

N^o 5 Dec 1887

P. H. H. H. H.

Cream Hill Turn-
pike Road Company

Evidence &c

II

In proceedings before
Jury of View

Filed 12th December 1887

W. H. H. H. H.

F. H. H. H. H.
Master

Proceedings
before
Jury of View
in

No Sept S.I. 1887

Petitioners
vs.
Cream Hill Turnpike Road
Company

A.O. Smith Esq Atty for Petitioners
W. Barrett & Murray &
Ludow Atty for Cream Hill T.P.R.C.
J. J. McKenraich Atty for Commissioners of C.R.C.

Transcript of proceedings
& testimony, made from sten-
ographic notes of

Alex Paterson
Master

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Oct. 12th 1887

October 4th 1887

W. J. Hoffer sworn upon his voir dire touching his qualifications as a juror in this proceeding.

Q. Where do you live?

A. At Clearfield.

Q. Are you interested in any way in the Cream Hill Turnpike Road Company?

A. No sir.

Q. Have you any financial interest in it whatever?

A. No sir.

Q. Are you related in any way to any member of that Company?

A. No sir.

Q. Have you any bias for the Company?

A. No sir, I have not.

Q. Have you any prejudice against the Company?

A. No sir.

A. O. Smith Esq. counsel for the Petitioners.

I have no objections to the gentleman as a juror.

W. J. Hoffer ^{affirmed} ~~sworn~~ by the Master as follows:

You do solemnly, sincerely and truly declare and affirm that you will perform the duties devolving upon you as a juror of view in the case of Petitioners vs. The Cream Hill Turnpike Road Company, with fidelity, impartiality and according to your best judgment.

Col. Barrett at this point asked for a continuance for the purpose of taking testimony and that the time of meeting be so arranged that it would not interfere with his business at October Court.

Philip Dotts affirmed on his voir dire touching his qualifications as a juror.

Q. Where do you live?

A. At Glen Hope, Clearfield county.

Q. What is your age?

A. I am going on 72.

Q. Have you any financial interest in the Cream Hill Turnpike Road Company?

A. No sir.

Q. None whatever?

A. None at all.

Q. Do you know any members of said corporation?

A. Well not as members of the corporation. I am well acquainted with Moore.

Q. You do not know whether he is one or not?

A. I am not certain. I understood though that he was.

Q. Are you any relation of any member of that corporation that you know of?

A. No, Nosir.

Q. Have you any bias for the Cream Hill Turnpike Road Company?

A. No sir.

Q. Have you any prejudice against the Cream Hill Turnpike Road Company?

A. None at all.

A. O. Smith Esq. I am satisfied with Mr. Dotts as a juryman.

Philip Dotts ^{affirmed} ~~sworn~~ as juror in same manner as Mr. Hoffer.

Daniel Stewart affirmed on his voir dire touching his qualifications as a juror.

Q. Where do you live?

A. IN the borough.

Q. What is your age?

A. I am 65 or over it a little.

Q. Have you any financial or other interest in the Cream Hill Turnpike Road Company?

A. Not that I know of. I have a little acquaintance with Mr. Moore but whether he is a member of that, or not, I dont know.

Q. Have you any bias for the Cream Hill Turnpike Road Company?

A. Not any.

Q. Have you any prejudice against the Cream Hill Turnpike Road Company?

A. I have not.

There being no objections to Mr. Stewart he was affirmed as juror in same manner as the preceding.

Daniel W. Moore affirmed on his voir dire touching his qualifications as a juror.

Q. Where do you live?

A. Clearfield.

Q. How old are you?

A. About 72.

Q. Have you any financial interest in the Cream Hill Turnpike Road Company?

A. Not any.

Q. Have you any other interest?

A. Not any whatever.

Q. Are you in any way related to any members of the Cream Hill Turnpike Road Company?

A. Not that I know of.

Q. Have you any bias for or in favor of the Cream Hill Turnpike Road Company?

A. No sir.

Q. Have you any prejudice against that Company?

A. No sir.

There being no objections to Mr. Moore as a juror he was affirmed in same manner as the preceding.

H.H. Morrow sworn on his voir dire as to his qualifications as a juror.

Q. Where do you live?

A. Shawsville.

Q. How old are you?

A. 61.

Q. Have you any financial interest in the Cream Hill Turnpike Road Company?

A. No sir.

Q. Have you any other interest whatever?

A. No sir.

Q. Are you related to any members of the Company?

A. Not that I know of.

Q. You dont know who they are?

A. No sir.

Q. Have you any bias for or in favor of the Company?

A. No sir.

X

Q. Have you any prejudice against it?

A. No sir.

There being no objections to Mr. Morrow as a juror he was sworn in same manner as the others.

At this point Murray & Gordon & Walter Barrett appear for the Cream Hill Turnpike Road Company de bene esse, reserving all legal exceptions to the proceedings and the process.

A. O. Smith Esq.

We offer first the charter of the Cream Hill Turnpike Company granted by Act of Assembly approved the 2nd day of April 1860, in Pamphlet Laws p. 606.

We next offer the supplement thereto approved on the 16th day of March 1861, Pamphlet Laws 139. And also a further supplement approved the 11th of April 1863, Pamphlet Laws 324,. That however is only a supplement extending it to Port Barnett not important in this proceeding.

We offer also in connection with it the Act of Assembly approved the 22nd day of February 1812, Pamphlet Laws 50, incorporating the Susquehannah & Waterford Turnpike Road Company. Also the several supplements thereto.

We also offer the General Turnpike Act of the 26th January 1849, Pamphlet Laws 10.

Several Acts of Assembly read:

1. The Act of 1860, approved 2nd of April 1860.
2. The supplement thereto.
3. The Supplement extending it to Port Barnett.
4. The General Turnpike Act of 1849.

October 13, 1887.

Oct 13. 1887

Lewis H. Weber, being duly affirmed, testified as follows:

By A. O. Smith Esq.

Q. Where do you live?

A. In Bloom township.

Q. What is your age?

A. I am 34 years old past.

Q. Do you know the Cream Hill Turnpike?

A. I claim to know it. I think I do.

Q. How near to it do you live?

A. Near about a half a mile. Probably not quite a half a mile.

Q. Have you traveled it much??

A. Yes sir.

Q. How many years have you known this turnpike?

A. Well now that is more than I know.

Q. State it as close as you can say.

A. I have known it the last 18 years, ever since I was a small boy. I did'nt care anything about pikes at that time.

Q. What has been its condition as a turnpike for the last 5 or 10 years, or in your observation?

A. In my observation it has been rough roads.

Q. A rough road?

A. Yes sir.

Q. Has it in that time ever had a covering of stone or gravel or wood or any other substance to make it a solid turnpike?

A. Do you mean was there anything done?

Q. Anything done.

A. There was work on places. To my knowledge there was never any stone hauled, so far as that is concerned. Yes I mind of a load or two when I come to think, right in front of Thomas's, but I think Mr. Thomas hauled it himself, if my recollection is right.

Q. State in your opinion whether it has been any better than a common township road, in all the yeahs that you have known it, or as good.

A. In all the years that I have known it there were lots of township roads

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really better than this pike.

Q. How does it get when it is wet. In wet weather does it get muddy?

A. It gets muddy in places, of course, along by the Irvin place and through Chilson bottom as they call it.

Q. Do you as a citizen of Bloom twp., do you believe that it would be for the best interests of the people of Clearfield county, for that turnpike to be condemned and made a free road?

A. I do.

Q. In the last 5 or 10 years has any part of this turnpike been in very bad condition?

A. Yes sir.

Q. What part?

A. The Creek hill.

Q. What has been its condition?

A. It has been very rough. It is rough as it is, as far as that is concerned.

Q. What is its condition now?

A. Why, rough.

Q. What is the condition of the road now, if you know, in comparison to what it has been in the past 4 or 5 years?

A. Our end of the road- as far as the other end of the road is concerned I am not prepared to tell you much about it- as far as I am a traveler on it, at this end there has been more work done on it this summer than there has been to my knowledge ever since I come to Bloom.

Q. What do you mean by this summer, what part of the summer?

A. For the last two or three months. Since this suit began.

No cross-examination.

.....

X

Jacob Bilger being duly affirmed, testified as follows:

By A. O. Smith Esq.

Q. Where do you live?

A. I live in Curwensville.

Q. What is your age?

A. I am pretty near 63.

Q. How long have you lived here?

A. I have lived heee in the coonty since 1848- in 1847 I came here, in the spring of 1847. I have lived in this town since 1848.

Q. Do you know the Cream Hill Turnpike?

A. Yes sir.

Q. Have you traveled it?

A. I have traveled it a good deal.

Q. What has been its condition in all the years that you have known it?

A. Pretty bad.

Q. What do you mean by that?

A. I mean a very poor road. I mean it has been poorer than most townspip roads.

Q. Is it any more than a mud road?

A. That is all that I would call it.

Q. State if there is any covering of itone or gravel or wood or anything to make a good solid surface?

A. There is a few corduroy bridges, but they are so rough they had better be off.

Q. Have you been paying toll on this road?

A. Yes sir.

Q. What toll do you have to pay at the Bridgport gate?

A. Well I used to pay rome years ago, I paid \$6 a year, and lately for the last 4 or 5 yeaes \$10.

Q. That includes all your travel. You dont pay every time you go over?

A. That was calculated by the year unless I hauled bark, - they charged me extra for bark.

X\

Q. You were charged specially for bark?

A. Yes sir.

Q. How much?

A. I dont remember now how much a load. It would be about 20¢. I could not say positively about that.

Q. What has been the conditison of the pike from Curwensville to Blooms and up Anderson hill for the last 5 or 10 years in your observation?

A. Uell it har been very bad. It is better now than it has been for years.

Q. Jor it now?

A. Yes sir.

Q. You mean there has been work done lately?

A. Yes sir.

Q. What kind of work was it?

A. Fixing the rough places. Digging along.

Q. Filling in with dirt simply?

A. Yes sir. Opening up the breakers and filling the worst places.

Q. Do you remember when this road was made a turnpike?

A. No sir. I remember when it was made the Cream Hill Turnpike.

Q. That is what I mean, when it was made the Cream Hill turnpike.

A. Yes sir.

Q. Was thare any work done on it then, when the Cream Hill Turnpike Company was organized?

A. It was simply taken as the old Susquehannah & Waterford Road.

Q. Was there any work done on it?

A. No sir, not any. Afterwards this bridge up here at Roaring Rsn was washed out. That was put in sometime after it was taken, right immediately after this Company tsok it, called the Cream Hill Turnpike Road. I dont know of aoy work done at all scarsely.

D. W. Moore.

Q. What bridge do you refer to?

A. Roaring Run up here. This iide that spring.. There was a very big flood and it was washed out.

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X

A. O. Smith Esq.

Q. As a citizen of Clearfield County do you believe that it would be for the best interests of the people of Clearfield county for this turnpike road to be condemned and made free from toll and toll gates?

A. Decidedly, certainly.

Q. Have you any idea Mr. Bilger as to the amount of money expended on this turnpike yearly by the owners?

A. I don't have much idea. I don't think there has been a great deal spent in repairing the road.

Q. That is what I meant in repairing the road.

No cross-examination

.....

X

Calvin Bilger, being duly affirmed testified as follows:

A. O. Smith Esq.

Q. Where do you live?

A. In Bloom township 5½ miles west of Curwensville.

Q. What is your age?

A. I am 35 years of age.

Q. Do you know the Cream Hill Turnpike ~~company~~?

A. Yes sir. I have been over it but am not very well acquainted with the west end of it.

Q. How many years have you known this turnpike and been over it?

A. Well I was raised about here, along it. I've been back and forward on it ever since I was a boy.

Q. How long have you lived in Bloom twp. where you are now living?

A. I was born and raised there

Q. How often every year have you to go over this turnpike do you suppose, or how often every week?

A. I make a good many trips over it?

Q. Two or three times a week on the average?

A. I would average three times a week.

Q. The year round.

A. Yes sir.

Q. In your observation of this turnpike what has been its condition as a turnpike?

A. It has been rough as a turnpike.

Q. What do you mean by that?

A. I mean that there are stones on it bigger than ought to be, and it is not kept level in some places and in some places there are mud holes.

Q. Has it been any better than a township road?

No sir. I do not think it has.

Q. In all the years that you have known it has there been a covering of stone, broken stone, broken to size of an egg, or gravel, or any other good solid substance been put on it?

A. They fixed it in places wheee there were holes.

Q. As supervisors do they would fill up the holes?

A. Yes sir.

Q. They have not put on a covering of stone, gravel , or anything of that kind?

A. Not over the whole road , no.

Q. What is its condition at the present time?

A. It is as good now as ever it was, if anything a little better.

Q. Why?

A. There has been more work done on this end of it that I have been over than is usually done on it for the summer season?

Q. Can you estimate Mr. Bilger the value of the work that has been done on this road annually during the last 5 or 10 years, this end of it say this half of it?

A. I could not just estimate it now. There has been more done on this end as a general thing this year than ever before.

Q. Would \$100 cover the amosnt of work that has been done on this end of i it the last year?

A. This last year , I dont suppose it would, no sir.

Q. Would \$100 cover the work done on it last year?

A. Yes , I think it would. \$100 would cover the 6 miles that I drive or 5½ miles.

D. W. Moore

Q. This year Mr. Bilger?

A. No, not this year. A hundred dollars would not cover it.

A. O. Smith Esq.

Q. Of course you are judging that it would. You cannot say precisely wheth-
er it would or not?

A. I cannot say.

Q. As a citizen of Clearfield county do you think that it would be for the
best interestr of the people that this road should be condemned free

from tolls and toll gates?

A. I think it certainly would, especially for the west end of it.

Q. Do you think from your observation that this has been kept up as a turnpike, what you know a turnpike ought to be?

A. I don't think it has been kept up as good as it ought to have been for a turnpike.

No cross-examination

.....

D. D. Ritter being duly affirmed testified as follows:

A. O. Smith Esq.

Q. Where do you live?

A. I live along the Cream Hill Turnpike.

Q. How far from Curwensville?

A. 3 miles.

Q. How long have you lived there?

A. Since 1866.

Q. How old are you?

A. I am 58 past.

Q. You have been over the Cream Hill turnpike frequently?

A. Yes sir. I have been on the road ever since I lived there more or less.

Q. Especially this end of it?

A. Yes sir.

Q. You have been over all of it?

A. I have been over all of it.

Q. You may state Mr. Ritter what condition the road has been in, in your observation?

A. Well the road has been as a general thing pretty rough, with the exceptions of sometimes being in pretty good order, but I say it is a pretty rough road. That hill has been a little trouble to keep in good order. It is pretty rough as a general thing.

Q. You may state whether it has or has not been in any better condition than the ordinary township mud road.

A. I don't think it is. I have been over some other roads. This road is as rough or rougher than some of our township roads.

Q. Does it get just as muddy in muddy weather?

A. Part does and part don't. The Creek hill never gets very muddy, but gets very rough.

Q. Has there been since 1866, since you have known it, has there been a regular covering of stone, gravel or any other substance to make a hard bed?

A. Certain places have been filled up with stone, and the stone broken then covered over with dirt.

Q. They broke them to what size?

A. Not as fine as a hen egg. They were as big stone as they generally break on the road.

Q. Has there been any such work done there last five years?

A. Well I guess there has. I aint so certain. I have seen Moolie work on the road with some hands there. I seen them haul stone and break them I cannot just remember the date and time. I have seen them break some stone in and have seen them haul in some stone too, but they would have been better out. The stones would stick up 4 or 5 inches. They were worse ~~than~~ than out.

Q. As a citizen of Clearfield county do you believe it would be for the best interests of the people of Clearfield county to have this turnpike condemned and made free from toll and toll gates?

A. I believe it would be ~~best~~ for the best interests of the people to have a free road, to have it free from what I hear everybody say. A great many stops with us there and hardly any but complain about the toll on the road. I believe it would be for the interest of the people to have a free road.

Q. Can you estimate the value of the work done on the road annually during the last 5 years or longer.

A. Well now I dont know. I have no idea what they pay their hands. They generally come down this way about every two years. They board a spell at our place while working on the roads, sometimes pretty near 3 weeks with two or three hands, at other times not so much. I could not say how much it would be annually. It doesn't seem to me that there is a great deal spent on it, but I may be mistaken.

Q. Do you think that \$100 a year would cover the expenses on the first seven miles here during the last 5 years.

A. Yes I think it would taking the building of this bridge out.

Q. Outside of building the bridge you think it would

A. The bridge has been built within 5 years.

Cross-examination

Mr. R. Moore thh deft.

Q. Do the people generally haul as heavy loads on the township roads as they do on the turnpike?

A. I have heard of them hauling as big loads here to Curwensville as they did over this road. Have heard of them hauling up the other side, up Owen's hill 5800 to 6000. From the little creek over there here they say that some time ago Emanuel hauled 4800

Q. I had reference to our township roads

A. Well I dont know any hauling on the roads out this way. Out our way, and they hauled from Bell's Run in this way, they hauled big loads. This summer they hauled two as heavy loads to the tannery as comes in on the pike.

.....

X

C. A. Woods sworn and testified as follows:

A. O. Smith Esq.

Q. Where do you live?

A. Bloom twp. this county.

Q. How long have you lived there.

A. I have lived there pretty near all my life.

Q. How old are you?

A. I am 42 past.

Q. Do you know the Cream Hill turnpike?

A. Yes sir.

Q. How far from Curwensville do you live?

A. 4½ miles.

Q. How often do you travel the Cream Hill turnpike?

A. I would average once a week or over.

Q. What has been the condition of the Cream Hill turnpike in your observation since you have known it as a turnpike?

A. For about 18 years I have had no other road to come to Curwensville. It may be about 18 years ago that I had to travel this road. One time I had a contract to deliver some little but I could not deliver it as the bridges had gone out, and I had to go round the other way.

Q. What has been its condition lately, has it been a good road?

A. Well to give you an idea of it the time I moved my mill up, I could not move it at all till I got men to fix the road. Before I moved it I got Mr. George Irvin and Grant Woods to go ahead and fix the road. I paid them for fixing it before I could take the boiler up over the road.

Q. What was the matter with the road.

A. It was in February 1884 and there had been a break up and water had run down the road and had cut it up very much. I was afraid That I would upset. In the summer time when the weather was right dry some places were pretty good. When the weather was wet the road would be muddy and Creek hill was generally rough, but it is a rocky rough place generally, quite rough.

Q. Is the grade very steep on the Creek hill?

A. A very steep grade there right beyond Bridgeport.

Q. Has it been any better than the ordinary township roads that you have traveled over?

A. Well the township road from Sydney Smiths to Pennville is a better road.

Q. A better road?

A. Yes sir. Generally better. It may not be better now; they have been fixing this road some.

Q. Has this road in your observation been any better than the ordinary mud road?

A. It gets muddy when it is wet, it is pretty good when dry. There is nothing to prevent it getting muddy in a miry place as there is no bed.

Q. There is no bed, no solid stone?

A. No sir. Only some places a few corduroy bridges. I believe out there by Irvin's there is a corduroy bridge. I don't travel over that but I have seen it several times.

Q. As a citizen of Clearfield county, do you think that it would be for the best interests of everybody that this road be condemned and made free from toll and toll gates?

A. What do you mean by everybody, citizens around this road?

Q. For the best interests of the people of the county generally.

A. It might be like the ~~bridges~~ of building of bridges at Clearfield, it might be for the interest of some. It would be of some interest to us here the citizens who travel over it, but to people who live in other parts of the county I don't know that it would be of interest to ~~them~~ them.

Q. Have not the people all over this county to travel this road once in a while?

- Yes sir.

Q. They would rather have it free from toll gates would they not?

A. Yes sir. If we have to help them to build bridges down there they should help us with the road up here.

X

Q. Do you believe that it would be for the best interests of the people of Bloom twp. , brady twp. and other places along the line, towns along the line of this road, that it would be condemned?

A. I do as far as I know.

No cross-examination

.....

X

Sydney Smith being duly affirmed testified as follows:

By A. O. Smith esq.

Q. Where do you live?

A. In Bloom twp.

Q. How old are you?

A. 37.

Q. How long have you lived there?

A. Well for about 30 years.

Q. Do you know the Cream Hill turnpike?

A. Yes sir.

Q. Do you travel it much?

A. A good little bit.

Q. Is it the road that you use to go to market?

A. Yes sir.

Q. What has been its condition as a turnpike in your observation?

A. Well I would say that some of it was pretty bad.

Q. Just state to the jury in what respect?

A. Well it has been very rough and then washed out.

Q. Were there big stones and boulders in the road?

A. Yes sir.

Q. And it was washed out?

A. Yes sir.

Q. Is it as good or any better than the ordinary twp. mud road?

A. No sir, I would think it was not.

Q. It was not as good or no better?

A. Well take it now and it hasn't so bad just now.

Q. Why is that?

A. Well they have worked a good bit on it this summer.

Q. These last two months?

A. Yes sir, these last few months.

Q. Since this proceeding was started?

A. Yes sir, I would say, as near as I can tell.

Q. In your observation in the last 5 or 10 years could you put any estimate on the value of the work done pby the owners of this road annoally?

A. Well now that would be a pretty hard thing for me to do. I could make a sough guess at it.

Q. Of course I would not think that you would get it accurately, or anything of that kind. Do you think that there has been \$50 worth of work done every year during the last 10 years on the end of the road from here to Bloom's. toll-gate?

A. That is take year in and year out. Yes sir I think there has been.

Q. Do you think there has been a hundred dollars worth of work done?

A. Well now I suppose there has been take year in and year out.

Q. Do you think it would be much more than that?

A. No I would judge something like it. It might run more. I would not like to say.

Q. You never saw Mr. Moore the owner's books did you?

A. No sir.

Q. As a citizen of Clearfield county do you believe that it would be for the best interests of the people, especially along the line of this road, that this be condemned free from tolls and toll gates ?

A. Yes sir, I do.

Q. How many miles of it do you generally travel?

A. Why, always near eight. I dont know whether it is 8 just to the river.

Q. How much toll do you pay generally in this road?

A. A quarter with a heavy wagon.

Q. Bothways.

A. Yes.

Mr. Reupen Moore

Q. How is that?

Mr. Smith. A quarter he says.

Q. You pay a quarter both waysx

A. Back and forward.

Q. The 25¢ brings you here and takes you back?

A. Yes sir.

Mr. Reuben Moore. In a buggy

Witness. NO in a heavy wagon. I dont do much riding in my buggy.

Mr. Smith.

Q. When work has been done on this road at what time of the year has it been done generally?

A. Well I believe that most has been done after harvest, if I am not mistaken. There has been work done before harvest.

Q. After the spring wash outs and the tearing up of the road has it been the custom of the owners to have it repaired, or did they let it rest till summer?

A. They left it go as a general thing.

Q They charged toll all the same?

A. Yes. All the same.

Cross-examination.

Mr. Reuben Moore.

Q. Why is it if the pike is so bad that haulers will haul out on township roads 2500 weight and load 5000 on the turnpike to come to Curwensville

A. I dont know of them doing that.

Q. They haul half loads on township roads.

A. I dont know of them doing that unless they come out of a woods road or something like that., then they may do it.

Q. You dont know of them hauling on township roads out of the turnpike?

A. I dont know unless they come out of a muddy road somewhere. They dont do it if it is dry weather. Not that I know of.

Re-direct.

A. O. Smith Esq.

Q. What township roads have you in Bloom twp.?

~~X~~.

A. Well we have several township roads in Bloom twp. One runs from my place there to Pennville; one runs into George Korb's mill and there is one runs in up at Stull's.

Q. In your observation is this turnpike in any better condition throughout the year on an average than those roads that you mention?

A. They are all as good with the exception of one in at Korb's mill.

Q. This turnpike is not as good as the township roads with the exception of one road?

A. That one road.

Q. When there is wet weather this turnpike gets muddy too does it?

A. It is not so bad, being more open. The Pike twp. road where it runs in to the woods it is more muddy there.

Q. But this road gets muddy too?

A. Yes it will get muddy to be sure.

Q. Has it a basis of stone?

A. No sir. In places it has

Q. I mean broken stone, broken the size of a hen egg, or about that size, like a turnpike ought to be?

A. No sir.

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X.

J. Zilliox being duly sworn testified as follows:

By A. O. Smith Esq.

Q. Where do you live?

A. In Bloom twp.

Q. How old are you?

A. I am 68.

Q. How long have you lived in Bloom twp?

A. 32 years

Q. Do you know the Cream Hill turnpike?

A. Yes sir.

Q. Do you travel it much?

A. Not very much at the present. I dont haul any lumber or bark much and I dont travel it more than I have to on account of the toll.

Q. In your observation Mr. Zilliox during the last 32 years what has been the condition of this pike?

A. It has been very rough some years.

Q. How do you mean, rough, stony or washed out?

A. Stony and holes and that hill has been so rough that in hauling a heavy load down you would be almost shaken to pieces.

Q. That hill is Anderson Creek hill?

A. Yes, but it is hard to keep it in order though.

Q. Has there ever been in your observation a regular bed or basis of stone or gravel or any other substance to make a hard road bed, put on the road?

A. No sir, It may be that they hauled some stones into holes.

Q. Were they broken?

- About three years ago they hauled a lot there by Thomas and you had to drive alongside of them, you could not drive over them, - they was not broken.

Q. Has the road in all the years that you have known it been any better oh as good as the ordinary township road, a mud road?

A. No they have not.

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Q. Has not been as good?

A. We call them good now.

Q. You call the turnpike road good now?

A. It is good to what it has been.

Q. Why is that?

A. Because they have put more work on it.

Q. When was this work done?

Q. After this-

Q. Proceeding was started?

A. I guess that was the case.

Q. Witten the last two or three months you think the owners have been trying to get in out of the wet.

A. I don't know what the object was. I know there has been more work put on it then than before.

Q. Do you think that it would be for the best interests of the people, especially for the people alongside of this road in Bloom, Pike and Brady twps., as well as the people in Curwensville, Lethersburg and other towns over this road, for this road to be condemned and made free from tolls and toll-gates?

A. Yes sir?

Q. Do you think it would be for the best interests of the people of Clearfield county?

A. Of course it would. We have to pay our road taxes and our toll besides, and we travel this road a good bit to come to market.

Q. What is the rate of road tax in Bloom twp.?

A. 10 mills on the dollar. Then they have to pay \$2 a day for working on the road.

Q. If it was a free road and under the control of the twp., as far as Bloom twp. was concerned, you as a citizen of Bloom twp. would be willing to pay your share of the road?

A. It would not cost me near as much as this way.

Q. What is the condition of the road with respect to snow and drifts in

the winter time?

A. Snow and drifts sometimes till late, till April.

Q. Is the snow taken out so as to make it passable whenever it is drifted so full.

A. It was taken out last winter. They had to I understood.

Q. Complaint was made?

A. Yes sir.

Q. Does the toll go on just the same when the road is stopped up with snow?

A. Not all the while. I didn't hear Mr. Moore say that they had ordered him to shovel out the snow. They said that he had 3 months time to shovel out the snow. By that time he would not need to do it.

Q. Was the road ever so filled with snow that you had to go through the fields?

A. Yes sir.

Q. For any length of time?

A. Yes sir, they could not keep it opened out there by the hill and along there

Q. You don't know who placed those big stone on the road? *

A. Yes sir, I know where they were.

Q. You know who put them there?

A. No sir, I don't. I didn't see who put them there but I know they were there.

Q. How long were they there?

A. I can't recollect. It was there a good while.

Q. A month?

A. Yes, more than a month. I don't know whether Mr. Moore put that there or somebody else.

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X.

Christian Buck being duly sworn testified as follows:

By A.O. Smith Esq.

Q. Where do you live?

A. In Bloom Twp.

Q. How far from Curwensville?

A. 6 or 8 miles.

Q. How long have you lived there?

A. 17 years.

Q. Do you know the Cream Hill turnpike?

A. Yes sir, I think I do.

Q. How often on an average do you travel it every week.

A. That is more than I can tell. Sometimes I travel 4 & 5 times a week, and sometimes do not travel it in two or three weeks. I think it is about 3 weeks to-day since I traveled it. I would not have been down to-day if it had'nt been for this.

Q. Why would'nt you have come down to-day?

A. I would have stayed at home. If I come down here it generally costs me the toll. If I stay at home it costs me nothing.

Q. You may state what is the condition of the Cream Hill turnpike road, what it has been in the last 5 or 10 years, in your observation.

A. It was in a bad condition, all but just now it is better. About 4 years ago a man named Hollowpeter had it. He had it in good condition that year.

Q. The year Hollowpeter had it?

A. It was good when Mr. Moore took it off Hollowpeter's hand, that is this end was in good condition.

Q. What do you mean by bad condition?

A. By bad condition I mean that it was washed out and no work done on it.

Q. It was rough?

A. Yes.

Q. Were there stones?

A. Rough stones, yes.

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Q. Is it or is it not any better or as good as the ordinary township road?

A. Our township roads, probably from Sydney Smiths to Pennwille ir generally in as good condition at this time of the year as our turnpike is. Sometimes it is not so rough.

Q. Not as rough as the turnpike?

A. It is a little smoother. ~~than~~ The turnpike road now is peetty giord, all the back end is now good and thir end is middling good. I was over the back end last week. The back end is in good condition.

Q. When was talis work done that was done on this road lately?

A. Between two and three months, along there last summer.

Q. As a citizen of Bloom twp. do you think that it would be for the best interests of thh people to have this road condemned and made free from toll and toll-gates?

Walter Barrett Esq.

I want to enter an objection. ~~in~~ The couniel of the Cream Hill Turnpike Company object to the witness expressing any opinion. The witness is competent to prove facts but not an opinion, -that is the province of the jurors, and what they are summoned here for is for the purpose of hearing the facts.

Master. Testimony admitted for take present but if afterwards found inadmissible it will be excluded.

Walter Barrett Esq.

Counsel for Cream Hill Turnpike Company ^{Object} ~~object~~ to the ruling of th e Master.

A. O. Smith Esq.

Q. As a citizen of the cosnty do you believe that it would be for the best interests of the people that this road be condemned and made free from tolls and toll gates?

A. Yes sir. I think it would.

Q. As a citizen of Bloom twp. are you willing to pay your share of the ex-

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pense of keeping up this turnpike as a township road?

A. Yes, through Bloom.

Cross- examination.

By W. Barrett Esq.

Q. How many miles of this road runs through Bloom Twp. ?

A. I think about 4 or 4½.

Q. You think not over 4½.

A. Well it might be 5.

Q. What would be the annual cost to Bloom twp. of keeping up that road?

A. I dont know that - I could not say.

Q. Do you know what the assessed valuation of the property of Bloom twp. amounts to, for road purposes?

A. No, I never took notice of it.

Q. Do you know how much money is raised by the supervisors of Bloom twp. annually for the purpose of maintaining the roads in the township?

A. Well I suspect \$300 I think, sometime over, sometime less.

Q. You dont know the number of mills levied?

Q. How many mills are levied in Bloom twp. annually?

A. Sometimes 7 sometimes 10 in the year and sometimes 9.

Q. Do you know how many mills were laid last year?

A. No I didn't.

Q. Do you know how many mills were laid in the year 1886?

A. No I didn't. either year because I aint there.

Q. Do you know how many mills in 1885.

A. I didn't ask them questions.

Q. Do you know how many mills in the year 1884?

A. I can tell you all such things. I paid from \$10 to \$13 every year.

Q. I dont question but that you paid your tax. Do you know how many mills were levied in 1883?

A. I didn't ask them questions.

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At this stage of the proceedings J. F. McKenrick Esq. appears ~~as~~ atty. for the Commissioners of Clearfield county.

A. Holden being duly affirmed testified as follows:

By A. O. Smith Esq.

Q. Where do you live?

A. In Bloom twp.

Q. How old are you?

A. 61.

Q. How long have you lived in Bloom Twp.?

A. 28 years.

Q. Do you know the Cream Hill turnpike?

A. Yes sir.

Q. Do you travel it much?

A. Why, yes.

Q. How often on an average in a week do you travel the Cream Hill turnpike?

A. I do not know that I travel it every week.

Q. Could you average how often you travel it, once a week the year round?

A. Yes I suppose that would be the average.

Q. In your observation during your living here in this county, or where you now live, what has been the condition of the Cream Hill turnpike?

A. Well it has been a good bit of the time in a middling bad condition.

Q. What do you mean?

A. It appears that the hills were very rough and the road a good deal washed out.

Q. How often every year has there been work done on it?

A. Well I could not hardly say for that. I think the work has been done somewhere every two years.

Q. About every two years?

A. Yes I think so. That is on our end of it, after they get past us I don't know.

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Q. After the washing of the spring rains and so on has it been the practice for the owners to have work done on it immediately?

A. No sir.

Q. In your observation has there been a basis of stone, broken stone or gravel or any other hard substance for a turnpike, been on this road?

A. No sir. Only some places where there were mud holes, stone was hauled into them, but nothing further than that.

Q. Is it not better or as good as the ordinary township mud road?

A. I think not.

Q. Could you estimate the cost of the work done on this end of the road by the owners during the last 5 or 10 years?

A. No I would not be able to do so.

Q. Do you think it would be as much as \$100. You know something about repairing a road.

A. Yes sir. it might perhaps reach \$100.

Q. As a citizen of Clearfield county do you believe that it would be for the best interests of the people to have this road condemned, and made free from tolls and toll gates?

A. Well I think it would.

Q. As a citizen of Bloom twp. and a tax payer are you satisfied to have the road made a part of your township roads, that is in your township?

A. Yes sir, I am satisfied with that.

W. Barrett Esq. Note the same objection to this testimony.

A. O. Smith Esq.

Q. What is the average width of the road on Anderson Creek hill?

A. Well it is so very narrow that two wagons cannot pass to any advantage, two loaded wagons, it would keep them very busy to pass on that hill. There are places on it that they could pass.

Q. How far is the hill from Bridgport to the shop?

A. To the shoe shop.

Q. Yes.

- A. It is a mile to the top of the hill. There is a milestone at Joseph Spencer's, and there is another one on the top of the hill.
- Q. How many good parising places on that hill?
- A. Well I dont know. There is not wery many good ones.
- Q. Is the turnpike road as far as you know it made level 18 feet wide any distance?
- A. It aint . It lacks a good bit of it.
- Q. Of 18 feet.?
- A. A good manw places I think.

Cross-examination.

By W. Barrett Esq.

- Q. Do you know how long the roadway of the Cream Hill Turnpike Road Company has been located on Anderson Creek Hill?
- How long has it been a turnpike road?
- A. I cannot tell you that.
- Q. How long balk can you remember that it was?
- A. I can remember back about the turnpike road ever since we have lived in this coonty, and I dont know how long before. That has been over 60 years.
- Q. Then you know it has been at least 60 years.
- A. It has been that now.
- Q. Do you know the distance, the length of the Cream Hill turnpike from Curwensville to the Jefferson line.
- A. 17 miles I reckon. That is as near as I can get at it. It is 13 to Luthersburg & I gueis it is 4 from there out.
- Q. Now what proportion of that distance is in Bloom twp?
- A. Why, there is abost 6 miles of it.
- Q. What township is the balance in?
- A. Pike & Brady.

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Q. Do you know how much of it is in Brady twp.

A. Well, 7 or 8 miles I guess. There might be about 8 miles.

Q. About 8 miles you think in Brady & Sandy twbs.?

A. I think there is something like about that.

Q. Do you know what would be the annual cost of maintaining that road in Pike twp. as a turnpike road?

A. I could not say. I do not know. I cannot answer that question. I never asked nor never heard.

By J. F. McKenrick Esq.

Q. How long have you lived in Bloom twp.

A. Somewhere about 30 years.

Q. You think there is about 7 or 8 miles in Bloom twp.?

A. 6 miles.

Q. About 6 miles?

A. There may be a little over 6.

Q. Have you lived on the line of this pike?

A. Yes sir.

Q. All the time you have lived in the twp.?

A. All the time.

Q. Have you observed the amount of work done during the different years upon the pike?

A. I did not because it was something that didn't concern me.

Q. Can you give an idea of the cost from the value of the improvements put upon that part of the pike in Bloom twp. in each year or in the 30 years that you have resided there?

A. Well I don't know that I could. This season there was more work done on it than in any one year ever since I knowed the road.

Q. The character of the improvements put upon it, what are they, is it filling in with stone?

A. Filling in with mud.

Q. Just shoveling washings from the inside of the road into the ditches?

A. That is the filling.

Q. Are the drains and gutters on the side of the pike kept open so as to drain the water off the centre of the pike, is it high so that the water drains off on either side of it?

A. Sometimes I have seen them so full that the road would be covered for a considerable distance in places.

Q. The road would be covered with water?

A. That is, in the spring of the year.

Q. Where were the large mud holes- in the centre of the pike at different places?

A. Yes sir.

Q. The repairs put upon this road were principally shoveling the mud or sand in and filling this up?

A. That is the most of it.

Q. Have there been any bridges built on the line of that road on Bloom twp. within the thirty years of your recollection?

A. Of course across that little creek bridges have been built.

Q. What kind of bridge was that?

A. A log bridge.

Q. What is the width of the span of the bridge?

A. I expect that it is 20 feet. I don't know whether it is any more or not.

Q. What are those abutments?

A. They are log abutments.

Q. Is the bridge or is it not built with stringers and plank laid across them?

A. Stringers and logs laid on them.

Q. Do you know how often that bridge has been built there?

Q. I could not tell you how often I have known it to be built. I don't know how often.

Q. Have you any idea of the cost of building that bridge?

26.

A. The cost I don't know. Perhaps \$25 or \$30 would put the bridge there.

Of course there is some filling in.

Q. Is that the only bridge on the road within the limits of Bloom twp.?

A. That is all the bridge.

Q. Across what is known as Little Anderson?

A. Little Anderson

Q. This Bridgeport hill as it is called what is the character of the repairs put upon that hill?

A. Well they do some work on it and the repair is always left very rough.

Q. Has there been any blasting of the rocks, grading or filling up on that hill within the 30 years of your recollection?

A. Not as I know of.

Q. Has or has not the repairs been simply shoveling the dirt or wash out of the breakers into the gutters?

A. Shoveling out them there and taking out some stone out of the road, just out of the main part of the road, that is, the track.

Q. Has there been any walls to support the embankment, or guard logs placed there to your knowledge?

A. Not any that I know of unless by them that has been hauling on it.

Q. You had knowledge of this road before 1860- this pike?

A. Yes sir.

Q. Did you travel over it often?

A. Not often. I did not travel it much then.

Q. When did you move to Bloom twp., what year?

A. In 1860.

Q. Has the location of the road and the improvements made since 1860 been of such a character as to necessitate any general change of the road as it existed then?

A. I think, I think the road-

Q. What I mean by my question is has there been any change in the road, has the road been moved or widened or needed bridges built since 1860?

- A. There have been no bridges with the exception of that one at Bridgport.
- Q. Is that out of Bloom twp.?
- A. That is in Pike. The other bridge I spoke of is all the bridge there is in Bloom twp.
- Q. This pike is no better than other mud roads in your twp.?
- A. It is no better than ordinary roads.
- Q. Is it any better than the road leading to Pennville at Smith's?
- A. It is not as good, not as smooth.
- Q. Is it of the same general character as that road?
- A. Well yes. That road has some low ground on it as this has.
- Q. The character of the repairs are about the same as are put upon that road?
- A. Why, yes.

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Joseph Spencer being duly affirmed, testified as follows:

By J. F. McKenrick Esq.

Q. Where do you live?

A. At Bridgeport.

Q. How long have you resided at Bridgeport?

A. That has been my home mostly since 1834.

Q. Since 1834?

A. Since 1834.

Q. Bridgeport is on the line of the Cream Hill turnpike?

A. Yes sir. It is called the Cream Hill turnpike at the present time.

Q. Is it at the foot of Bridgeport hill that you reside?

A. Yes.

Q. Have you passed over this road frequently during this period of time?

A. From Bridgeport here I have. Not so much the other way. I have been over it occasionally.

Q. How frequent are your trips over the road, once a day or once a week?

A. They would probably average once a day.

W. Barrett Esq.

Q. You mean from Bridgeport here?

A. From Bridgeport here.

J. F. McKenrick Esq.

Q. What has been the character of the road from Bridgeport to Curwensville during the years since 1860?

A. Since 1860. Well it has been sometimes very bad, and sometimes has been worked on. The year that Elliot Arnold took charge of the road he put some men on it and repaired it up pretty well and he also worked on Anderson creek hill.

Q. Was the road better during that year than preceeding years?

A. Yes sir. I think it was much better.

Q. Better then than at the present time?

A. Well I dont know.

Perhaps not. There was more work done on it at that time. It seemed to require more.

Q. Did you have any knowledge of this road prior to 1860, or for 5 or 10 years prior to 1860?

A. Yes sir.

Q. How has the road been, how is it now compared with its condition in the year 1850, up to 1860. Has there been any change in the bed of the road or any permanent improvements put upon it that didn't exist prior to 1860?

A. No, there has been no changes made in the bed of the road more than digging down and filling up occasionally and levelling up the bed of the road where it needed it. If by that question you want me to give a description of the road since 1850 I might state that from the time it passed out of the management of the state.

Q. Give about that date Mr. Spencer.

A. Well it sometime near the year 1850. I cannot give the date exactly.

Q. Well it is not material. Go on and state what you were going to say.

A. Let me go back to the time we came there, nearly the time we came to Bridgeport. It was under the management of the state board and we kept the toll gate there for a number of years at Bridgeport. There was no other gate from Curwensville but that at the time we had it. After that time it was removed to Packersville or someplace out there and it was kept there, and finally the management gave it up as I understood. James Bloom kept the gate and worked a little on it. He collected toll from those that would pay and those that wouldn't pay he let go and finally the bridge here at Bridgeport got very bad and they gave it up. On a sabbath morning the drift came along and the bridge and all went down. That was in the early summer, and it remained that way until the fall. And the people of Curwensville and Bridgeport finding we couldn't do without a bridge, we collected some funds and we built a bridge, and then we repaired the road from Bridgeport to Curwensville. The next

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year the supervisors worked on the road in Pike twp., I dont know whether they worked through other townships or not. The next year after that Judge Barrett came along with his charter and informed us that he was going to put up gates and he did so and collected toll.

Q. This bridge was built by the citizens at Bridgeport. How long did that bridge stand there?

A. It stood there with some repairs- I dont know- there was an abutment needed under this end of the bridge during the time, but the bridge was not rebuilt entirely until the big flood took it away a few years ago.

Q. Who rebuilt the bridge?

A. Elliot Arnold.

Q. Is the bridge built by Elliot Arnold standing at this time?

A. Yes.

Q. Then there has been but one bridge built there by the turnpike company since 1860?

A. Not an entirely new bridge.

Q. Has the road bed from Bridgeport to Curwensville been changed, that is in the main. Has there been any widening of the road or any straightening of it or cutting down of the hill so as to make the grade less since 1860?

A. No not any.

Q. Is the road at the present time in any better condition of travel than it was from 1850 to 1860 or at the time that you stated Judge Barrett took charge of it?

A. That is is it now in any better condition than it was at any time. Yes. It is better than it was. Frequently the road was not in a condition that a turnpike road ought to be. It was sometimes very bad.

Q. The hill from Bridgeport up to Bilger's fields coming this way, and then from that to what is known as Roaring run, has there been any blasting or removing of rocks, or filling up with broken stone, so as to make the grading of the hill better, and so as to make it smoother.

A. No not any.

Q. Since Judge Barrett took charge of it?

A. No, not unless it was right in that Hill there immediately after you start up from Roaring Run this way. There is a very bad place there. For years sometimes in winter it would be the depth of a foot and almost impossible for teams to pass over it.

Q. That was near the water trough?

A. Yes near the water trough.

Q. What is the character of the repairs put upon that?

A. Well it has been filled up and is pretty solid.

Q. With what?

A. Filled up with broken stone.

Q. The repairs put upon the road. What has been the character of them Has it been shoveling out washings onto the road?

A. Opening up the ditches and filling up places that were dug out.

Q. Was the work of the same character as that put upon mud roads, or public roads by the supervisors, of the same general character?

A. So far as my observation has been.

Q. Are there any bridges on that portion of the road from Bridgeport to Curwensville, or to the Susquehanna river except the bridge at Bridgeport?

A. The bridge at Roaring Run.

Q. Has that within your knowledge been rebuilt since 1860.

A. It was washed out once I presume it was since 1860. I am not so positive I think it was since that time washed out with a flood.

Q. How many toll gates are there between Bridgeport and Curwensville?

A. Only one.

Q. The one at Bridgeport. Have you knowledge of the hill at Bridgeport, the Anderson Creek hill?

A. I have some knowledge of it.

Q. Does your knowledge of that hill extend back to 1834?

A. Yes.

Q. What has been the general character of that hill during these years, since 1860, compared with its condition from 1850 to 1860, taking the same period of time in any ten years from 1860 to the present time.

A. I believe it was kept better. It is now too narrow for wagons to pass in places. The road has been narrowed down and has become more sideling, high at the upper bank, and it was narrowed down in order to save labor, the labor of widening out the whole road.

Q. By this narrowing down. Let us understand you. The right hand side going up Bridgeport hill is quite steep, the right hand side of the road?

A. Yes sir.

Q. And the left is an excavation in the hill?

A. Yes sir, an excavation in the hill.

Q. Has that narrowing been caused by a crumbling of the embankment on the right and falling in and so narrowed the road bed since 1860?

A. No it has not been done in that way. It is a very rocky bed. There are rocks a good piece of the way. There is a good portion where it was narrowed down in my opinion to save labor.

Q. Does it at the present time, or has it for a number of years past been simply a one track road, a road consisting of one track for a vehicle?

A. Not wide enough for two.

Q. Could vehicles pass at any point in the road?

A. I think there are points at which they could not.

Q. Has it been wide enough at any point where teams could pass?

A. Of course there are points where it is wide enough.

Q. You testify that there are points where teams can pass. My question is is it wide enough that teams may pass at any point that they may meet all along on that hill?

A. I think it would be very difficult in some places for loaded teams to pass. Light vehicles might pass.

Q. Has or has not that road during the greater part of the years from 1860 to the present time been very narrow with deep ruts and ditches that are dangerous for vehicles to pass along it?

Do you know of teams going over the ban?

A. I don't know of any going over since 1860. I have known of teams sliding off. One April a large wagon had slid off on the ice.

Q. On the ice?

A. On the ice, yes.

Q. From your knowledge of this road since 1834, and of the neighborhood or locality through which it passes, in your opinion would it be best for the interests of the people residing along the line of this road that it be abandoned as a toll road and made a public road?

A. I think it would be for the best interests of those residing along the road and I think it is due to the people who reside along that road that they should have the same equally with other citizens of the county.

Q. As a tax payer in Pike twp. would you be willing to contribute your share to the expense of repairing this road?

A. I surely would.

W. Barrett Esq. offers same objection to the admission of this testimony.

J. F. McKenrick Esq.

Q. Have you had knowledge of the character of the work done in the several portions of Pike twp.

A. I have of some portions of it.

Q. Has that work been of the same character as the work done upon this turnpike?

A. Yes.

Q. Is this turnpike a better road in the main than other roads in Pike twp.?

A. I think not. That is roads that are generally-

Q. Generally, of course that is what you mean.

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Cross-examination.

By W. Barrett Esq.

Q. In speaking of that Bridgport bridge have you any recollection of tearing it out with their logs about 1863?

A. Yes sir. I think that was the time that the abutment was put in.

Q. Was not the framework of the bridge made new in part?

A. There may have been some new framework to hold up this end of it, but the whole bridge was not.

Q. How much of this road is in Pike twp.?

A. There is a little over 4 miles that is in Pike twp.

Q. You live at Bridgport?

A. Yes.

Q. What is your business there?

A. Milling.

Q. A grist mill.

A. Yes sir.

Q. It would be of particular advantage to you to have a free road to your mill would it not?

A. Yes it would. I have suffered as much as any other man.

Q. Do you know the original cost of this turnpike?

A. I do not.

Q. Could you approximate in your own mind by estimate what it would cost to build that road now, as it was built when you saw it in 1834?

A. It would require some time to make the approximation. I could not answer that question now.

Q. Do you know the annual cost of the maintenance of the road in Pike twp.

A. The annual cost of keeping the road in repair. No.

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G. B. Shugarts being duly sworn, testified as follows:

By A. O. Smith Esq.

Q. Where do you live?

A. At Luthersburg.

Q. How old are you?

A. 32.

Q. How long have you lived there?

A. A life time.

Q. Do you know the Cream Hill turnpike?

A. Yes sir.

Q. Have you done any work on the Cream Hill turnpike?

A. Yes sir. I have worked at different years. I worked in 1881, 1882 & 1883.

Q. In 1881, 1882 & 1883?

A. Yes sir. The first work on it was in 1878.

Q. Who did you work for?

A. Mr. Moore.

Q. He employed you did he?

A. Yes sir.

Q. Who else worked on the pike that year, in 1878?

A. Jona. , George and Sam Walker.

Q. Four of them?

A. Walker didn't work only a few days. We were on the hill either two or three weeks.

Q. Were you employed by the day?

A. By the day.

Q. At how much per day?

A. One dollar.

Q. What was the character of the work done by you?

A. Digging a ditch on the upper side of the road, putting stone in the road, smashing them up, and covering them with dirt as best we could.

Q. That was in 1878?

A. That was in 1878.

Q. Did you work there all the season?

A. I worked there either two or three weeks on that hill.

Q. What hill was it?

A. Anderson Creek hill.

Q. State if you can or estimate about how much work was done on the pike that year.

A. I could not give any estimate of that year. I only worked there just what work I done on the big hill during two or three weeks. Other parties done the rest.

Q. What was the value of the work done on the big hill that year?

A. I judge it would be in the neighborhood of a hundred dollars.

Q. Were you working on it then from 1878 to 1882?

A. I worked then in 1881 I think was the next work that I done.

Q. In 1881?

A. Yes. Then I worked on the pike something over a month.

Q. Who worked with you that year?

A. I dont- I think the fellows I worked with- Campbell for one. I would just recollect the fellows I worked with then.

Q. Where did you do the work then?

A. We worked on this part of the road from Bloom twp. , part of it, part on the other, and we worked all along the pike from Reynoldsville this way. We worked on the worst places on the road.

Q. What kind of work did you do?

A. We plowed it up, and raised it in the centre as much as possible. We put in stone. If we plowed out any stone we put them in the middle of the road and covered them with earth after breaking them up.

Q. Just the stone that you plowed out?

A. That we plowed out and if we hadnt enough to fill the places we

Q. To fill the holes?

A. The holes and low places in the road, we would go into the fields and ~~xxxxxxxxxxxxxxxxxx~~ get stone.

Q. What time of the year was this work done?

A. Well it was commenced in the fore part of the summer, I think in 1881. The next was in September 1882 and the next in June 1883. I have got pieces of paper with the dates that we commenced working on it.

[Witness looks at paper.]

July 28, June 15, and June 25th

Q. What yeahs?

A. July 28, 1881, June 15, 1882, and June 25th 1883.

Q. In 1881 how long did you work?

A. 27½ days, and June 15th 98½ days

Q. Who else worked with you in 1881?

A. I think that M. Duff and C. Hess.

Q. That was the first work done in 1881 on the road?

A. I aint prepared to say that, whether that was the case or not.

Q. You dont know whether that was the first work done on the road in 1881?

A. I would not pretend to say that.

Q. What was the condition of the road when you commenced working on it?

A. The road in places was a little bad when we commenced working.

Q. It was bad?

A. Yes middling in places.

Q. Rough, y

A. Yes.

Q. Was it stony?

A. A little rough.

Q. How wide is the road along the majority of the distance between here and the Jefferson line?

A. Outside the ditch.

Q. I mean now the road bed, the part that is kept smooth for driving.

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- A. From ditch to ditch that ii counted the road.
- Q. Well.
- A. I judge it is 30 feet from ditch to ditch.
- Q. Is that 30 feet all kept smooth and fit for travel?
- A. It is not kept smooth, it cannot be kept smooth.
- Q. Is it made of stone or gravel or any other hard substance?
- A. Well it is made of all the stuff that can be foond alongside the road to make it with stone o@ gravel.
- Q. I mean now has the turnpike, is it of 4 or 6 or 10 inches of solid stone broken to the size of a hen egg or a little larger perhaps, broken stone like a turnpike ought to be?
- A. It is not all that way. There are places that are that way.
- Q. What do you think was the value of the work done in 1881?
- A. Well, I would not know. I did'nt help do near all of it in 1881. 1882 was the only year that I helped do the work right through.
- Q. Who worked with you in 1882?
- A. I had several fellows helping me that year.
- Q. Were you the boss?
- A. I was.
- Q. You were the boss employed by Moore to overlnook the others?
- A. In 1882 I am sure that M. Duff and Z. Hess helped me that year.
- Q. Did you three do all the work that was done on the turnpike that year?
- A. He had anotter man, a young fellow, he helped a few days.
- Q. You '4 did all the work that was done on the turnpike in 1882?
- A. To the best of my knowledge
- Q. When did you commence that year?
- A. June 25th
- Q. How long did you work?
- A. We worked towards fall, about the last of September I suppose, along there, about last September sometime.
- Q. You were paid a dollar a day?

A. I was paid \$1.25 a day that year.

Q. Were the others paid a dollar and a quarter?

Q. I could not say what they were paid. No I was mistaken. I was working by the month. I got \$30 a month that year. I was boarded and got \$30 a month.

Q. What work was done in 1882. Where was the work done first?

A. The most of the work was done from the big spring on Anderson Creek hill clear up to where Mr. Buck lives. There was the principal work done on the road.

Q. How was the road before you commenced working?

A. Well the road was in good order except that there were low and flat places. The roads was good when we went on to make them. They had dried off pretty good. In the fall or spring they become bad and we went on the pike at that time so that they would be in better shape.

Q. Did you ever do any digging and blasting in the hill so as to widen the road on Anderson Creek hill when you worked for Mr. Moore?

A. We didn't do no blasting. We widened it quite a bit. Of course we didn't all the way but there were lots of places we widened it.

Q. What is the width if you know of the road up Anderson Creek Hill?

A. I don't know the width of that. You can pass with two wagons most places on it. Of course there is places that you can't. I have hauled down there all summer. I hauled 68 loads this summer and had no difficulty passing a team anywhere on the big hill loaded or empty.

Q. Then when you quit work in September 1882 you didn't do any more work that year?

A. No sir.

Q. Do you know whether any other work was done on that road?

A. I could not say for that. I generally go into the woods along in September or the first of October.

Q. Did you ever do any work on this road near Curwensville here between this and the Bridgeport toll gate?

A. I hav'nt worked on this side of the toll gate. I have worked from the toll gate to the Fuller line on this side of Reynoldsville.

Q. That is in Jeffehson county?

A. That is in Jefferson county . I have worked on this pike- theee aint half a mile of it that I hav'nt help make from one end to the other.

Q. When did you next work onit?

A. In 1883. Jone 25, 1883 is when I commenced.

Q. Were you working by the month?

A. No I went on to work by the day.

Q. At how much a day?

A. \$1.25 I believe is what I got.

Q. Who elie worked with you that year?

A. In 1883, I believe Jake Moose worked with me that year.

Q. How long did you work that year?

A. I worked 42 days.

Q. Did Mooie work the same number of days?

A. Moose was hired theee by the season. He was working there steady.

Q. Where is Jacob Mooie?

A. He is in Luthersburg.

Q. Where did you do yoor work in 1883?

A. Well we worked all over the road in 1883..

Q. General repairs along the road?

A. Yes sir.

Q. What was the character of the work you generally did,- digging out ditches?

A. Plowing and scraping.

Q. And filling holes?

A. No, redding up . Of course we would fill holes too. We did plowing and scraping, and raising it in the centre and bad low places we would fill with stone.

Q. That year did you do any hauling of stone so as to make a regular road

bed for 6 inches or more thick on the road to make a solid road bed?

A. We did for places where it needed it.

Q. That is just for holes and for low places?

A. Just for holes and low places. Other places didn't need it.

Q. Were you along the road in 1883 when it was muddy?

A. Well in 1883 I was not along it very much, only just going back and forward to work along the road. I was not over near all of it just in the bad season

Q. Does this pike during the wet weather get muddy like other roads?

A. I judge it gets about the same. Well it would not get as bad as the township roads. It is more solid. There is heavier hauling done on it. It requires a solid road for heavy hauling. It requires more wagoning to break it up. All township roads are easily broke up. ~~xxxxxxxxxxxx~~ If the hauling were done on the township roads that were done on the turnpike you would soon have no road at all. Hauling on it don't hurt a road. Hauling makes a road that is kept up any way at all.

Q. What do you mean?

A. Well it makes it more solid.

Q. In dry weather it does.

A. Dry roads?

Q. In dry weather it will do that.

A. No, at any time.

Q. What work was done there in 1884 by you?

A. I didn't work any in 1884. In 1886 I worked 2 weeks. That was the last work I done.

Q. Who did you work with that year?

A. Howard Smith & Will Postlewaite.

Q. Had they been working before you came there?

A. I could not say but I think they were.

Q. When did you commence working there that year?

A. Sept. 21st. We went out to the far end of the pike. There was some bad road

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road out there. We went out and fixed that.

Q. Where did you work all the two weeks?

A. Out there.

Q. You didn't work in this county at all?

A. No I didn't work in this section.

Q. Where all did you work in 1883? Where did you commence?

A. Well now I never gave that any thought. I never thought of it from that time to this. I cannot give you correctly the places we worked on.

Q. Did you work all along the pike that year?

A. There has never been one year that we have worked over all of it.

Q. Don't you know Mr. Shugarts that there was no work done there in the pike in 1883 until you went there to work?

A. I could not say that.

Q. Was there any evidence of work having been done in 1883 before you went on it??

A. I don't mind nothing about it. I couldn't say.

Q. Did you build any bridges there in 1883?

A. I never helped to build any bridges of any kind.

Q. Did you build any bridges in 1882?

A. I never helped to build any bridges on the turnpike, but I fixed up one bridge there at Little Anderson Creek. Before the toll gate I have helped fix that one up once or twice, & that is the only bridge that I had ever anything to do with.

Q. In all the work that you have ever done how much money have you received from Mr. Moore as wages?

-A. Between \$250 & 300. I suppose.

Cross-examination.

By W. Barrett Esq.

- Q. You say you hauled 68 loads one year?
- A. I done that this summer.
- Q. Loads of what?
- A. Bark.
- Q. How much would you haul at a load?
- A. I hauled with a small team and only hauled from forty houdred to forty seven hundred more or less. The average with asmall team this summe would be forty one hundred.
- Q. Could they haul that size loads out from the township rolads on to the pike?
- A. I suppose they could.
- Q. Could you with that team?
- A. It is owing to what township road.
- Q. Take the average towmship road.
- A. I could have brought it iut on the most of our township roads but some of them I could'nt.
- Q. Is it not a fact that a good many people that haul theee double team it, haul out and then load up heavier when they get to the pike?
- A. They have , but thae aee iome roads in iur township on which they cannot bring out aload.
- Q. Are you sure they are public roads?
- A. Yes sir, they are township roads.
-

* * *

John Campbell being duly affirmed testified as follows:

- Q. Where do you live?
- A. I live near Luthersburg.
- Q. How old are you?
- A. I am 49.
- Q. How long have you lived there?
- A. 17 years I think. I think I came there in 1870.
- Q. Have you ever done any work on the Cream Hill turnpike?
- A. Yes sir.
- Q. When?
- A. More or less I think every year since Mr. Moore took charge of it.
- Q. When was that?
- A. I think about 15 years ago probably. Not expecting to be called on I kept no particular remembrance of the dates.
- Q. Have you had charge of it keeping it in repair for him, or employed by the day. What was the arrangement between you?
- A. I was just hired by the day to work on the pike.
- Q. How many days did you put in the first year that you worked for him?
- A. That is something that I could not answer.
- Q. What is your business?
- A. Laborer. The first few years I worked for Mr. Moore I worked pretty steady but I cannot just recollect the number of days.
- Q. What work did you do there in 1880?
- A. I cannot tell you. I may have books at home that would tell but I cannot tell you now without referring to them.
- Q. Guess at it. You can probably arrive at it pretty closely.
- A. Some years we did more work and some years we did less.
- Q. Well you have no idea then how much work you did for me in 1880?
- A. I cannot remember the dates. I cannot state the years.
- Q. Do you remember for 1881?

- A. No sir I dont mind any particular year. I never paid any particular attention to the dates. I did my work and got my pay and that ended it.
- Q. How much money did you get from Mr. Moore in 1880?
- A. I could not tell you.
- Q. Did you get \$100 from him?
- A. Sometimes I have got over a hundredd dollars from him. Whether I did in 1880 or not I could not say.
- Q. How much over a hundredd dollars?
- A. I think my work has amoonted to as much as \$150 a year for some years.
- Q. You say that you worked for him the whole season the most of these years that you mentioned?
- A. I didn't mean to be snderstood that I worked the whole season on the pike, but there was several years at first that we would commence in the spring as soon as it wald fit mostly to go on the pike and work till harvest.
- Q. What time did you generally commence?
- A. Along about in May, the latter part of May or the beginning of June.
- Q. You worked till September did you?
- A. We worked till harvest generally. We quit through harvest a while and then commenced after harvest again.
- Q. What kind of work did you geneally do on the pike?
- A. Well we done all kinds of work that people would naturally suppose.
- Q. What eis that work, we want to know how a pike is kept up?
- A. We shovelled and plowed and scraped, hauled stine and broke it.
- Q. You filled in with dirt d id you?
- A. We filled in with dirt and stone, yes sir.
- Q. Did you gake a solid road bed of stone, broken stone?
- A. In places we have.
- Q. What places?
- A. In places ju st plowed.
- Q. Were you ever on tih road to do any work in the spring of the year early after the washouts by the spring rains?

- A. I could not say bust what time of the year I have worked on the road. I have worked in the spring though , yes sir.
- Q. What year did you last do work on this road?
- A. This year.
- Q. When did you next to this year?
- A. Well sir. I could not give you the date.
- Q. When was the last work that you did on the road thir year?
- A. Somewhere from the 8th to the 10th of Sept. we quit I think.
- Q. Who are we?
- A. Myself, Mr. Taylor and Mr. Postlewaite.
- Q. Were you the only ones working on the pike this summer?
- A. The only ones since harvest that I know of.
- Q. How many days did you work altogether this iummer?
- A. I think I worked about 45 days this iummer.
- Q. Mr. Postlewaite worked the same number?
- A. He worked more. He commenced before harvest.
- Q. Did Mr. Taylor work with you the same number of days?
- A. Perhaps not exactly the same number. He might have lost a day or two for all that I knou. We commenced together and quit together.
- Q. Where was most of this work done this summer. Where did you coggence working?
- A. Most of the work was done this summer in Bloom and Pike twps.
- Q. Near Curwensville here?
- A. Yes sir.
- Q. You worked on the hill on this ride of the bridge did you?
- A. Yes sir.
- Q. This iummer?
- A. Yes sir, this fall.
- Q. What did you do if anytting on Anderson Craek hill?
- A. All I helped do on Anderson Creek hill was to pick out the rough stone, but other ones said that they had worked on that hill before harvest.

Q. What rough stone do you mean?

A. Loose stone.

Q. How large?

A. The size of your fist, may be a little bigger. We picked them all off smootte. If one stuck up we would take a sledge and break it off. That is all we done while I was there.

Q. You put 45 days work since harvest on this road?

A. Yes sir.

Q. Did you work all along to the Jefferson line?

A. Yes sir, we was out on the Jefferson line.

Q. Do you remember the work you did last year, 1886, on tale road?

A. I dont mind thh correct number of days.

Q. Did you work a month?

A. Yes sir. I think I did.

Q. Did you work two montts?

A. I would suppose that I worked in the nieghborhood of two months.

Q. Who worked with you last year?

A. Several men worked last year off and on. Mr. Ellinger helped some and Mr. Postlewaite. Mr. Moore was with us a good deal of the time.

Q. Mr. Reuben Moore?

A. Mr. Moore's son. I think thare was another man.

Q. What wages did you get?

A. \$1.25 last year I believe.

Q. What di you get this year?

A. I hav'nt settled for this year.

Q. Did'nt you have any bargain?

A. No sir.

Q. What work did you do in 1885?

A. I dont know that I could tell you. I hav'nt looked at my books.

Q. Why did'nt you bring your book after you were subpoenaed?

A. Well sir I generallly keep my time in a small pass book or in a piece of

paper and when I gettle that is the last of it. I dont suppose that I have any of my work now that I could find.

Q In the last 15 years did you ever build any bridges?

A. I have helped repair one bridge that I mind of.

Q. Which one?

A. Acrors the Little Anderson Creek.

Q. What work did you do there?

A. Put on stringers and covered it.

Q. Was there any work done in 1886 before you went on?

A. I think there was during some years, men went on before I commenced.

Q. Was there ever any work done on the road after you quit?

A. Ye s sir.

Q. For any length of time?

A. Well I dont know for any big length of time. There was two or three weeks work done last fall after i quit.

Q. Of the 15 years that you have worked out there did you ever work there in the winter time?

A. Yes sir, various winters. I worked some last winter. Last winter I shoveled snow on Coal hill and on the othar side of Luthersburg.

Q. How long?

A. I could not say exactly. Two or three days at a time may be two or three times during the wintar.

Q. Never more than two or three days at a time in the winter time?

A. May be 4 or 5 days at a time.

Q. Did you ever commence working in March or April?

A. I think I have shoveled snow in March.

Q. Did you do any other work than that of shoveling snow on the turnpike in the winter?

A. No, I dont know of anything else that aman could do on the road in March in this country.

RR.

M. S. Clark being duly adffirmed testified as follows:

Q. Where do you live?

A. At luthersburg.

Q. How old are?

A. 57 years past.

Q. How long have you lived there?

A. About 20 years.

Q. Where is it exactly that you live?

A. Two miles beyond Luthersburg at New Salem.

Q. Do you keep toll gate there?

A. Yes sir.

Q. What are the receipts of that toll gate annually?

A. As near as I can tell you it amounts to about three hundred dollars.
with passes and all.

Q. What do you mean by passes?

A. Passes through the gate for a year.

Q. How long have you been keeping that gate?

A. I can hardly tell you. The toll gate was put there when I was at
Clearfield attending jail, Pentz' term.

Q. It is 8 years since Pentz was in, how long have you been keeping gate?

A. Since that time.

Q. Since you went back?

A. Since before I went back. I hav'nt been keeping it myself. My family
keeps it when i am away. I attend it when at home but am not much at
home.

Q. How much money did you pay Mr. Moore as receipts of that gate in 1886?

A. I could not tell you that. I have no account of it. I didn't pay him
anything. I didn't run the gate. My family ran it.

Q. How long have you lived in Brady twp.?

A. About 37 years.

Q. Have you traveled over this pike much?

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A. Not a great deal. I ured to travel it a good deall when I first came up hehe.

Q. What has been the condition of the pike generally?

A. Well it is like all other roads through this cosmtry I sometimes good sometimes bad..

Q. Jost about tae same as the township roads.

A. Better than some of them.

Q. Uhen it is wet weather it is about the same as other township roads?

A. Some places theee is low ground that is hard to keep up. Where it is springy it is muddy.

Q. How har Anderson Creek hill been in your observation?

A. Anderson Creek hill was not so bad this morning. I have not been down for two years. Dont know how it has been before that.

Q. What is your business outside of having your family in charge of the toll gtte?

A. I farm part of the time and fire at asaw-mill. I have been at that now for two years back.

Q. Do you think that it would be for the best interests of thh people generally that this pike be condemned and made free of tolls and toll gates?

A. Well it is owing to circumstances. If made free and kept up as it ought to be it might be just as well.

Q. Have you traveled the road from Rockton to DuBois?

A. I have teaveled both roads, the one that passes Luthersburg and across in by the saw-mill.

Q. When did you travel, l tae road in through the saw-mill?

A. This summer.

I know it was a miserable road then. Thh stage did'nt go that way but come through by Luthersburg.

Q. How old is that road?

A. I cannot tell when ot was laid out.

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Q. Dont you know it is only about ~~three~~ years old?

A. I suppose it is. I guess about three years .

Q. As a citizen and tax payer in Beady twp. would you be willing to pay your share of the taxes to keep this road up should it be made a free road and thrown on the twp. ?

N. Barrett Esq. Objected to as not being a proper question and snfair.

Master. Objection overruled for the present, *with right to exclude when charging jury*

A. For my part it would make my taxes that much higher and as for toll it dont cost me any toll to travel. I hav'nt much to say in this question.

Cross-examination

By W. Barrett Esq.

Q. HAS this pike not been abandoned from Buller's line to Port Barnitz?

A. Yes.

Q. What is the condition of that road?

A. Three years ago it was in pretty bad condition.

Q. What is thh speech of the people that pass the toll gate coming this way about it?

A. They complain that it is a bad road , they think that it is the pike.

187.

Johnson Hamilton being duly affirmed testified as follows:

Q. Where do you live?

A. At Luthersburg.

Q. How old are you?

A. 45.

Q. How long have you lived there?

A. I have lived in Luthersburg 25 or 26 years.

Q. Do you know the Cream Hill turnpike?

A. Yes sir.

Q. Have you traveled it much?

A. I have traveled it some, not very much.

What has been its condition in your observation in the last 10 or 15 years?

A. Hav'nt done much traveling on it but it seemed to me to be much the same as the best of the roads in this part of the country.

Q. Was it any better than an ordinary twp. mud road?

A. Well I don't know. So far as that is concerned I should say it was, where I am acquainted with the road and with the twp. roads.

Q. Is it made of a solid coating of broken stone or gravel or any other hard substance?

A. It is not a pike of that kind. It is made of mud and stone.

Q. In your opinion would it be for the best interests of the people of Clearfield county to have this road condemned and made free from toll & toll-gates?

A. That is a question that is very hard for me to answer. I could hardly form an opinion of that from the fact that I don't pay much attention to these things. The people at our place have nothing to say about it. They don't seem to object very much to the road. So far as we travel the road in our business we have a very good road. I have heard some men say that they would prefer a free road on account of the inconvenience of passing through the gates. But I have heard it expressed in different ways. Others would rather pay the tolls than have additional taxes.

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As ~~the~~ to the best interests of the people of the county I cannot answer that intelligently.

Q Do you think the people of Brady twp. as a body would prefer keeping this up as a township road to paying toll on it?

A. Well I cannot tell you that. It would not be very expensive to keep it up as a township road in Brady twp., neither is it very expensive to pay to.

Q. Has this road in your vicinity been kept up or made any better as a good road to travel on than the road leading from Luthersburg to Rockton, the township road?

A. Right in our vicinity as good as the township road.

Q. Have you traveled over it at this end?

A. Never more than common travel. Once in a while. I come to Clearfield, but I generally go across the mountain, being shorter and most convenient.

Q. Have you any idea of the amount of work or money that has been expended upon this turnpike?

A. I haven't by personal knowledge. I see the men working there but I can give no idea of the value or amount of the work done.

Q. When you go to Clearfield you generally travel over the mountain?

A. Yes sir.

Q. Would you do so if this were a free road?

A. Yes sir I think I would. If I went by stage Of course I would take the road that the stage takes but If I used a private conveyance I would take the shorter road.

.....

187.

Johnson Holden being duly affirmed testified as follows:

I live in Pike twp. about 2 miles up this road. Am 58 years of age. Have been in the twp. since 1838. Have lived out here since 1864. I know the Cream Hill turnpike. Have traveled this end of it some. I would hardly consider it to be in a condition to call it a turnpike as a turnpike ought to be. Sometimes it is in a tolerably good condition & at other times it is a bad road. I live pretty near the top of the Anderson Creek Hill. The Hill is in better condition now than it has been in for some time; it is generally very rough. Some places on the Hill the road is tolerably narrow. There is a portion of the road that it is very difficult to pass with two wagons. Some places that you could not pass at all. For considerable distances however the road is quite wide enough to pass with two vehicles.

Q. What work have you noticed being done on this turnpike?

A. From my place down there has not been much work done. I think they worked more from my place out. A number of times they came from Luthersburg quitting just where my road comes on the turnpike. The road is a clay road with the exceptions of the hill part, some of it is rocky, but the turnpike generally is a clay road. I would call it a clay road. I don't consider it any better than a township road and it is not as good as some of them. As a citizen and taxpayer I believe it would be for the best interests of the people to have this road condemned and made a free road. I don't know whether or not the people of Pike twp. could keep the road in as good condition as it is now without having the taxes raised. I would be willing to have my taxes raised to keep up this road as I don't believe I would have any more to pay than with taxes and toll together.

Cross-examination.

I could not say whether the citizens of Pike twp. who do not use this road would be willing to have their taxes raised. As a usual thing the tax-payers growl when their taxes are increased.

11. 189.

Lewis Woods being duly affirmed testified as follows:

By J.F. McKenrick Esq.

I live in Bloom twp. about two miles from the turnpike. In going home from Curwensville I leave the turnpike on the top of Anderson Creek Hill. Have known the turnpike since I was a boy., that is I suppose since 1855. I traveled it only on foot then. Prior to 1860 I think it was much better than now if anything., but I don't think there was as heavy hauling as there is now. I think the road was kept in better condition then. I am not acquainted with the road further than the cut. I perhaps travel the road from my place to Curwensville 5 or 6 times a year. We travel the Pennville road as a general thing. It is a little further but generally a better road. I think it is about a mile further by way of Pennville. The pike is near about the same general character of road that the Pennville road is but the Hill is pretty bad and hard to keep up. Have seen men working on the road at different times but cannot say much about amount of work done whether little or much. Such repairs as I have seen put on this road were such as are put on roads generally in this country, shoveling of mud and so on, but I have seen no throwing in of stone. To make this road a free road I don't know that it would be of any particular benefit to me as a tax payer of the township as I would have a little more road tax to pay. At the same time I believe it would be for the best interests of the general community from the fact that everything else in the county is free except this pike. I would willingly pay my share of the taxes to make it free.

Cross-examination

By W. Barrett Esq.

I pass over this pike from Anderson Creek Hill to Luthersburg twice or three times a year.

.....

77.

Wm. Bloom being duly affirmed testified as follows:

By J. F. McKenrick Esq.

I live at Bloom twp toll gate. Have lived there since 1884. Was acquainted with the road and traveled over it prior to 1860, and have traveled over it frequently from then to the present time, that is the part of the road from here to Bridgeport.

Q. What has been the condition of the road from your place to Curwensville since you have lived at the toll gate?

A. Some seasons of the year very good, some seasons in the fall and spring very bad.

Q. Do you know of any repairs being made on the road?

A. Yes I have seen them work on it. They would work right along there by our place. There was one place that they hauled stone and put it in. They hauled stone off my field. Another place they hauled gravel on one part of the road.

Q. You live this side of Anderson Creek hill?

A. Yes.

Q. Do you know of them putting in any large quantity of stone, or whether stone is used filling up chuck holes?

A. Where there were large mud holes they threw in broken stone and then threw dirt over them.

I don't know of them widening the road or reducing the grade of any of the hills. I exact toll for one division 5 miles, from Pennville road to Luthersburg. The annual receipts for that portion of the road or the receipts for the time I have had charge of it are as follows:

Paid in Cash to Mr. Moore for 1884	\$105
" " " " 1885	158
" " " " 1886	138
" " " " 1887	128

I retained 10 per cent for my commissions.

In 1884 I had 663 tickets and in 1885 147 tickets representing 15¢ each.

44
R.P.

In addition to these I had 257 loads for which there were no tickets
These are the receipts for the 4 years, without passes and the passes I
had nothing to do with. I own the toll gate. property, that is the farm.

Q. What is the character of that road from your place to Draucker's?

A. Well that goes through a strip of woods and there is a great deal of
shade and in wet weather the road gets cut up, and becomes muddy.

They repaired that road from my place to Draucker's throwing in a great deal
of stone this summer a year ago. They put the stone in the spouty places.

.....

Mes. Whitaker being duly affirmed testified as follows:

I am keeper of the toll gate at Bridgport and collect toll for the division extending from Sydney Smith's to the borough line. Have kept toll for 17 years. For the 17 years the money that should have been collected amounted to over a thousand dollars a year if they had all paid me, exclusive of passes and the stage. Some refused to pay toll on account of the bad condition of the road. Some had yearly passes. I never sued anybody for their toll. We own the toll house. I have been in three different houses during the 17 years. The Company paid my rent until we got a house of our own. They also paid me a commission of 10 per cent. As to the condition of the turnpike beyond Bridgport during those years the people would still growl as they came along..

Q. This part of the turnpike going from Curwensville, a section and a half, has that always been under the control of Mr. Moore?

A. No sir.

Q. Who had it for a period?

A. Mr. Elliot Arnold had it for the year 1884 I think. Then Mr. Hollopeter had it for two months.

I paid the money to Mr. Arnold every month. Never heard of anybody going over the embankment along there. Three or four years ago the bridge was carried away by a flood and remained in that condition till they could come to some conclusion about fixing it again.. That was the period when Elliot Arnold had it.

Cross-examination

By W. Barrett Esq.

During the five months that Elliot Arnold had it I paid him \$500 exclusive of the passes. He collected the money for the passes himself.

App. 11.

Joseph Whittaker being duly affirmed testified as follows:

By A. O. Smith Esq.

I live at Bridgeport and am 47 years old. I am the husband of Mrs. Whitaker who has just testified. I keep the books, that is I put down just whatever she tells me to

Q. Have you the books here?

A. No but I can get them.

Goes to his buggy to get the books.

.....

Jacob Bilger recalled.

By A. O. Smith Esq.

Q. Did you ever have any accident on this road?

A. Four or five years ago I came down Anderson Creek Hill with a sleigh and two ladies in it. And there was a team going up. I had to turn out. The road bed has been dug out and there is just one place for a team to go. This place on the upper side is high rocks. I had to turn out & I upset and I had'nt got past the team before the sleigh went over else I might have been killed. As it was one of the women was badly hurt. Another time some years ago I uied to haul fire clay and at Roaring Ron bridge wheee there was nothing to peotect you from running off. One of my horses backed and backed the wagon and all except myrself off the iend of the brrdge. I spoke to the toll-keeper about it and he said that if I fixed it he thought Mr. Moore would pay me. I did fix it and spoke to Mr. Moore about it. He said other people went along it and did'nt go over and he never paid me anything for it. As it was I got my horses pretty badly hurt. and the wagon broken. I have known this pike since before 1860 and since. I remember the time when Barrett first took possession of it in 1860. I do not remember of any particular amosnt of work being done on it at that time. He simply came along and notified us that he had a charter and that he was going to put up gates. There was no toll taken for some time previous to Bareett taking hold of it.

67.
From that time down to the present no road bed of stone was ever put down.
No stone bed other than the rocks that were there in their natural condition
Mud holes have been filled with stone.

Q. Have you any idea what it cost to get the road in shape in 1860 by the
Cream Hill Turnpike Road Company. Would it cost a thousand dollars?

A. I would not suppose it cost a hundred.

Q. Have you traveled around over the county much?

A. I have traveled a great deal over this county within the last three or
four years.

Q. How did you find the ordinary twp. road in Clearfield county in compar-
ison with this turnpike.

A. I find that they are nearly all better unless roads that are not trav-
eled much. I have been up at Burnside, New Washington, Glen Hope, Utahvill
and down to Kylertown & Philipsburg and I find the roads generally in
a better condition than the pike.

Q. Where do you pay your taxes?

A. Bloom twp. Pike twp. and Curwensville Borough.

Q. As a tax payer in Pike & Bloom twp. would you prefer paying your taxes
there to keep up this road to paying toll?

A. Vary much and I think it would not cost me near so much and I would
have a better road.

Q. How much road tax do you pay in Bloom twp.?

A. \$60 and in Pike \$8 or 10 dollars, and in Curwensville I pay about \$60
road tax.

Q. How does the condition of the pike from 1850 to 1860 compare with its
condition since that time?

A. I don't think the road has been as good as it was before that time., ex-
cept just now it seems to be a little better than it has been.

Q. When were the present repairs put on?

A. Within the last two or three months.

Joseph Whitaker recalled.

Ref.

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By A. O. Smith Esq.

Q. We want to know how much you paid Mr. Moore.

A. From 1871 to 1876 \$3932.20 that is everything. Amount paid R. H. Moore
\$2378.37

Q. What do you mean by everything?

A. That is the full amount of the money taken in.

Q. This includes passes?

A. No, no passes at all. There were some tickets but the tickets I think
are not down.

Q. The difference is the percentage and what else?

A. I will read it all.

Amount in full	\$3932.20
.. paid R. H. Moore	2378.33
Working expenses	1553.83

That is from April the 3rd 1871 to July the 3rd 1876.

Q. When did Mr. Moore get it again?

A. The next July

1855.

Adam Weber being duly sworn testified as follows:

By A. O. Smith Esq.

I live in Bloom twp. I am 57 years of age. Have lived in Bloom twp. since 1855. I know the Cream Hill turnpike. I travel 9 miles on this pike to come to Curwensville. My place is half a mile off the pike. The pike was a toll road in 1855. Mr. Jas. Bloom kept toll. but the toll was very light. I believe there was a few years that there was no toll. I really believe it was a free road for a couple of years. I remember the time when it was taken possession of by Judge Barrett. For the last 5 years the pike has been in a bad condition. I do not care to testify to its condition previous to that as I want to tell just what I can distinctly remember. It was stony and muddy and in places we could hardly get through. I believe there are lots of places that two wagons could not pass between here and Luthersburg unless they would drive into the ditch, particularly on the big hill. I don't suppose that there are more than three places inside of a mile but what you would have to stop with loaded wagons. I have tried several places myself. Mr. Moore would generally have men on the road every year and they would generally work after harvest, sometimes a little before harvest. Most of the work was done after harvest ..

Some of the township roads are a great deal better than I have ever known the pike to be. One winter I did not pay the regular toll when I traveled on the pike because it was drifted full in places and I had to go through the fields. The time that I would not pay the full toll I nearly perished on the way. In fact we have no road there in winter. They charge toll sometimes when then ought not to. For the last 15 years I have wished that this road be free of toll gates and toll. I object to paying taxes and toll both. As a citizen of Bloom twp. I am perfectly willing to pay my share of the increased taxes to keep up this pike provided it is made free of toll.

.....

George A. Bloom being duly affirmed, testified as follows:

By A. O. Smith Esq.

I live in Bloom twp. Am 62 years of age. I moved there in 1861. Am well acquainted with the Cream Hill turnpike. Before it was called the Cream Hill turnpike I knew it and it was in a fair traveling condition then. When Judge Barrett took hold of it I don't know that he built any toll houses. I was the first man to haul a stick of timber from Bloom twp. down Anderson Creek Hill. I don't know who it belonged to then. I don't know that anybody had charge of it. I don't think the townships did anything on it. It was in good condition, as good then as it has ever been since. I worked on this turnpike in 1882 or 1883. I was supervisor of Bloom twp. and that road was so bad I went and put a sewer in. I had men working with me. Mr. Bilger helped with his team. I didn't charge Mr. Moore anything for it. ~~xxxxxx~~ I have been supervisor 3 years out of seven. I wouldn't say that pike was any better than the twp. roads. To day I would not say that it was as good as the pike that runs from Rydney Smith's 7 miles from here. I would not say that the pike had a solid roadbed of stone, gravel or other solid material. When Judge Barrett owned it he got me to fill 20 rods of the road near my place 18 inches deep with stone for which he paid me \$75. That was in a kind of hollow. I don't know of any other stone that has been hauled on it since. There may have been some hauled but if so I know nothing of it. In most places it is simply a mud road. Anderson Creek Hill is pretty good all the way down. There are few places that you cannot pass but in order to pass another wagon you have to get close to the rocks and are in some danger of upsetting. As a citizen of Bloom township I think this road ought to be condemned and made free from toll because it ain't kept any better than a township road. This spring I hauled a load down Anderson Creek Hill. I had a new wagon that I had bought at the Mansion House At Clearfield. It was insured to carry 1500 feet of lumber. Coming down Anderson Creek Hill I heard something crack as the fore wheel struck a rock. At the foot of the hill we found an axle broken. The road is now much bet-

.., ~~AA~~.

-since the work was done on it this last summer. There has been more work done this summer than has been done on the road for the last 5 years. When Mr. Moore's men work on the road near my place they board with me and they come about every third year. There has been more work done since they talked about taking the toll off than any year since 1861. I believe it would be for the best interests of the people of Bloom twp. to have this road free, that we will then have a better road and it will not cost us as much.

.....

RR.

N. E. Arnold affirmed and testified as follows:

I live at Curwensville. Am 38 years of age. Have lived here 20 years. I know the Cream Hill turnpike. I owned a section and a half I think it was called, 7½ miles. I bought it from Mr. Moore. It extended from Curwensville to the road coming out from Sydney Smith's. I paid something like \$300 and I had all the repairs to make, bridges to build &c. I owned it about 9 months. I sold it to S. S. Hollowpeter of Union twp. for \$2250. I realized \$700 or \$800 over and above what I put in it. I don't think I expended over a thousand dollars on the road. I have traveled this road occasionally. I traveled it lately, it was good. Last March it was bad. I left the road in rather bad shape. After putting in the bridges I spent probably \$200 or \$300 on the road.

Cross-examination

By W. Barrett Esq.

~~X~~ Goes out to figure up his receipts. Testimony continued further on.

Isaac Caldwell being duly sworn testified as follows:

By A. O. Smith Esq.

I live in Pike twp. Am 67 years of age. I know the Cream Hill turnpike. Have lived heere '40 odd years. In the last 10 or 15 years the pike has been in a very bad condition sometimes and at other times reasonably good. Not generally in as good condition as the ordinary township road in Pike twp. Part of the road is very muddy and part of it is quite rocky.. There are lots of chuck holes that a wagon will drop down into. And on the hill it is pretty stony. I think that it would be for the best interests of the people of the township to have the road condemned. I would rather pay for keeping up this road in the shape of taxes. There are free bridges and free roads everywhere else and this one should be free too.

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119.

Ne E. Arnold recalled.

My books show that I realized about \$1405 regardless of the moneys from the travel of buggies and wagons etc. for about six months of the time and probably 7 months. \$1600 or \$1700 covered all that I received in the 9 months.

By A. O. Smith Esq.

I think that the bridge cost in the neighborhood of \$500, the two cost me nearly \$900

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Friday October ~~14th~~ 14th 1887.

Oct. 14, 1887

R. H. Moore being duly affirmed testified as follows:

I live at Luthersburg. Am 57 years of age. Have resided there since 1850

I represent and own the stock or franchises of the Cream Hill Turnpike Road from Curwensville to Fuller's Landing. There are 18 miles of the road in Clearfield county running from Curwensville to the Jefferson county line. This end begins at the edge of the borough. The road runs from the Susquehanna river but the borough keeps up the part of the road within the borough., but I regard myself as being the owner of the mile within the borough., because it belongs to the charter. There are about 4½ miles in Jefferson county. There was more than this originally. The road at one time ran to Port Barnitz. That would be 11 or 12 miles more. I have never controlled further than to Fuller's landing. I purchased the rights and franchises of the Cream Hill Turnpike Road Company in the spring of 1871 from Jackson Horn who lived at Luthersburg.

Q. How much did you pay for it?

W. Barrett Esq. Objected to on the ground that the affairs of the Turnpike Company cannot be investigated under this proceeding.

Master. Evidence admitted.

A. I cannot tell exactly what the whole road cost me. I took it in payment of the balance of a debt owed me by Jackson Horn. And further than that I could not tell the difference between the price of the whole road and the part that lies in Clearfield county. The cutting of it off, if it was done injures the balance so that it may be worth nothing.

Q. Mr. Moore we want to know what you paid for the whole road.

W. Barrett Esq. Counsel for the Cream Hill Turnpike Company and also for the witness instruct him not to answer that question, that it is a private transaction of his own, that the purchase of the stock of the corporation has nothing to do with the proceedings in question, it being a private business transaction of his own.

A. O. Smith Esq.

Q. Mr. Moore do you refuse to answer?

Mr. Moore. I cannot answer the question exactly.

Mr. Barrett. Do you refuse under the instruction of your counsel?

Witness. I suppose that ~~that~~ that is right. I am not prepared to answer that.

I own all the stock of the Cream Hill Turnpike Company. I have no charter. There are 50 shares of stock at \$20 each. I have no certificates of the shares of stock. In buying from Horn I took an assignment for all the stock and franchises in the Cream Hill Turnpike Road as he held it under his assignment from G. R. Barrett.

Q. What was the par value of the shares of stock when you bought it?

A. \$20.

Q. What was the value of the shares at that time, the real value?

W. Barrett Esq. Witness instructed not to answer that question under same instructions as given before.

Witness. I cannot answer this.

A. O. Smith Esq. Why cannot you answer. Do you know what the value of the shares was when you bought in 1871?

Witness. I don't.

Q. What amount of Horn's indebtedness was cancelled by this assignment?

W. Barrett Esq. I instruct you not to answer that question.

A. O. Smith Esq. I instruct you not to answer that question.

Q. Do you refuse to answer Mr. Moore?

W. Barrett Esq. He has refused.

Witness. The stock has not been increased since I got it, in quantity it is just as it was when I got it. There has been no new officers since Judge Barrett had control of the road. There has been no corporate election since 1871. The old officers hold over I understand until new ones are elected. Judge Barrett I think was president. Judge Cuttle and Col. Barrett either treasurer or secretary, but could not say positively. There has been no corporate meetings since I have had control of the road. There has been no meeting of the corporation or stockholders since I have had control of the

Wm.

road. I have been the treasurer (since I owned the road, and am also the president and secretary. That is I have never accounted to anybody during my control of the road.

Q. Did you ever account to the Auditor General for any receipts, expenditures or income?

W. Barrett Esq. Objected to as incompetent, irrelevant and impertinent to the issue.

Master. Evidence admitted, *for the present.*

Witness. I was never requested by the Auditor General to make a report. I don't know whether any of the officers were requested or not. I was not an officer. Uncle George had those things in his hands, that is Judge Barrett. I never paid any tax and I don't know whether any report was ever sent. I never reported to the president, secretary, treasurer or other officers of the corporation the amount of my receipts or expenditures. There was no formal declaration of dividend. I received the proceeds of the road after the expenditures were taken out. The receipts ~~after~~ the first year were \$2000. The expenses for seven years were \$2452.48 and Whitakers orders for money that he paid out for work done during that time amounted to \$1553, so that for the seven years it made about \$4000. There were the heaviest expenses that I had. They were during the fore part. I spent \$507.10 on Fuller's Hill in Jefferson county. I have never spent any money hardly on it since. I repaired it so it didn't need it. These expenses are for the years 1871 to 1877 inclusive or rather up to October 1878. The receipts from West Liberty toll gate would average 275 dollars a year, from the Salem gate \$300 a year, from the Bridgeport gate \$1000 a year and the Bloom gate from 1871 to 1884 paid \$2284.40 in all and since Bloom took it in 1884 \$300 a year. The \$2284.40 does not include prizes nor the stage, but the \$300 a year includes all. The gates are worth in all \$1875 a year including everything. The expenses from 1871 exclusive of the Anderson Creek bridge would not exceed \$300 a year. I never kept any accounts except the cash that I lifted at the gates. These figures of the receipts do not include

1174

the commissions paid the gate keepers; they took that out themselves and handed over the amounts I have stated. For a small consideration I sold a portion of the road to Elliot Arnold. The consideration was not more than \$300 and the length of road sold was $7\frac{1}{2}$ miles. I sold it to him so cheap because I thought that the extension of the Pennsylvania R.R. would make it worthless. In selling it to him I made an assignment of that proportion of the stock and when he transferred it back to me he made an assignment of the same thing.

Q. Where is your contract with Horn for the sale of the road?

A. I have it in my possession.

Q. Will you produce it?

W. Barrett Esq. Counsel instructs the witness that he need not produce it.

A. O. Smith Esq. We would like to see the contract

Q. We want to know how you sold this road to Elliot Arnold then.

W. Barrett Esq. We object to that question as irrelevant and incompetent.

Master. Objection overruled and evidence admitted.

W. Barrett Esq. Counsel for the Cream Hill Turnpike Company ~~excepts~~ excepts to the ruling of the Master.

Witness. In selling to Arnold I could not deed it as a piece of land and so I sold him a part of the franchises of the Cream Hill Turnpike Company. I assigned him one third of what I owned. He got $7\frac{1}{2}$ miles as near as we could tell and there is $22\frac{1}{2}$ miles of the road. I assigned him one third of my interest in the Cream Hill Turnpike Road. I had no control over that part of the road when Elliot Arnold had it. He had it for 9 months. I paid Arnold \$2250 to get it back. Hollopeter and myself were the parties to the getting of it back. The road was in better condition when I got it back than when I sold it, that is the lower end of it. He built a new bridge. During my ownership of the road I have never had this corporation registered in the office of the Auditor General of Pennsylvania. I understood that the old officers held over until new ones were elected. Judge Barrett was the president and also my counsel. From Judge Barrett I learned

*
W.P.

that Judge Cuttle was treasurer. I consulted Judge Barrett in aegard to thh laws of thh state governing corporations as much as I thought was necessary. Years ago I think that I was informed by Judge Barrett that a report had been sent into the Auditor General. I never reported the amount of the income of this road to the Auditor General.

Q. Did you ewer ~~xxxxx~~ make any reports in regard to the capital stock of this company to the Auditor General?

W. Barrett Esq. I object to the question. What is the object of it?

A. O. Smith Esq. The object being to determine for this jury whether this road has any right to a corporate existence. Second, to determine from the reports if any have been made what has been the income and expenditure of this corporation from or upon this road.

W. Barrett Esq. The counsel for the Cream Hill Turnpike Co. object to the question for the following reasons:

First. Because ttis jury has no right to pass on the corporate existence of the Cream Hill turnpike Company

Second. That it is irrelevant to this proceeding.

Third . That the witness upon the stand has been placed there by the Petitioners & can be asked no question to contradict him as they are bound by his answers.

Master. Evidence admitted *for second purpose mentioned by Mr Smith.*

Witness. No sir, from the fact that I was not an officer of the Company

Cross-examination.

By W. Barrett Esq.

My interest in the Cream Hill Turnpike Road Company I regard as being worth to me at present \$20,000 in cash. And it har been worth that much to me ever since I owned it., except during the few yeas of the panic. During thh 16 yeas that I have owned the stock, the capital stock of thas Company I have never been an officeh of the Company. The road has been worth to me clear profit ever iince I owned it the sum of \$1200 a year. I f I

am indemnified I am willing that the gates be thrown open and the road made free. I was never served with any process to appear in any of these proceedings, as an officer of that road. As the manager of the road I never received any notice of this application until a subpoena was served upon me as a witness. In regard to the corporate management of the road I have consulted Judge Barrett scores of times, whenever I would meet him. I intrusted to him all the legal duties that were to be performed. I do not remember being present when Jackson Horn purchased the shares of stock in the road from Judge Barrett. I cannot state or approximate what it cost me to put the road in order aside from the bridge at Bridgport after I received it from Elliot Arnold.

Re. Direct

By A. O. Smith Esq.

I saw the advertisement of this proceeding in the paper and I did not consult counsel in regard to it until I was summoned as a witness.

By J. F. Mckenrick Esq.

The value of the road to me is as stated is based upon its earning capacity. I consulted Judge Barrett in the capacity of president of the road and as my counsel as he was acquainted with all the facts. When I contemplated selling a portion of the road to Elliot Arnold I consulted Judge Barrett, but there was no meeting of the officers that I know of. In purchasing the interest back from Hollopeter the president did all the writing. The regular treasurer was ignored in all our transactions.

By W. Barrett Esq.

After Jackson Horn purchased the interest of G. R. Barrett in the shares of stock an Act of the legislature was passed increasing the toll, and making it exactly double. The Act is dated 1869. T. J. Boyer was the member of the legislature at that time. The high rates were collected after the passage of the Act but after the resumption of specie payments they were collected only in part.

W. Barrett Esq being duly sworn testified as follows:

I live in Clearfield. Am an attorney at law. About 48 years of age. I was one of the charter members of the Cream Hill Turnpike Company and one of the incorporators of the Company. I was elected secretary at the first organization. I believe I am secretary yet as I was to continue in office till my successor was elected and I have never been notified of the election of a successor. My father owned 45 shares. I think Richard Mossop owned 2 Judge Cuttle 2 and myself 1. The officers were G. R. Barrett, president Judge Cuttle, treasurer and myself secretary. There were minutes of the meetings. I have looked for them but I cannot find them. It is 25 years since I had anything to do with the Company. When this corporation took hold of the road they spent considerable money on it. The first two years the expenditure exceeded the capital stock and at the end of the second year when I sent in my report to the Commissioner of Internal Affairs I think I stated that there was no dividend and that the road was in debt. This road was located upon the old road of the Susquehannah & Waterford Turnpike Co. which had been built by the state at the cost of I think \$194000. My recollection is that there were certificates of stock issued but I cannot tell where they are now. I suppose that the two shares of stock that I owned were assigned to Jackson Horn at the time that my father assigned his own, but whether they were assigned or not my father received the full value of them from Horn. The par value of the capital stock was \$20 but Horn paid \$85 a share. I think that was in 1868. I think I was in New Orleans at the time of the transaction. I think the papers were not signed until I returned. Perhaps this was the last official act I did as secretary. I believe I have performed no official duties since except to pass myself through the gates when I would go over the road. When I performed the duties of secretary I kept books. My father would transact all the business and we would go over it at the end of the year and he would account to me on the books for so much money received and we would put it down and he would sign it as president and I would sign it as secretary. IN the construction

of the road bed stone , gravel, wood and clay were used. We used the material found in the immediate vicinity.

By Mr. Murray At the time that the road was sold to Jackson Horn I protested that what it was sold for was not half its value. IT was worth \$170 a share. , and the result proved that my predictions were correct. I consider the property much more valuable now than when we sold it. Towns have grown up , population has increased and the traffic on the road has increased accordingly. I think Mr. Moore's valuation not far out of the way when he puts it at \$20000. From the upper end of Curwensville to Fuller's landing the road could not be built for less than \$75000 and the road up Anderson Creek Hill for less than \$65000

By Mr. Smith

I had nothing to do with the transfer of the stock to Horn. I understood that the sale of the stock to Horn was made with the understanding that the officers were to remain but Horn was to have the right to manage the road. I got this understanding when I returned home from the south. I never saw the transfer.

By Mr. McKenrick.

I understood that the transfer to Horn was a transfer of the capital stock with the right to manage the road but the old company to remain intact.

By Mr. Smith

Q. We would like to have the papers of the transfer

Mr. Barrett. We will produce them at the proper time.

By Mr. McKenrick

Q. During the time that Mr. Moore has controlled this road have you as an officer of the corporation ever had any notice from the Auditor General concerning the assessment of taxes against the corporation?

Mr. Murray. The question is objected to as being entirely incompetent and irrelevant and cannot touch in any way upon any matter that is in issue in this proceeding.

~~the~~.

Master Evidence admitted, *reserving the right to exclude before charging the jury.*
Witness. I cannot recollect that I had. It is possible that I had but I cannot recollect that I had.

Mr. Murray. Counsel for the Cream Hill Turnpike Company except to the ruling of the Master and ask that the exception be noted.

.....

Nov. 15, 1887.

November 15, 1887

N. E. Arnold recalled.

By W. Barrett Esq.

Sometime in June 1884 I purchased a portion of the Cream Hill turnpike from R. H. Moore and I held it about 9 months then sold it to Mr. Hollopeter. The traffic was interrupted for a month while we were rebuilding the bridges. That was during parts of June & July. They are probably the best months of the year for traffic as it is the bark season. While I had the road the hauling of bark was one of the largest trades in Curwensville. The wagon travel would be $\frac{2}{3}$ of the income. I had $7\frac{1}{2}$ miles of the road. During 8 months of traffic I received \$1450.55. Placing it on a 6 per cent basis and judging from my end of the road the whole road would be worth \$40000 to \$45000. If I wanted to buy that road I would prefer the road to \$20000 or \$25000 in bonds at any time.

By J. F. McKenrick Esq.

I purchased this road under a contract, a written contract with Mr. Moore. I have not the contract with me. The consideration was \$300. In addition to the cash receipts I issued passes for the whole year equal in value to \$310. I spent in repairs about \$1000 of which sum \$600 or \$700 was expended on the bridge. The $7\frac{1}{2}$ miles that I purchased was probably the most profitable part of the road. Deducting the cost of the road repairs etc. I netted about \$150.00, but when I sold the road for \$2250 so that I really made \$2400.

Q. Who were the parties to the contract.

A. Mr. R. H. Moore as president of the Cream Hill Turnpike. Well I owned it.

I was president by the terms of the contract.

Q. What position did Mr. Moore occupy?

A. Mr. Moore had his tickets signed R. H. Moore president. And the passes similarly signed if I recollect right. And the passes issued by me were signed in the same way.

.....

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~~Ex.~~

Samuel Arnold being duly sworn testified as follows:

By. W. Barrett esq.

I live at Curwensville. Have lived there since 1865. Lived at Luthersburg prior to that. I know the Cream Hill Turnpike Road. Have known it for 50 years. Have used the road in the course of my business for transporting lumber, shingles, goods and other material. As far as I am able to judge the road would be worth \$15000 to \$20000. I think the road is in fully as good condition as it was years ago.

~~87~~

Charles Schwem affirmed and testified as follows:

By W. Bahrett Esq.

I live at Luthersburg. Have lived there for 25 or 30 years. Am acquainted with the Cream Hill turnpike and frequently travel it.. I would say that the road was worth \$18000 to \$20000. If I desired to purchase that road I would be willing to give that for it. In the last 10 or 15 years in some places the road is narrower than it was but there is still room to turn out. In the last three or four years the repairs have been of a very good character.

R. H. Moore recalled.

By W. Barrett Esq.

Since my last examination the Caeam Hill Turnpike Road Company has been registered with the Auditor General as required by Act of Assembly. I paid ~~\$186 in~~ taxes

By A. C. Smith Esq.

I paid taxes \$186 I registered about the Tuesday following the date of the last meeting. These taxes were on the capital stock. I compromised the matter with the Auditor. and paid my check for the amount. In giving out passes for the year I think I signed them as president.

James Savage being duly sworn testified as follows:

Mr. Barrett.

I am one of the County Commissioners and am president of the board. The bonded indebtedness of the county is \$107,000. Last year 8 mills levied. Intended to raise \$60,000, but raised \$59,826. The county is building two bridges this year. I cannot give the approximate cost of them to the county. One of these bridges is at Irvona and the other in Clearfield borough. They are iron bridges. The Clearfield borough bridge will cost I think \$22000 or \$23000 after the approaches are completed and everything filled in. The Irvona bridge will cost probably \$4400. A great many bridges are being asked for over the county

Charles Schwem recalled.

By Mr. Barrett

If the Clearfield portion of the Turnpike were condemned the Jefferson county portion would be comparatively worthless. There are between 4 $\frac{2}{3}$ 5 miles in Jefferson county

By Mr. McKenrick.

My valuation is based upon the producing power of the road, that is upon the profits of the tolls as given by the testimony of witnesses and my knowledge of the proceeds of the tolls. Cannot say that the road is uniformly 18 feet wide. There are several places that the road is over four degrees in elevation

Clark Brown being duly sworn testified as follows:

Mr. Barrett

I am a County Commissioner. The current expenses of Clearfield county in 1886 were \$110,000 to \$112,000. The current expenses aside from bridge building in 1886 were about \$100,000

R. H. Moore recalled

By Mr. Barrett

The effect of condemning the portion of the road in Clearfield county would be to make the portion in Jefferson county worthless. It would put it out of the county without any tollgate and it is less than a section being only 4½ miles.

W. V. Wright being duly affirmed testified as follows:

By. W. Barrett Esq.

I am Clerk of the County Commissioners. I have examined the record of Clearfield county for the valuation for taxable purposes. I can not give it you precisely for this year because we are not settled up and on account of exonerations &c. I put it on the basis of 1886. The total valuation of Clearfield county for taxable purposes is \$7,844,971.

Dec-3rd 1887

December 3rd 1887

Emory Reed being duly sworn testified as follows:

I live in Clearfield borough. Am almost 34 years of age. Am County Surveyor. I made a survey of the turnpike from the Susquehannah House at Curwensville to the Jefferson county line. Commenced work on the 8th of November. The point I began at is where the Curwensville borough line crosses the turnpike. I began there in the afternoon. I took the lines and angles as far as the Wild Goose that afternoon. Next day I went as far as West Liberty and the next morning after that I reached the Jefferson county line. I came back that Afternoon and began where we began the day before and measured down to the Susquehannah house and completed the line. In some places the road bed was good and in some places bad. One place on Anderson Creek Hill it was 9 feet wide for about 20 feet in distance. The road on Anderson Creek Hill is rough. The bed is cut down below the original bed in some places as much as $3\frac{1}{2}$ feet, in some places straight down into it. In other places the bank is cut down with it on the lower side while the upper side is rough rocks projecting out leaving narrow spots between that and the lower slope or road bed. In some places the road is on the original bed or nearly so but very much washed off on the lower side. Going up the hill from Roaring Run that is the run that comes into Anderson Creek just beyond Curwensville, the width of the road is 14 feet for a distance of 12 rods beyond the first mile stone. I tried the grade from Roaring Run from a point 4 rods beyond Roaring Run at the foot of the bank. The grade is $8\frac{3}{4}$ degrees a distance of about 8 rods. At a point this side of Bridgeport down to Anderson Creek the grade is a little over 4 degrees along the whole of that hill. The grade at the foot of Anderson Creek Hill for 57 feet is $8\frac{3}{4}$ degrees. For a distance of 28 rods the average grade is $7\frac{1}{2}$ degrees. The grade at different points up the hill varies from 5 to 7 degrees. There are places where the grade is a little less than 5 degrees. Going down the hill beyond Cleary's church for a distance of 13 & one tenth rods it is $6\frac{3}{4}$ degrees. Approaching the old Bloom stand there is about 8 rods that the grade is about 5 degrees, and a place near the old Bloom stand that the grade is about $4\frac{1}{2}$ degrees. The average grade from the old Bloom ~~farm~~ barn to the top of the hill is $4\frac{3}{4}$ degrees. The road bed varies in width. It is 12, 14, 15, 20, 35 & 40 feet in width at different places on the foregoing grades. Going down the hill to Bell's Run the grade is $5\frac{1}{2}$ degrees. This side the Chiltson gate the grade is $5\frac{1}{2}$

degrees. The average grade from the top of the hill to the Chilson gate is $4\frac{1}{2}$ degrees. There are points on it that would be a little worse than that, and some places it would be less. From the Chilson gate west there is a piece of road that in some places the road bed is really only about 10 feet with a deep ditch on both sides of the road. It varies in depth from three to four feet. It is a pretty wide ditch. It is almost impossible there for loaded teams to pass for quite a distance. The length of that narrow piece is 247 rods. From a point right near the Chilson barn, through all that cleared field the road is straight. It is only about 10 feet wide in some places, in others 12 & 14 feet wide.

Mr. Murray. The road is perfectly straight?

Witness. Yes sir.

Mr. Murray. So that teams are in sight of each other for a long distance?

Witness. Yes sir. They might have to wait at one end of that piece till the other would come up. They could not possibly pass in 10 feet.

Mr. McKenrick. What is the road bed?

Witness. It is thrown up from each side.

Mr. Smith. Going up the hill from Draucker's the average grade is $4\frac{1}{2}$ degrees?

For what distance?

Witness. Several distances there. I took the average grade round the hill to the top above Smith's. It would be in the neighborhood of 50 rods around there. The road has a right good road bed all the way around there till you come to the top of coal hill. Going down the hill where the road leads off to Jno. Reams's the grade is $5\frac{1}{2}$ degrees for a distance of 27 rods. The road is about 16 feet. That is the narrowest places along the hill. The grade going up the hill from the school house just beyond Coal Hill is $4\frac{1}{2}$ degrees. The road bed is not in very good condition there. It is rough and washed a good bit. There is a point on the road going down into Taylortown this side Luthersburg where the grade is $4\frac{3}{4}$ degrees. Another point at the next angle to reach the foot of the hill the grade is 5 degrees. On the hill going down into Luthersburg it is $4\frac{1}{2}$ degrees from top to bottom, that is from the Irvin barn up. That is the piece of road coming this way. The grades all keep within the limit of 4 degrees or under that until we get west to Postlewaites going up the hill this side of Salem. At this end of Salem going up the hill $5\frac{1}{2}$ degrees is the average grade from the cross roads to

top of that hill. Going down the other side down into Salem the grade is $4\frac{1}{2}$ degrees. In Salem I measured the roadbed in several places. It is thrown up most all the way through the town. The road bed west of the lower end of Salem is 10 feet and a 2 feet ditch on each side. Just below the Salem gate on the turn of the road the width is 9 feet 8 inches. The road is thrown up on each side. There is a ditch on both sides of the road. Above the gate coming this way, coming east the road measured 11 feet, 10 feet, 12 feet, 10 feet, 14 feet, various widths at different points; in Salem. The roadbed is dirt thrown up. I do not believe there has been any stone there. It is just dirt thrown up. The next grade would be west of the railroad. It is $5\frac{1}{2}$ degrees west of the Rochester & Pittsburg road, just beyond the railroad. The next place I tried the grade is just east of where Samuel Postlewaite lives. The grade there is $6\frac{1}{2}$ for a distance of ~~10 rods~~ 7 & 8-10ths. The roadbed between the cut is cut down through on a bank there. It is 14 feet in width. The grade at the Jefferson line tollgate for a short distance east of the gate is $6\frac{1}{2}$ degrees and a short distance west of the gate is 6 degrees. The part east of the gate is about 8 rods and the part west of the gate is about 6 rods in length. The grade is 6 degrees and 7 degrees. 6 west and 7 east. Across from there it takes us to Jefferson county line. There is a point east of Roaring Run near Curwensville where the bank has slid away down to the railroad. There is about 14 feet of road left, that is clear back to the slope, including the ditch. When we went out on this survey it was dry weather but it rained on the day we came back. It is not much more than a mud road. There are places where there are stone on it and there are some remains of corduroy in one or two places. This end of the road didn't appear to have had any work done on it for two or three years. Part of the road west between Luthersburg and the railroad I think has been worked on this season. There has been some little work between that and the Jefferson line. The repairs have consisted of cleaning ditches and throwing the dirt up on the road. The Anderson Creek hill is sideling. In a number of places on that hill the road appears to have been cut down to the original road bed and below it on both sides, that is the road has worn through the original road bed. There are places on the hill too narrow for teams to pass. I suppose an eighth of the total length of that hill at different points it is too narrow for teams to pass. The longest strip where a team

cannot pass would be between 10 & 12 rods. The entire length of the hill is one mile. I think the road on the whole from Curwensville to the Jefferson County line is not as good as the ordinary township road. Not as good as many that I have seen. And in my business as a surveyor I have seen a great many throughout the county. Some parts of the road are very good and other parts of it are very bad. The road has been originally wider. You can see this by an examination of the original road bed. I do not think that the original grade of the Anderson Creek Hill was anything like 4 degrees but the original grade whatever it was, was a great deal better than the present one. The angle of Anderson Creek Hill would be 30 or 40 degrees. In taking the grades the instrument that I used a compass with two cross levels with graduated sights on both. I took the grade of the road at every sight I made.