O-T-I-C-E.

In the Matter of the Order to View the Ground proposed for a public road to lead from a point in Wilson Street about 330 feet north 12 deg. 30 minutes west from the intersection of Wilson and Portage Streets in South Fork Borough, and thence passing through said Borough and the Townships of Croyle, East Taylor and Jackson to a point in Jackson Twp., on the public road leading from Summerhill to the Stone Pike at or near the Joint Schoolhouse.

In the Court of Quarter Sessions of Cambria County.

No. 8 March Term, 1897.

Road Docket.

---OXO---

Notice is hereby given that the undersigned Viewers appointed by said Court in the above stated matter will meet for the performance of their duties on Monday the 19th day of April A.D. 1897, at 10 o'clock, a.m., in the Borough of South Fork, Cambria County, Pennsylvania, at the point in Wilson Street, from which said proposed road is to start.

*Johnstown Pa -
6th April 1897*

C.P. Collins,
Aaron Stutzman,
D.B. Wilson,

Viewers.

(13 minutes court)

In the Matter of the Order to
View a Road from a Point in
Wilson Street in South Fork
Borough to a Point in Jackson
Township at or near the Joint
Schoolhouse.

: In the Court of Quarter Ses-
:
: sions of Cambria County.
:
: No. 6 March Sessions, 1897.
:
: Road Docket.

---oxo---

Cambria County, ss:

Before me, D.B. Wilson, one of the Viewers in the above
stated matter, personally appeared C.P. Collins, who being duly
sworn says: that he will perform his duty as Viewer and Surveyor
in the above stated proceeding impartially and according to the
best of his skill and judgment.

Sworn to and subscribed before me,)

this 14 day of *April* A.D. 1897.)

D. B. Wilson)

Edgar Campbell)

C. P. Collins

D. B. Wilson

Witness

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

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg in the said County, on the ~~thirtieth~~ day of March A. D. 1897, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of ~~East Taylor~~ ^{East Taylor} in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from a point in Wilson Street about 330 feet North 12° 30' West from where said Wilson Street intersects Postage Street in the Borough of South East and thence passing through a portion of said Borough and through the Townships of Croyle, East Taylor and Jackson to a point in Jackson Township on the public road leading from Summerhill to the Stone Pike, which latter point is at or near the joint schoolhouse in Jackson Township

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 C. P. Collins SURVEYOR, and Garson Stutzman & D. B. Wilson

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:

S. W. Davis

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. 6
March 26th 1897

Order to view a road from
front on Wilson's Lane
from Stone to Stone Bank
at or near the
School House
Jonestown, Twp.

Dated 7th March 1897

Viewers
C. P. Collins
Carson Atkinson
Ed. P. Wilson

Ed. P. Wilson Clerk 9026

REPUBLICAN NEWS SERVICE - PA.

Enderley

11th Aug, 1897 approved width and breadth of road fixed
at thirty feet. — By the Court.

To the Honorable A. V. Barker, President Judge of the Court of Quarter Sessions of Cambria County, Pennsylvania.

The undersigned, appointed by the annexed order to review the ground for a proposed public road respectfully report. That having given ten days notice of the time and place of meeting by ten hand-bills posted in public places in the vicinity of the proposed road we met at the depot in the Borough of South Fork on Monday the 23rd day of May, 1898 and all having been first severally sworn or affirmed to perform our duties faithfully according to law we viewed the route for the proposed road and the parts adjacent and are of the opinion that there is no occasion for such a road and that the same is not necessary for a public road. We found that the road as laid out by the viewers whose report has already been filed begins at a point in Wilson Street ~~480~~ feet North eighteen degrees five minutes West from its intersection with Portage Street in the Borough of South Fork; that from the place of beginning as indicated Wilson Street has a grade of twenty-six and one-half feet in the first one hundred feet and twenty-one and one-half feet in the next one hundred feet making the place of beginning inaccessible for the travelling public, the character of the ground, and the grade being such that no road or street can be constructed for the use of the travelling public to connect the place of beginning of the proposed road with that portion of Wilson Street that is in condition for travel.

We further report that we cannot commence at the place designated by the order of Court as the point of beginning of the proposed road, viz: "A point in Wilson Street about three hundred and thirty feet North twelve degrees thirty minutes West from its intersection with Portage Street in said Borough" for the reason that a line running North twelve degrees thirty minutes West three hundred and thirty feet from the intersection of Portage Street and Wilson Street would have brought us to a point off the line of Wilson Street and on private property. And therefore we viewed the line as laid out by the original viewers in this case, and show the result of our survey of the same by a draft hereto attached.

All of which is respectfully submitted.

J. L. Elder
J. J. Long
Henry Berschneider

J. L. Elder	6 days	\$24.00
" " "	Mileage	2.70
Philip Hartman	1 day	2.00
John Long	5 days	10.00
" "	Mileage	1.20
Henry Berschneider	4 "	8.00
" "	Mileage	.20
James R. Atkinson	Chairman 2 days	3.00
Lewis Geisler	" 2 "	3.00
		<u>\$53.10</u>

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

The undersigned who were appointed to review the ground
for a proposed public road from a point near Wilson Street in the
Borough of South Fork to the joint school house in Jackson Township
and whose appointment was continued at the December Term respectfully
beg leave to report. That on several occasions since the said
December Term they have endeavored to perform the duties of their ap-
pointment first having given due notice of the time and place of their
meeting, but on each day set for holding the view the weather proved
to be so bad that they were unable to attend to their duties.

They therefore pray your Honor to grant a continuance of
their appointment.

And they will, etc.

J. L. Elder

J. Lang

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

The undersigned, appointed by your Honor to re-view the
ground for a proposed public road from a point near Wilson Street in
the Borough of South Fork to the joint school house in Jackson Township
respectfully report.

That having given due public notice of the time and place
of their meeting they met at the place designated on Monday November
8th, 1897 when owing to the condition of the weather they found it im-
possible to perform the duties of their appointment on that day and
therefore adjourned to meet on Monday November 15th, 1897. That the
weather on said last mentioned date was still so bad as to prevent
them performing their duties and they again adjourned to meet on Fri-
day the 19th day of November.

That owing to the continued bad weather and the physical
condition of Philip Hartman one of the re-viewers they were unable to
execute the order of the Court and therefore make this return.

Your petitioners further represent that said Philip Hartman
is desirous of ^{being} relieved from the duties of a reviewer in this case
because of the condition of his health and they therefore pray your
Honor to grant an alias order or to continue this present order until
the next ensuing term of Court and appoint some suitable person in the
place and stead of said Philip Hartman.

And they will, etc.

J. L. Elder
J. J. Long
Philip Hartman

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

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg in the said County, on the Sixth day of September A. D. 1897, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of Croyle ^{and Borough of South Sun} in the said County, setting forth that they labor under inconvenience for want of a ~~road or highway, to lead from~~ a road ~~has lately been laid out by order of the Court~~ From a point in Wilson Street about three hundred and thirty feet north twelve degrees thirty minutes West from its intersection with Portage Street in said Borough, to a point on the public road leading from Summerhill to the Stone Pike at or near the joint school house in Jackson Township, as appears by the record of the said proceedings entered to to 6 of March Term 1897 Road Doctet, which road if confirmed by the Court will be very injurious to your petitioners and burdensome to the inhabitants of the Townships through which the same will pass.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint J. L. Elder SURVEYOR and Jos. J. Long and Philip Hartman

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:

J. W. Davis,
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."

205 Min

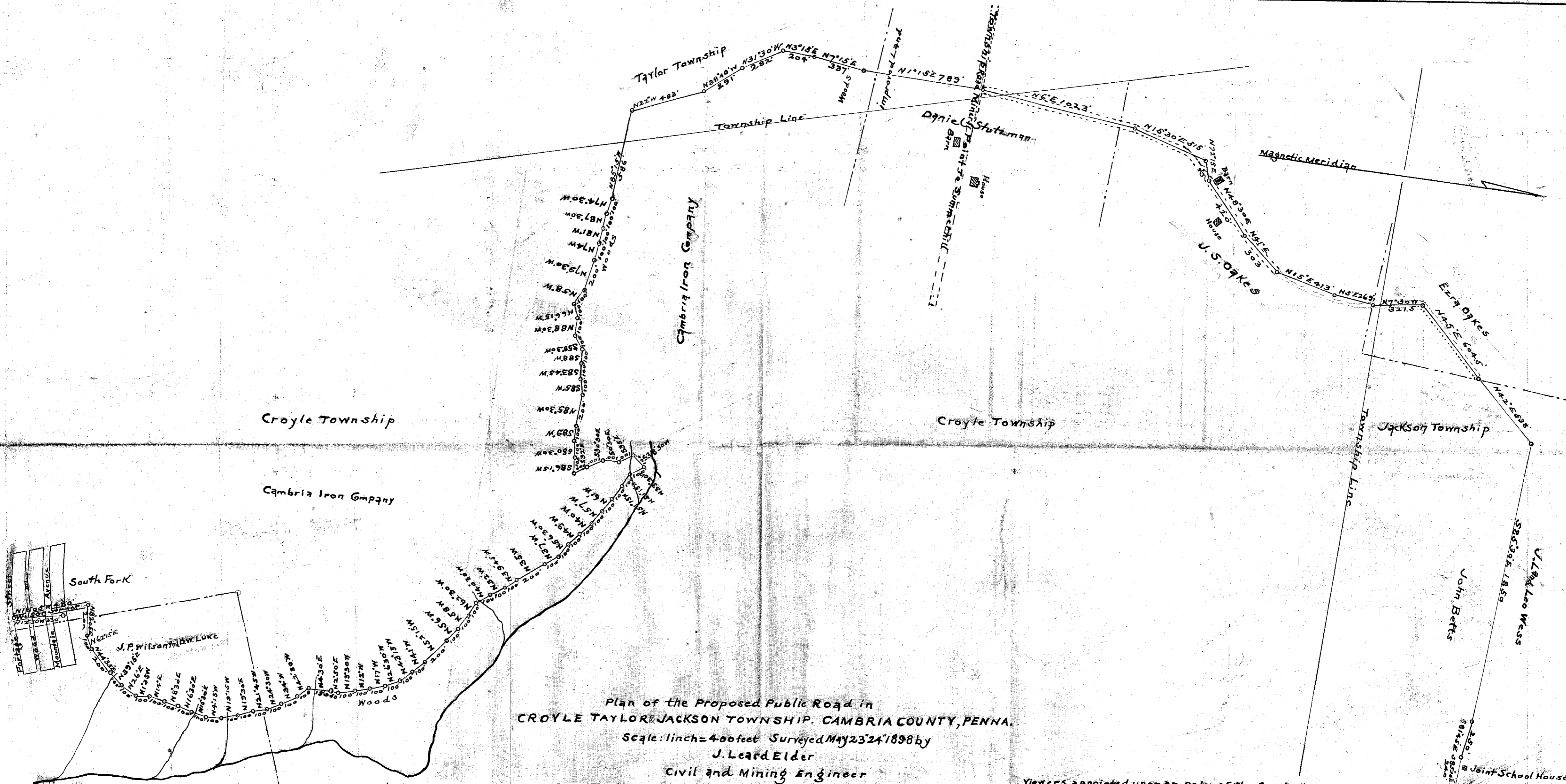
No. 6
March Ass. 1897

Order to view a road from
Wilson's farm across road to
public road leading from
Hammerville to shore
Lake near junction of
ditches

See 6th 1897 Continued
and Henry Berschneider
opposed petition in place
of Philip Hartman

Viewers
Philip Hartman
J. L. Elden
Geo. J. Long

Cost Davis paid by atty for 90 cts
Mar. 7. Court with same
Herald Print, Ebensburg, Pa.
Recorder. R. L.



Plan of the Proposed Public Road in
 CROYLE TAYLOR & JACKSON TOWNSHIP, CAMBRIA COUNTY, PENNA.
 Scale: 1 inch = 400 feet Surveyed May 23^d 24th 1898 by
 J. Leard Elder
 Civil and Mining Engineer
 Ebensburg, Penna.

Viewers appointed upon an order of the Court of
 Quarter Sessions dated Sep 6th 1897 continued Dec 6th 1897 and Mar 7th 1898
 J. Leard Elder, John T. Long, Philip Hartman & Henry Berschneider

Summer Hill
 Township

No 6 March Sessions 1898

Said Street

In re proposed road from
Wilson Street in the Borough
of South Fort
the Joint School Board
in Jackson Township

Report of Re-survey
dated 6 June 1898

Aug, 3d 1898 at Harris
P. M. W. Lewis

H. F.

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

The petition of the undersigned inhabitants of the Townships
of Croyle and Jackson and the Borough of South Fork in said County res-
pectfully represents.

That a road has lately been laid out by order of the Court
"From a point in Wilson Street about three hundred and thirty feet
North twelve degrees thirty minutes West from its intersection with
Portage Street in said Borough, to a point on the public road leading
from Summerhill to the Stone Pike at or near the joint school house
in Jackson Township, as appears by the record of the said proceedings
entered to No. — 6 — of March — Term, 1897 Road Docket;
which road (if confirmed by the Court) will be very injurious to your
petitioners and burdensome to the inhabitants of the Townships through
which the same will pass. Your petitioners therefore pray your Honor
to appoint proper persons to review the said road and make report to
the next Court.

And they will, etc.

Joseph Stull
Philip McCall

S. P. Long
Chas. A. Long

Thomas Hunt
Geo. Hunt

Arnold Bockenscha
George Bockenscha

John Schmitt
Lenka Raetzma

Leo Wess
Joseph W. Wess

Christian Ford

Ed. Schmitt

Andrew Bapp
Henry Carpenter

A. J. Arnold
Paul J. Long

Patrick McCall
Joseph Wess

A. J. Long

Joseph L. Hess
Michael Thurgine
Simon Schmitt
John Dorch
Joseph & Custer
Bernard P. ...
Michael Rapp
Nickl Smith
at the ...
...
Fred Crosser
Boone ...
John Bimb
Michael ...
Eddie ...
William Hess
Joseph Schmitt
Isaac ...
...
John ...
Stephen ...
Vincent ...
...
David ...
John ...
Wm ...
J. ...
James ...
John ...
...
Adam ...
Geo ...

J. W. Hayer
W. G. ...
W. F. ...
H. ...
H. E. ...
P. J. ...
...
John ...
J. ...
Pat ...
Edward ...
John ...
...
James ...
J. ...
W. F. ...
Patrick ...
...
Mike ...
...
...
Emanuel ...
Joseph ...
George ...
Henry ...
Joseph ...
John ...
M. ...
Mrs ...
Shos ...
George ...
Alvin ...
Josef ...
Henry ...
Joseph ...
John ...

John Pottel
 Francis P. Ogan
 James Broomhugh
 W. H. Kelly
 George Bellock
 Daniel H. G. G.
 Edward Garity
 W. H. Rich
 Philib = concilios
 John Koskos
 Richard Kelley
 Joseph O. Callaghan
 John E. Callaghan
 John A. Stapleton
 James Maguire
 J. W. Paul
 J. W. Smay
 M. H. Moore
 M. L. Moore
 John D. Hise
 Walter Marsh Banger
 David Phynner
 John P. Smay
 J. J. Burke
 David C. Cooper
 John Corabugh
 S. Corabugh
 James A. Kellogg
 Daniel Kauffman
 L. H. Kauffman
 J. H. Kauffman
 J. H. Kauffman

Daniel McGeorge
 William H. G. G.
 Peter H. G. G.
 Edward G. G.
 F. L. Mass.
 Joseph Mass.
 Robert May
 W. S. Broyle
 J. E. Miller
 Albert Skelley
 J. H. Broyle
 Geo. B. Skelley
 William G. G.
 Joseph Long
 Aidor J. Long

S. J. Miller
 E. J. McGeorge
 John McGeorge
 D. D. Miller
 Oliver O. Miller
 Daniel O. Miller

No 6 March Term 1894

Road District

In re Road from
Borough of South Fork

to

Joint School House in
Township of Jackson

Filed 6 Sept. 1894

Petition for appointment of
Reviewers

Sept. 6, 1894

J. L. Elder

Geo. D. Long

~~Frank Hubbs~~
Philip Hartman
appointed reviewers

By the Court.

[Signature]

In re road from South	:	No. 6, March Sessions, 1897.
Fork Borough	:	R. D.
to	:	EXCEPTIONS TO ROAD.
Joint School House in	:	DEPOSITIONS IN SUPPORT OF
Jackson Township.	:	EXCEPTIONS.

APPEARANCES:

For the Exceptants, Mr. Kittell.

For the Road, Mr. Reade, for Mr. Endsley.

M. L. Gill, called, affirmed:

DIRECT EXAMINATION by Mr. Kittell:

Q.-- You live in Croyle Township. A.--Yes, sir.

Q.-- You are one of the Supervisors of Croyle Township.

A.-- Yes, sir.

Q.-- Were you present when the view was had in this case by Mr. Collins, Mr. Stutzman and Mr. Wilson? A.--Yes, sir.

Q.-- Were you present also when the view was made by Mr. Elder, Mr. Long and Mr. Bearschnider? A.--Yes, sir.

Were you present when they located the place of beginning of the road at or near the borough of South Fork? A.--Yes, sir; I was at the starting point.

Q.-- State whether or not a street opened in the borough of South Fork to the point at which the viewers commenced?

A.-- No, sir; not that I seen; we commenced the road up in the ravine where there was no access ---

Q.-- In your judgment is it feasible to grade a street from the place where the viewers commenced down to Portage Street? A.--No, sir; not to have any grade that would be a safe grade.

Q.-- State please whether the point at which they located the beginning of the road is on the side of the hill? A.-- Yes, sir.

Q.-- Do you know where Argyle Street is in the borough of South Fork? A.-- I understand it runs from the Argyle works up in that direction; it is now where Portage Street is.

Q.-- The same street as Portage Street? A.--Yes, sir.

Q.-- Have you seen the draft attached by the viewers and the draft also attached by the re-viewers to their reports? A.--Yes, sir; I examined that draft.

Q.-- You noticed perhaps that the route of the road as set out on the draft extends for a part of the way into East Taylor Township? A.--Yes, sir.

Q.-- Are you acquainted with the land and the character of the country between South Fork and the Joint School House in Jackson Township? A.--Yes, sir.

Q.-- State please whether in your judgment a feasible road could be ~~made~~ laid out from South Fork to the Joint School House in Jackson Township without running the road into East Taylor Township. A.-- I think so; yes, sir.

Q.-- The draft attached to the report of viewers is shown to witness and his attention is called to that part of the draft which locates Wilson Street as extending from Portage Street to a point where the viewers located the place of beginning of the road: state please whether Wilson Street is open on the ground on that road? A.--No, sir; Wilson Street is not open; there is nothing open on Portage Street here at all.

Q.-- Do I understand that Wilson Street is not open on

the ground from Portage Street to the point where the viewers commenced the road? A.--No, sir.

Q.-- In your judgment can Wilson Street be opened on that ground in a safe condition to travel? A.--No, sir.

Q.-- Why? A.-- The elevation is too steep.

CROSS-EXAMINATION by Mr. Reade:

Q.-- When did the viewers meet to lay out this road?

A.-- I am not prepared to give the date; I think sometime last May a year.

Q.-- In May, 1897? A.-- Yes, sir.

Q.-- What were you doing there that day that you saw them working? A.-- I was notified to be there and go with them; I am one of the Supervisors of Croyle Township.

Q.-- Are you familiar with all the streets in South Fork?

A.-- No, sir; only just passing over them.

Q.-- Do you know whether or not the borough authorities have opened a street in South Fork to meet this new road? A.-- They have not.

Q.-- Are you sure of that? A.-- I am pretty sure of that, from the ordinance I saw there the other day.

Q.-- You say that Wilson Street could not be graded down to meet Portage Street. A.-- No, sir; not at a safe grade.

Q.-- Could it not with an expenditure of money? A.-- Yes, sir; with a vast expenditure of money.

Q.-- That would come off of South Fork borough? A.--Yes, sir.

Q.-- Then it could be done to make it a safe thoroughfare

A.-- Well, I am not prepared to say that it could be to make it a safe thoroughfare from the condition of the ground.

Q.-- You think money couldn't do that? A.--Yes, sir; if they wanted to expend enough money to do so.

Q.-- What is the length about of this proposed road from the beginning to end--from South Fork to the Joint School House in Jackson Township? A.-- Well, I suppose about three miles or over.

Q.-- What is the length of the present road that the people have to travel from South Fork to go to this Joint School House?

By Mr. Kittell: It is objected that it is not a cross-examination, and further it touches upon the question of the necessity or non-necessity of the road, a question which cannot be considered by the Court from the testimony of witnesses, but can only be determined from the report of viewers.

A.-- Four miles and a half, as I understand that question, from the borough of South Fork to the Joint School House.

Q.-- What is the present length that the people have to travel going from South Fork to connect the road from Mineral Point to Summerhill?

Mr. Kittell renews his former objection.

Q.-- What is the present length of the road people have to travel from South Fork to the road crossing Mineral Point and Summerhill? A.-- It is about five miles.

Q.-- What is the length of the proposed new road between those two points? A.-- It would be about 2 miles.

Q.-- By the new road? A.--Yes, sir; to travel around all the hooks and crooks.

Q.-- Would not the proposed new road be a great accommodation to the people of East Taylor Township in travelling to South Fork or to the Joint School House?

Mr. Kittell renews his former objection.

A.-- I am not prepared to answer that question because I have not been over in that settlement; I don't know their resources or their outlets and am not prepared to say anything on that particular.

Q.-- Have you ever been over the proposed route of the new road? A.-- Yes, sir; I have been over it four times; I have been on two views that I travelled over all of it.

Q.-- The East Taylor Township part of the road is quite a hillside? A.--No, sir; rather the more level part of the road--where it passes through East Taylor.

Q.-- Where did you state there was a hillside along the road? A.-- In Croyle Township.

Q.-- You have seen a great many roads in Cambria County on the hillside? A.--Yes, sir; and other counties as well.

Q.-- It is a very ordinary thing to have a road on the hillside? A.-- That is nothing new.

Q.-- As a rule isn't the ground on a hillside just as well adapted to making roads as any other ground, if properly made? A.-- Yes, sir; there is a difference when it comes to macadamizing a road; in other places where you have rocks etc., you couldn't do that.

Q.-- What would be the length of this road on the hillside? A.-- Counting the switch-back and everything in?

Q.-- Yes, sir. A.-- I suppose a mile and a half; or about that.

Q.-- About a mile and a half? A.--Yes, sir.

Q.-- Where does the road commence on the hillside? A.-- It starts on the hillside at South Fork and then there is hillside until you get back into East Taylor Township.

Q.-- That is about a mile and a half? A.-- As near as I can tell; I think it runs in the neighborhood of a mile and a quarter or a mile and a half.

Q.-- Would this proposed new road be a great advantage to the ~~people~~ people in reaching the joint School House?

Objected to by Mr. Kittell.

Q.-- Would it not be a great benefit to the people and the scholars, especially to the scholars who go to that school?

Mr. Kittell renews his former objection.

A.-- I don't know; they have a private road that goes to this school house; they have a road to the school house.

Q.-- Is that a private or public road there? A.-- Private road I understand.

Q.-- What kind of a country is that private road through?
A.-- It is partly through Betz's place--

Q.-- Is it woodland or cleared land? A.--Part of it woodland and part of it cleared.

Q.-- What proportion is woodland? A.-- I am not familiar with it--only passing along it when I go over to Stutzman's; I know there is a road there because I have travelled it.

-----oOo-----

Philip Hartman, called, sworn.

DIRECT EXAMINATION by Mr. Kittell:

Q.-- Draft attached to the report of viewers is shown to

witness (and his attention is called to the place of beginning of the road as indicated by the viewers on the draft; his attention is called to where Portage Street is marked on the draft with Wilson Street intersecting it and extending up to the point where the viewers commenced the road: Please state whether Wilson Street is open at that place? A.-- I think not; not, unless it has been opened lately.

Q.-- What is the character of the ground over what is described as Wilson Street extending up to the termini of the road?

By Mr. Reade: Objected to for the reason that the proposed new road only extends to the borough limits of South Fork and does not take in either Portage or Wilson Street; therefore, testimony as to the condition of the ground within South Fork borough is irrelevant.

A.-- I would call that a regular mountain.

Q.-- State in your judgment whether it is practicable or feasible to open Wilson Street from Portage Street to the termini?

Mr. Reade renews his former objection.

A.-- Not to do any business on it; no, sir.

Q.-- Why? A.-- Not to do any hauling on it; because it is too steep.

Q.-- If that street were opened, state, in your judgment, if teams could pass or re-pass with loads, or if people could with safety travel upon it? A.-- No, sir; they could not.

CROSS-EXAMINATION by Mr. Reade:

Q.-- Do you know whether the authorities of South Fork

Borough. Have already laid this street out? A.--Yes, sir; I think they have it laid out; at least I understood so some time ago; it was surveyed for a street, but nothing done on it unless it was done recently.

Q.-- This street could, with expenditure of money, be made suitable for travel? A.--With teams? no, sir; unless they would cut it down 25 feet, and then that would have the houses setting right up in the air.

Q.-- It could be made fit for travel with an expenditure of money? A.-- Well, by leaving the houses stand up on the top, and with an incline plain, or steps, it could be done.

Q.-- What is the character of the ground there? A.-- Well, it is very steep; it runs gradually; there are no breaks in it.

Q.-- No abrupt-----? A.-- There might be little bits of ravines; they wouldn't amount to anything.

Q.-- It could be made----? A.-- By putting a cut in there and leaving these houses stand away up on the hill.

Q.-- Then it could be made fit for travel? A.-- In that way; but I wouldn't know how the teams could get down to it.

Q.-- Do you know who laid out Wilson Street? Was it by South Fork borough? A.-- That I can't tell you; I know they are selling lots there.

Q.-- Do you know the exact route down from Wilson Street to meet this proposed road? Do you know the exact route on the ground on Wilson Street? A.-- I think I do.

Q.-- And as you describe it, it goes up over quite a hill? A.--Yes, sir.

Q.-- Do you know the width of Wilson Street? A.-- No, sir; I don't know whether it is 20 or 30 feet; if it is no wider than they are in the borough it is not very wide.

By Mr. Kittell:

We offer the record of the road case entered to No. 3 of March Sessions, 1893, Road Docket, founded upon a petition for the appointment of viewers to lay out a public road leading from the terminus of Argyle Street, in the borough of South Fork, to end at a point on the Stone Pike near the Joint School House, in the Township of Jackson, for the purpose of showing that the termini named in said petition are substantially the same as the termini in the present road case, and that D. W. Wilson, one of the viewers in the present case, was one of the persons who signed the petition for the appointment of viewers in the former case.

-----oOo-----

J. Laird Elder, called, sworn.

DIRECT EXAMINATION by Mr. Kittell:

Q.-- You were one of the re-viewers in this case. A.-- Yes, sir.

Q.-- You had in your hands the Order of the Court authorizing the re-viewers to view the ground? A.--Yes, sir.

Q.-- The Order of the court reads: "From a point in Wilson Street about 330 feet North 12 degrees 30 minutes West from its intersection with Portage Street in said borough," as the place of beginning of the road: state please if you ran a line North 12 degrees 30 minutes West from the intersection of Wilson with Portage Street in that borough.

A.-- (From draft) I started at this point to run that line

and I found that it would throw me over on private property, so I didn't run up into the private property.

Q.-- What is the bearing of Wilson Street from its point of intersection with Portage Street? A.-- It is North 18 degrees 5 minutes West.

Q.-- That is the bearing of Wilson Street from its point of intersection with Portage Street? A.-- Yes, sir.

Q.-- And if you had run a line 330 feet from the point of intersection ~~xxxxxxxxxx~~ on the bearing given in the Order of Court the place of beginning would have been on private property and not upon Wilson Street. A.--Yes, sir; it would have run to the right of Wilson Street.

Q.-- Please state whether the viewers located the place of beginning of the road 330 feet from the intersection of Wilson Street with Portage Street? A.-- No, sir.

Q.-- At what distance from the intersection of those two streets did they start? A.-- 480 feet.

Q.-- What is the nature of the ground from the point established by the viewers as the place of beginning of the road down to the intersection of the two streets? A.-- It is on a hillside for 250 feet; something like that; it is on a hillside for about 225 feet--on a steep hill; the first 200 feet has a fall of 45 or 46 feet; the first 100 feet has 26 1-2 feet ~~xxx~~ of a fall, and 21 1-2 feet in the next 100 feet; that was the steepest part of the road.

Q.-- Please state whether Wilson Street is opened for travel from its intersection with Portage Street to the place located by the viewers as the place of beginning of the proposed road? A.--No, sir.

Q.-- State please, in your judgment, whether Wilson Street can be opened for safe travel between those points?

A.-- Well, it can't be opened with a lawful grade; I would say it is necessary to make a big cut down; I think it would be impracticable.

CROSS-EXAMINATION by Mr. Reade:

Q.-- Who showed you the boundaries of Wilson Street or how did you ascertain them? A.-- There was a Mr. Gill there, and there was a man who lived on the corner there--I forget his name--who showed them to me.

Q.-- Was either of those men officers of South Fork borough? A.--No, sir.

Q.-- Mr. Gill lives in the township? A.--Yes, sir; one of ~~them~~ the men lives on the corner of Wilson Street.

Q.-- Was it staked off--Wilson Street? A.-- No, only part of the way; there was a fence on each side--there was a fence on each side about 200 feet: I forget the exact distance; it was a fence for a little piece up.

Q.-- Then, when you left the fence part way up Wilson Street you based your report on what those two men told you? A.-- Yes, sir; there were two or three other men there, but I don't remember their names.

Q.-- Do you know whether any officers of South Fork borough were with you that day? A.-- Not that I know of.

Q.-- Wilson Street could be graded suitably for a road. A.-- It would be a very steep road unless they would make a big cut there.

Q.-- With a cut there it could be made a road that would be suitable for travel? A.-- It would take an awful lot of

cutting to cut it down.

Q.-- Please look at the draft annexed to the report of viewers in this case and state what is the course of Wilson Street as marked on this draft? A.-- It is North 18 degrees and 5 minutes West.

Q.-- The same as on the other one? A.--Yes, sir.

Q.-- Then the course marked on the draft annexed to the report of viewer's is correct? A.-- It is correct so far as it gives the bearing of Wilson Street.

Q.-- And this bearing would not throw Wilson Street on private property. A.--No, sir.

RE-DIRECT EXAMINATION by Mr. Kittell:

Q.-- State please, Mr. Elder, whether the expenses of cutting Wilson Street in order to get a proper grade would be great? A.--Yes, sir; the law only allows a township road to be at a grade of 5 degrees; that would be 8 3-4 feet to the 100 feet; the first 100 feet from the bend there from that street would be 26 1-2 feet; instead of 8 3-4 it would make it about 15 degrees.

Q.-- And if the borough undertook to cut down that street in order to get a lawful grade the expense necessary would be very heavy? A.-- Yes, sir.

Q.-- And in addition to that would there not be some houses---? A.-- Yes, sir; left up on the bank; I don't think there is any house on Wilson Street, only to the right of Wilson Street there is one house.

Q.-- State if you had sometime prior to the time you held this view a copy of the tracing attached to the report of viewers? A.--Yes, sir; I made a blue print from it.

Q.-- Did you have that with you? A.--Yes, sir.

Q.-- And from that you were able to determine the place of beginning of the road when you were one of the re-viewers?

A.-- Yes, sir.

RE)CROSS-EXAMINATION by Mr. Peade:

Q.-- The grading of Wilson Street would be for the borough of South Fork instead of the township. A.-- Yes, sir.

Q.-- Do you know whether Wilson Street is being laid out by an ordinance of South Fork or not? A.--No, sir.

Q.-- Who pointed out the route of the road? A.--There was one man living right there at the corner; I didn't get his name.

Q.-- Do you know how they ascertained the beginning of the road? A.-- They saw them there when they were on the view.

Q.-- What kind of a mark was made at the beginning of the road? A.-- There was a stake put in there, and there were stakes in there about every 200 feet.

Q.-- Was there any mark on the stakes? A.--There was no mark on the stakes.

Q.-- Did you notice any stakes after you passed the fence on Wilson Street? A.--No, sir.

(Testimony cless)

CERTIFICATE.

STATE OF PENNSYLVANIA,
COUNTY OF CAMBRIA, SS:



I DO HEREBY CERTIFY, That the foregoing witnesses were duly qualified and examined at the time and place mentioned in the RULE which is hereto attached; that the testimony of said witnesses was, by me, taken in shorthand and afterwards reduced to typewriting, and that the foregoing pages Nos. 1 to 13 inclusive, contain a full and correct transcript of the testimony so taken as aforesaid.

Witness my hand and seal this 22nd day of October, A. D.
1898.

F. H. [Signature] (Seal)
Commissioner to take testimony etc.

Quarter Sessions
IN THE COURT OF COMMON PLEAS OF
CAMBRIA COUNTY, PA.

.....
In re Road from
South Fork Borough
to
Joint School House
in Jackson Twp
.....

of *March Term*, A. D. 1897, No. *6* P. D.

And now, to-wit, the *Eleventh* day of *October*, A. D. 189*8*, Rule
on part of *Executants* to take depositions of witnesses
before *F. C. Shaubach* Esq., Commissioner, to be read on the hearing of the
above stated case.

CAMBRIA COUNTY, S S:

Extract from the Record of said Court. Certified the
11th of *October*, 189*8*.
S. W. Davis Clerk Prothonotary.

TO the petitioners for appointment of lawyers in above stated
case or their counsel *N. L. Eudick Esq.*

TAKE NOTICE, That in pursuance of the above Rule the depositions of witnesses to be read in evi-
dence on the *hearing* of the above stated *case* on part of
the *Executants and petitioners for review* will be taken at the *office of F. C. Shaubach*
Esq. in Chambersburg Pa. on *Monday*
the *twelfth* day of *October*, A. D. 189*8*, between the hours
of *ten* o'clock A. M., and *five* o'clock P. M., before *F. C. Shaubach*
Esq. a Commissioner to take testimony in and for said *County of Cambria*
or by some other person of competent authority, at the time and place aforesaid, when and where you may
attend if you think proper.

Stell Little
Atty for Executants and petitioners
for review.

10th March Sess 1897 R.D

In re Road from
South Fork Borough
to

Joint School House
in Jackson Twp

RULE ON PART OF *Excerptants*

TO TAKE DEPOSITIONS.

R. L.

NO. 6, MARCH SESSIONS,

1897. R. D.

IN RE ROAD FROM SOUTH
FORK BOROUGH

TO

JOINT SCHOOL HOUSE IN
JACKSON TOWNSHIP.

DEPOSITIONS OF WITNESSES
IN SUPPORT OF EXCEPTANTS.

Filed 17 Nov 1898

(3200 words at \$1.50 per M)
Commissioner's fee....\$4.75

*Pa by W. B. Hittell, Esq.
F. C. Sharbaugh
17/22/98*

f. C. Sharbaugh.
ATTORNEY AT LAW.
EBENSBURG, PENNA.,
Cambria County.

f. C. Sharbaugh,
ATTORNEY AT LAW,
EBENSBURG, PENNA.,
Cambria County.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

In re, road from South Fork to Joint School House,
in Jackson Township.

EXCEPTIONS TO REPORT OF VIEWERS.

O P I N I O N.

November 17th., 1898. By the Court. The original petition asked for the appointment of viewers to view and lay out "a public road to lead from a point in Wilson Street * * * in the Borough of South Fork, and thence passing through a portion of said Borough and through the Township of Croyle, East Taylor and Jackson to a point in Jackson Township * * * at or near the Joint School House in Jackson Township." The order to view followed said description of the proposed road as contained in said petition. An inspection of the draft annexed to the Report of viewers shows that Croyle Township bounds the Borough of South Fork on the North; then North of Croyle Township comes Jackson. The terminus of the road, - The Joint School House, is nearly due North of South Fork, hence any road between said Borough and said School House must necessarily pass for a portion of its distance through Croyle and Jackson Townships. But East Taylor Township lies to the

West. In order to pass through East Taylor, the road must make a considerable detour to the West. Did the mention of East Taylor Township as an intermediate point invalidate the petition and render the proceedings irregular?

In McConnell's Mill Road, 32 Pa. 286, the Supreme Court say:

"The route between the extreme termini of a road is exclusively for the viewers. The Court is not authorized to designate in their order to the viewers any intermediate point. Neither should the petition."

To the same effect are Road in Lower Merion 58 Pa. 66; Catharine Township Road, 76 Pa. 189, and other cases.

In McConnell's Mill Road, supra, The fatal irregularity was, "by way of No. 6 School House;" in Catharine Township Road, supra, the invalidating description was, "through lands of Joseph Isenberg, John Clark, and John K. Sissler." Why is not the present description of an intermediate point, or location, "through the townships of Croyle, East Taylor and Jackson," equally fatal, equally invalidating? Such description compelled the viewers to leave the direct, bee-line, route and circle off to the West; it deprived them of discretion as to where the road could best be laid out; it was an invasion of the province of the viewers, who by law ought to be left free "to lay out the same having respect to the shortest distance and the best ground for a road."

But it is said on behalf of the petitioners for the road that, regard being had to the physical conformation of the land between South Fork and the Joint School House, the road must necessarily circle around the ridge, or mountain through East Taylor Township. This is denied in the depositions, but, be the fact as it may, why not allow such alleged physical conformation of the ground to govern the viewers?

Why dictate to them by inserting an intermediate point?

Moreover, the location of Wilson Street, the South Fork terminus, is in a somewhat ragged and uncertain condition which tends to disincline this Court to confirm the Report of viewers.

Now, November 17th., 1898, the second exception to Report of viewers, filed by counsel for Sepervisors of Croyle Township, is sustained, and, for the reasons set out in this Opinion, the proceedings are set aside, at the cost of the original petitioners.

W. M. Bee

President Judge , Twenty-Fourth Judicial District, Specially presiding.

To be Mar. sess 1894 Rd

One Road from Wilson
Street, South Ford

to

Joint School House in
Jackson Township.

Opinion

Filed 19 Nov 1898

In my Report of Viewers appointed to view a road to lead from a joint in Wilson Street about 330 feet North 12° 30' West from where said Wilson Street intersects Portage Street in the Borough of South Fork and thence passing through a portion of said Borough, and through the Townships of Croyle, East Taylor and Jackson to a joint in Jackson Township on the Public Road leading from Summerhill to the Stone Pike which latter joint is at or near the joint School house in Jackson Twp.

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

Of March Term 1897.

No 6.

Exceptions

1st. One of the viewers, D. B. Wilson, was not a disinterested and impartial person, having been one of the petitioners, for appointment of viewers to lay out a road between said Borough of South Fork and the joint School house in Jackson Township, as appears by the petition filed to No. 3 March Sessions, 1893, Road District.

2nd The petition and order to view designate the route of the proposed road, and by reason thereof, the route between the termini was not left exclusively to the viewers.

3rd There is a material and substantial variation between the termini as located and described by the viewers in their report, and those set out in the petition and in the Order to view.

Wittell & Little
Attorneys for Supervisors of the
Township of Croyle, et al.
Exceptions.

No 6 March Term 1897
Road Acct.

In re Road from the
Borough of South Fork
to
Joint School House in
The Township of Jackson

Exceptions

Filed 4 Sept 1897

K. L.

In Re Road from South Fork to)	In the Court of Quarter Sessions
Joint School-House in)	of Cambria County.
Jackson Township.)	No. 6 March Sessions, 1897.
)	
)	

---OXO---

And now, this fifth day of September, A.D. 1898, the petitioners for the above stated Road, hereby except to the Report of Re-Viewers filed June 6, 1898, for the following reasons:-

1.- The Re-Viewers say, "The character of the ground and the grade being such that no road or street can be constructed for the use of the traveling public to connect the place of beginning of the proposed road with that portion of Wilson Street that is in condition for travel". The exceptants aver and will show to the Court that Wilson Street has been extended by the corporate authorities of the Borough of South Fork so as to connect with the point ^{of beginning of the road} which the Viewers laid out and recommended for opening ~~therein~~ in the above stated proceedings, and that the said extension of Wilson Street is on a 5-degree grade, which is equivalent to a rise of 8 feet, 9 inches per hundred feet.

The said extension of Wilson Street removes the first specific reason assigned by the Re-Viewers for reporting against the road.

2.- The second specific reason assigned by the Re-Viewers for reporting against said road is that there was a variation in the point of beginning. The variation referred to is not a substantial variation and the actual point of beginning is at or near the place named in the original petition.

H. J. Cuddeley
Atty. for Petitioners for Road.

Quarter Sessions -

9

No. 6 Mich. Sess. 1897
(Road Sockets)

Re Road
South Fork
to
Joint School House
in Jackson Twp.

Exceptions to Report
of Reviewers -
Filed 5 Sep 1898

H. S. ENDSLEY,
ATTORNEY-AT-LAW,

HENRY HALL, LAW STATIONER, INDIANA, PA.

Re Petition of Citizens
of Croyle, East Taylor &
Jackson Twp. and of
South Fork Post
for
view to view a road
from
a point in said Borough
to
a point on public road
in Jackson Twp. near
Joint School House

I. J. of Cambria
County
No. 6 Meh. Term 1897

Road Docket.

Report of viewers
Exceptions

Report of Re-viewers
Exceptions

And now 30 Sept 1898 the Prothonotary
is directed to enter Rules to take
depositions ^{before David Parsons Esq. Commissioner} on behalf the Petitioners
for the road in above stated case.
see reg.

H. J. Cuddeley
Atty for Petitioners follows.

No. 6 Meh. Term 1897

Road Docket.

Re Road

from
South Fork.

Joint School House
in Jackson Twp.

Precept for Rule
& take Dispositions
on behalf of Petitioners
for Road.

Siled 30 Sept 1898

E. J. [unclear]
[unclear]

In Re Road from South Fork) In the Court of Quarter Sessions
)
to Joint School-House in) of Cambria County.
)
Jackson Township.) No. 6 March Sessions, 1897.
)
)


---oxo---

And now, September 5, 1898, H.S. Endsley, Attorney for petitioners for Road, hereby files by leave of Court this answer to the exceptions filed September 4, 1897, to the Report of Viewers:

1.- D.B. Wilson, who is alleged to have been an interested party, was at the time of his appointment as Viewer, and still is a resident of Conemaugh Township in said County, and has no interest whatever in the proposed road.

2.- The petition and order do not designate the route of said road, but merely designate the Townships through which it must necessarily pass, and the location of said road between the termini was left exclusively to the discretion of the Viewers.

3.- There is no substantial variation between the point of beginning as designated in said petition and order and the point of beginning as fixed by the Report of Viewers. The point at which the Viewers began is near the place designated in the petition and the variation is immaterial.



Attorney for Petitioners for
Road.

D. S. Cambria Co

No. 6 Mich. Jus. 1897
(Road Doc.)

Re Road
South Fork
to
Joint School House
in Jackson Twp.

Answer to Exceptions
to Report of Viewers

Filed 5 Sept 1898

H. S. ENDSLEY,
ATTORNEY-AT-LAW,
~~SOMERSET, PA.~~

HENRY HALL, LAW STATIONER, INDIANA, PA.

To the Honorable A.V. Barker, President and Sole Judge of the
Court of Quarter Sessions of Cambria County:-

The petition of the undersigned inhabitants of the Borough of South Fork and the Townships of Croyle, East Taylor and Jackson, in said County, respectfully represents: That they labor under great inconvenience for the want of a public road to lead from a point in ~~Logan Street at or near the house and lot of~~ *Wilson Street about 930 feet North 12° 30' West from* ~~where said Wilson Street intersects Portage Street~~ *where said Wilson Street intersects Portage Street* ~~at the place~~, in the Borough of South Fork, and thence passing through a portion of said Borough and through the Townships of Croyle, East Taylor and Jackson to a point in Jackson Township on the public road leading from Summerhill to the Stone Pike, which latter point is at or near the joint schoolhouse in Jackson Township. Your petitioners, therefore, pray the Court to appoint Viewers to view and lay out the same and make report thereof in accordance with the Acts of Assembly in such case made and provided; And they will ever pray, &c.

Names

Wm J. Malters
 William Rose
 Eric Byers
 John Pogg
 Jacob Ritchey
 George Shaper
 Lerran M. Rose
 Henry Rose
 W. R. Stiffler
 John J. Reichard
 S. J. Schrieff
 B. Varner
 B. H. Reichard
 Wm L. Jere
 Wm. H. Righard
 James A. Page
 John H. Neville
 Joseph Page
 Emmanuel Reichard
 M. M. Rose
 James L. Sennebaugh
 Hiram. Kemmer
 Thos. Martin
 H. S. Durman

Names

N. S. Gunge
 H. J. Gunge
 W. M. Ferguson
 J. H. Dietrich
 W. M. Salkeld
 J. D. Stewart
 Ford Croyle
 J. C. Murphy
 L. Mandelstine
 J. S. Paul
 Thomas Shady
 Joseph Makins
 John D. Wick
 Geo. B. Struman
 J. A. Hildebrand
 J. H. Struman
 Chas. Hubert
 Robert Steph
 N. Murphy
 E. S. Frandling
 J. D. Spring
 Thomas Lewis
 Isaac Goldstein
 J. W. Jones
 John Wick
 D. J. Sanders

Henretta Oake	Daniel Mott
S D Wilson	Michael Harris
David Rorabaugh	W. G. Vincent
J. H. Grove	G. W. Schrock
Milton H. Furr	J. W. Donaldson
Geo H Roberts	Henry Burnett
John Gillin	Zachariah Sumner
Henry A. Ribblet	Amos Davis
J. H. Stupler	H. G. Stuenkel
Edwin Burkhardt	Chas Keller
Wm Rogers	
D. F. Burkhardt	
Daniel G Burkhardt	
Sam Jamin Paul	
W. J. Paul	
Philip Davis	

Josiah J. Oars
 John J. Wilson
 D. H. B. ...
 Michael Mott
 Lewis ...
 F. B. Stutzman
 Daniel ...
 G. H. ...
 B. Rindabush
 Edward Allen

County of Cambria, ss:

Before the undersigned, a Justice of the Peace in and for said County, personally appeared W. S. George and Daniel Stutzman

who being sworn according to law say: that the persons who signed the foregoing petition are taxable inhabitants of some one of the Townships named, and that the facts set forth in the foregoing petition are correct and true as they verily believe; and further saith not.

Sworn and subscribed before me,)
this 9th day of March)
A.D. 1896)

W. S. George
Daniel Stutzman

John J. Wickoff

To 6 March 1897
Petition of Citizens of
Croyle, East Taylor and
Jackson Townships, and
of South Fork Borough,
for viewers to view a road
from a point in Wilson
Street about 330 feet ^{N. 12° 30' W.} from
its intersection with Postage
Street in said Borough,
to
a point on the public road
leading from Summerhill to
the Stone Pike, at or near
the Joint School House in Jackson
Twp.

Filed 15 Mar 1897

Mar. 15th 1897 petition

read and

C. P. Collins

Carou Stutzman

D. B. Wilson

appointed viewers.

By the Court. —

/Eudsley/