

DOCKET No. 5

Number	Term	Year
3	Feb	1925

Petition for bridge in Philipsburg

Boro. to cross Mosheron Creek

Versus

In re joint meeting of Viewers, duly :
appointed by the Quarter Sessions Court :
of Centre County to view the location :
for a County bridge at a point where : NO. FEBRUARY SESSIONS 1925.
Pine Street in Philipsburg Borough crosses :
the County line over the Moshannon Creek. :

CLEARFIELD COUNTY VIEWERS:

John Scollins, Attorney,
H.B. Reese, Engineer,
J.S. Michaels, Layman.

CENTRE COUNTY VIEWERS:

M. Ward Fleming, Attorney,
H.B. Shattuck, Engineer,
L.E. Swartz, Layman.

Depositions of Citizens of the Borough of Chester Hill and Philipsburg taken before the above named Viewers, after due notice according to the Act of Assembly and the Rules of Court of the respective Counties of : the time and place of meeting of said Viewers and of the public hearing upon said view to be held, according to order of the respective Courts, in the Assembly Room of the Moshannon National Bank Building in the Borough of Philipsburg, Pa., at 2 o'clock P.M. in the afternoon of the 31st day of January 1925, at which time and place witnesses may be heard, under oath, on the question as to the necessity of a County Bridge on the line of said Counties, at a point where Pine Street of said Boroughs crosses the Moshannon Creek and whether the expense of the construction of the said bridge would be more than would be reasonable for the said Boroughs to bear.

APPEARANCES:

GEO. W. ZEIGLER, appears for the Petitioners of both Counties.

S.D. GETTIG, of Bellefonte, Pa., appears for the Commissioners of Centre County as well as for H.P. Austin.

A.M. LIVERIGHT, appears for the Commissioners of Clearfield County.

JAS. P. O'LAUGHLIN, appears for the New York Central Railroad Co.

It is agreed between the Viewers and the Counsel representing the Petitioners and of the Counsel present representing their respective clients, that the testimony may be taken in stenographic notes by a competent stenographer and from said notes transcribed in typewriting and be used in evidence of the case and further the signatures of the witnesses to their testimony is hereby waived.

PHILIP E. WOMELSDORFF, being duly sworn according to law, testifies as follows:

By Mr. Zeigler:

Q. Mr. Womelsdorff, where do you live? A. I live in Philipsburg.

Q. What is your business? A. Mining Engineer.

Q. Are you familiar with the part of the proposed location of this bridge?
A. Yes sir, I am.

Q. Have you a knowledge of the financial condition of the Boroughs of Chester Hill and Philipsburg, generally?
A. Generally, yes.

Q. What do you say as to the ability of these Boroughs to construct such a bridge as is contemplated, at this point?

A. My judgment is that it is not possible for the Borough of Philipsburg to entail any further expense at this time in view of the condition of everything pertaining to the business on which Philipsburg revolves.

Q. Mr. Womelsdorff, what do you say on the necessity for this bridge?

A. It has been evident for a good many years in Philipsburg and particularly during my stay here, which is 40 some years, that the question for relieving the traffic on Front Street has been in the minds of all of us. This question has been agitated and raised, and I think heard once before by the various parties appointed, in which Philipsburg, together with the said of their County and the County of Clearfield, endeavored to give relief not only to the congested traffic in Philipsburg but to the industries just across the Creek in Chester Hill Borough. At that time the question was raised and disputed as to the fact that this bridge begins on Pine Street and ends nowhere. I do not want to make any remark, but I do want to say this, I would ask the Viewers to overlook this question as to the fact that it ends nowhere, for both places have expended moneys for the upkeep of the same. The land beyond this bridge belonged to the Philipsburg Coal and Land Company and they in turn sold it to various parties and afterwards transferred through various titles to the present owners. This bridge was then constructed by someone, I do not know who, and I think the Viewers, who have been down to see it already, are satisfied as to the necessity of the bridge is concerned. I have gone over the ground, examined the ground numerous times and I have been down over the ground when it has been in full traffic and I have seen hundreds of automobiles carrying heavy loads over it and it was evident to me then and has been ever since, that some relief is necessary, not only to the Philipsburg side, but to everybody connected with it.

Q. Will you please give the names of the manufacturing and business institutions immediately across the creek from this bridge and in Chester Hill Borough?

A. We have the Nickel Fabricating Co., Booth & Shontz Bottling Works and Philipsburg Beef Company, are the three plants immediately across the bridge.

Q. Are there any residents or tenement houses near? A. Yes sir.

Q. Do you know how many? A. I think about 5 or 6.

Q. Pine Street is opened up to what point after it crosses the bridge in Chester Hill Borough?

A. It goes right up to the stream, crosses the stream and then continues on to the New York Central Right of way as shown by deed, which shows the existence of the same at that time.

Q. What becomes of the traffic on the street after it leaves the point of the embankment of the New York Central Railroad right of way?

A. It turns to the South and runs along the Railroad over the New York Central right of way to the New York Central Depot and takes the main road over through Chester Hill.

- Q. Do you know who constructed that road with the outlet?
A. I can't say who constructed it but I do know that the New York Central Railroad Company helps to maintain it.
- Q. Is it on the New York Central Company's right of way? A. Yes sir it is.
- Q. You don't know whether the New York Central Railroad itself constructed this road on the said right of way?
A. No sir.
- Q. Do you know that the outlet was made for the purpose of avoiding crossing the railroad?
A. The road was constructed for the purpose of taking traffic from the part of Philipsburg Borough and avoid the other roads.

CROSS EXAMINATION

MR. O'LAUGHLIN

- Q. Does the road go East or West along the New York Central Railroad?
A. The road goes South West.
- Q. Has the road ever been laid out by the Order of the Court?
A. I can't tell you that.
- Q. Is there a Street opened in Chester Hill on the opposite side of the New York Central tracks and down through the meadows?
A. Nosir, because the New York Central Railroad Company's right of way is extremely wide.
- Q. How wide? A. According to the map of the New York Central Railroad, it is 450 feet wide.
- Q. The right of way takes in a large area of the lowlands in Chester Hill Borough?
A. Yes sir.
- Q. There wouldn't be any street to connect with on the Chester Hill side for at least 400 feet?
A. Be about somewhere in that neighborhood of 400 feet across the meadows.
- Q. And for the public to get access on the Clearfield County side to your bridge, it would have to get permission from the New York Central to cross this 400 feet?
A. Yes sir.
- Q. Do you know how far it is from the center line of tracks of the New York Central Railroad to the Borough line of Chester Hill Borough lying South thereof?
A. About 200 feet.

By Mr. Liveright

- Q. You don't know how close to the New York Central Railroad tracks the Eastern limit of Chester Hill Borough is, do you? A. I do not.
- Q. You don't know whether it is 200 or 500 feet, do you?
A. I don't know where the line of Chester Hill Borough is.
- Q. And you wouldn't know whether a pedestrian or a person in a vehicle would first strike a street in Clearfield County in driving from Philipsburg in that direction.
A. They would pass the right of way of the New York Central somewhere in the neighborhood of 400 feet to strike a street in it.
- Q. And the intervening land is not laid out in streets or alleys at all?
A. Not to my knowledge as I am not familiar to where Chester Hill Borough is laid out in that line.

By Mr. Zeigler:

- Q. Senator, where do the pedestrians and vehicles now go to reach an outlet in going out over this proposed bridge, this new bridge, where would they reach the outlet?
- A. Across this bridge over road up to the line of the right of way of the New York Central Railroad and then up the right of way and turn to the left and pass along the road, which is being used and meet the traffic on Presqueisle Street.
- Q. What is the length of the road constructed by the New York Central along their right of way to reach Presqueisle Street?
- A. In the neighborhood of 600 feet.
- Q. Is that road in good condition now?
- A. It is being used right along.
- Q. How long do you know it has been used?
- A. That road has been used to my knowledge for 25 years or more.
- Q. How many years ago was it made at all in a passable condition and in shape for all kinds of traffic?
- A. I can't answer that question, but that for 25 years it has been in existence since I know.

By Mr. Liveright:

- Q. Do you know that road is a permissible way or road on the part of the New York Central Railroad Company?
- A. I imagine it is a permissible road.

A.B. CURTIS, being produced and sworn, testifies as follows:

By Geo.W. Zeigler:

- Q. Mr. Curtis are you a property owner near this proposed bridge?
- A. I am.
- Q. What kind of a business have you there?
- A. A wholesale meat business.
- Q. Will you give the approximate amount of capital invested in your business there?
- A. About \$360,000.00.
- Q. How many automobiles do you use in this business? A. Eight.
- Q. What other industries are located handy to you in the immediate section across the bridge?
- A. The Nickel Fabricating Co. and Booth & Shontz Bottling Works.
- Q. What exit do you use to get out towards the New York Central station and places?
- A. By the way of the New York Central tracks, the road leading from East Pine St. to Presqueisle.
- Q. Do you go on Pine Street then to the New York Central tracks?
- A. To haul my load, yes sir.
- Q. And from there to Presqueisle Street? A. Yes sir.
- Q. What condition is that road in? A. In very good condition at all times.
- Q. Do you know who constructed it? A. No sir, it was before my time.
- Q. How long has it been in use? A. To the best of my knowledge it has been there twenty five years.
- Q. Is that a complete and satisfactory outlet? A. Yes sir.

- Q. What do you say as to the financial ability of these two Boroughs to bear the cost of the construction of such a bridge as contemplated?
- A. As to the financial part, I suppose like all other Boroughs, they can't afford to go ahead with this improvement in conditions of today.
- Q. Are you a property holder? A. Yes sir.
- Q. How long have you been a property holder in this place? A. 13 years.

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CROSS EXAMINATION

JAS P. O'LAUGHLIN:

- Q. Mr. Curtis is there an opening across the New York Central tracks of Pine Street as extended towards Chester Hill Borough?
- A. I think the Chester Hill maps show the streets abutting the New York Central tracks on the opposite side.
- Q. Does the road lying in Philipsburg to the creek and crossing the creek known as Pine Street, extend to where?
- A. It extends to the New York Central tracks and then on the opposite side of the tracks extends across the meadows.
- Q. Does it cross the tracks of the New York Central Railroad?
- A. It does not.
- Q. Is it in your mind or the minds of any that are associated with you that there will be an extension of this or a consent to this?
- A. To the best of my knowledge I do not know?
- Q. What for your convenience as a citizen?
- A. It wouldn't be convenient to me more than it is now.
- Q. Is the outlet you now have entirely satisfactory to you?
- A. So long as we have an outlet leading towards point of further towns.
- Q. If you have the outlet you now have, is that satisfactory to you without an extension across the New York Central right of way?
- A. Yes sir.
- Q. Measures up to all your needs? A. Yes sir.
- Q. You want the opening you have to Presqueisle Street, and that is where you want to get?
- A. Yes sir.
- Q. Is that satisfactory to you as you now have it in use? A. Yes sir.
- Q. Entirely? A. Yes sir in that direction.
- Q. If you did get the bridge, would you then want the road over the tracks?
- A. No, I don't have that in mind.
- Q. You wouldn't want it across the tracks? A. Nos sir.
- Q. Do you want it over the tracks? A. No our intentions are to build a new bridge.
- Q. If that be constructed you wouldn't want it across the tracks?
- A. No sir.

MR. WOMELSDORFF testifies that he and others that are associated with him do not want it to cross the New York Central tracks.

A.M. Liveright:

- Q. Is there any side road out between the hedge of the west bank of the creek and the tracks of the New York Central Railroad opposite Pine Street over Philipsburg Borough?
- A. I don't know I never saw a map to that effect.
- Q. But you wouldn't know whether, or in fact there would be any dedicated land out or open street in Clearfield County on the opposite side of the Moshannon Creek from Pine Street as Pine Street lies in Philipsburg

Borough?

A. No, I never saw a map to that effect.

Geo. W. Zeigler:

Q. The question that has just been asked you by counsel, used the word laid out and dedicated, do you mean to make that answer that you did?

A. I have seen a deed dedicating that street, but I have not seen it on a map.

Q. There is an outlet from Pine Street near the New York Central Railroad to the Presqueisle Street and state road?

A. Yes sir.

Q. Although not dedicated to your knowledge? A. To the best of my knowledge, no.

A.M. Liveright:

Q. Is not the roadway or driveway, which is in Clearfield County between the New York Central Tracks and the Moshannon Creek a private road?

A. Nos sir.

Q. What does the sign ~~on~~ the signs which are along it mean then?

A. It pertains to the bridge not to the right of way or road.

Q. They refer exclusively to the bridge and do not mean anything about the road way which is in Clearfield County?

A. yes sir.

Q. Is that a public road?

A. Yes sir, the Chester Hill Borough keeps it up or gives assistance to its upkeep on the New York Central line.

Q. To the Railroad is where, to the hedge of its right of way or to its tracks?

A. To the hedge of the right of way.

Q. Then to the hedge of the New York Central right of way and the Moshannon Creek is a public road is it?

A. Yes sir.

Q. And Chester Hill Borough keeps it up?

A. I don't know, it must be on the maps.

Q. Are the New York Central tracks in Chester Hill borough? A. Yes

Q. Chester Hill Borough at that point runs up to the Moshannon Creek?

A. Yes.

Geo. W. Zeigler:

Q. Mr. Curtis, Pine Street, so far as it runs in Chester Hill Borough is an opened and intersected street?

A. Yes sir.

Q. On the opposite side of the New York Central right of way, does Pine Street run across the meadows and on Chester Hill Borough?

A. No, but it is on the map as a street.

Q. There has been no work done on that? A. No sir.

Jas. P. O'Laughlin:

Q. Which is the oldest, New York Central tracks or Chester Hill Borough?

A. Chester Hill Borough.

GEO. H. TAY, being produced and sworn, testifies as follows:

Geo. W. Zeigler:

Q. Mr. Tay, what is your business? A. I am the Manager of the Nickel

Fabricating Corporation.

- Q. Where is the location of the Nickel Fabricating Corporation?
A. In Chester Hill Borough.
- Q. How far away from the Philipsburg Beef Company?
A. Across East Pine Street from the Philipsburg Beef Company.
- Q. Will you state to the Viewers here, as near as you can substantially, the investment represented by the business of which you are manager?
A. Approximately \$125,000.00.
- Q. What other business industries are handy to your location in Chester Hill Borough?
A. Booth & Shontz Bottling Works and the Philipsburg Beef Co.
- Q. What, approximately is your weekly payroll? A. About \$850.00.
- Q. Are there residence there?
A. Yes, 4 or 5 houses between us and the New York Central right of way.
- Q. Tenement houses? A. Yes.
- Q. Have you any knowledge as to the approximate number of vehicles that cross this proposed bridge daily?
A. No sir, I haven't.

CROSS EXAMINATION

Jas. P. O'Laughlin:

- Q. Are you favorable or unfavorable to the granting of this petition?
A. I am favorable to it.
- Q. For your needs, and in your petition for the improvement, would you need a continuance of Pine Street across the tracks of the New York Central railway?
A. No sir.
- Q. Those are not your needs at all, not concerned about them?
A. Not at all.
- Q. Your present accommodations will give you all the sufficient outlet which you want?
A. Yes sir.

A.M. Liveright:

- Q. Have you any assurance that you will be given the use of this road always?
A. No sir, we have no assurance of that whatever.

A.B. Curtis, being recalled, testifies as follows:

A.M. Liveright:

- Q. You say this bridge would be too expensive for Philipsburg Borough to bear, have you had an estimate made for a proposed bridge?
A. I haven't.
- Q. How do you know it would be too expensive?
A. According to the statement of the two Boroughs.
- Q. What did they tell you which would make you say that?
A. According to them the Boroughs aren't able to build a bridge.
- Q. Is that just a general statement that you mean?
A. It is a statement of the two Boroughs that I take that from.
- Q. Who told you?
A. I read the statement.
- Q. Where? A. The Auditor's statement.

- Q. You mean the financial condition of the two Boroughs is such that they couldn't finance anything?
- A. No, just that to finance a bridge.
- Q. No matter how much or how little it would cost? A. Yes sir.
- Q. If they could build a bridge for \$100.00, they couldn't, you think that would be the limit of their ability?
- A. Not exactly that, but they can't afford to build a bridge.
- Q. What's the population of Philipsburg?
- A. The population of the Borough proper is 3900 and has a trading population of 3500 in a radius of 12 miles.
- Q. What is the population of Chester Hill Borough? A. I don't know.
- Q. There would be possibly 10 people cross this bridge from Philipsburg towards Chester Hill to 1 from Chester Hill to Philipsburg?
- A. Yes, a hundred to one.
- Q. Do you think a fair proportion of the cost should be stood by the two Counties, say there would be a favorable report by the Viewers, being 100 to 1 in Centre County?
- A. Clearfield County should bear the same burden as Centre County.
- Q. Notwithstanding the present populations of the two Counties?
- A. Simply because we are heavy tax payers in Clearfield County as well as in Centre.
- Q. How close is the nearest bridge across the Moshannon Creek, I mean County bridge? to Pine Street now?
- A. Going down Presqueisle.
- Q. How close? A. About 200 feet.
- Q. How close with that is the next bridge crossing the creek?
- A. About 2000 feet.
- Q. That's at Maple Street? A. Yes.
- Q. That isn't 2000 feet from Presqueisle to Maple Street, is it?
- A. I think so, yes.
- Q. How many blocks is it? A. Two blocks.
- Q. But it wouldn't be 2000 feet from Presqueisle Street to Maple Street bridge?
- A. Along the New York Central line the distance seems to be longer than it does on Front Street.
- Q. It is still two blocks and your blocks don't run 1000 feet each?
- A. I just give you an estimate of 2000feet, but it may be 100 feet, I don't know.
- Q. Isn't there a bridge across the creek in the opposite direction towards Clearfield from Pine Street?
- A. No sir.
- Q. How far is the Front Street Bridge from the Pine Street Bridge?
- A. We have no bridge on Front Street.
- Q. Along what Street is the bridge across the Moshannon as you go to Clearfield from Philipsburg?
- A. That is the bridge at Point Lookout.
- Q. How far is that from Pine Street?
- A. I am not a very good judge on distance, I don't know.

Geo. W. Zeigler:

- Q. Do you know of your knowledge that the Maple Street bridge is a County bridge, built by Centre and Clearfield Counties?

A. Yes, I have heard that.

Q. Do you know that the bridge at Presqueisle Street is also a county bridge?
A. I don't know that, but I think that it is up to the two Boroughs to keep it up.

Q. Do you know that the Point Lookout bridge is a County Bridge? A. Yes sir.

Q. And the bridge at Troy? A. I don't know whether it is a County or State, but I suppose it is a County bridge.

MR. WOMELSDORFF, being recalled, testifies as follows:
Geo. W. Zeigler:

Q. Senator, do you know of your own knowledge that all of the bridges leading out from Philipsburg clean down to Troy are County bridges?

A. As to my own knowledge I can't tell, but all of them are in my understanding.

Q. How many are there? A. Four.

Jas. P. O'Laughlin:

Q. Is it your argument that because there are four county bridges there should be another one?

A. If it is necessary for another one, yes.

ED SHONTZ, being produced and sworn according to law, testifies as follows:

Geo. W. Zeigler:

Q. Mr. Shontz, where do you live? A. Chester Hill.

Q. What business are you engaged in? A. Booth & Shontz Bottling Works.

Q. Where is your plant located? A. Just opposite bridge at Pine Street.

Q. Do you hold any office in the Borough of Chester Hill.

A. I am Clerk of Council.

Q. Are you agreeable at all to pay the expenses of one half of this bridge, if authorized?

A. We are in debt now \$4600.00.

Q. Are you able to pay for your portion of the expenses of a bridge?

A. It would be a considerable hardship for our Borough at this time.

Q. Would you be able to do it at all without laying extra millage in your Borough?

A. No sir.

Q. What is your millage now? A. Our Borough light is 12 mills, our water is 14 mills and school mills 8.

Q. Will you please indicate to the Viewers the industrial enterprises that are located in Chester Hill Borough immediately adjacent to this proposed bridge?

A. There is our own plant, Booth & Shontz Co., Philipsburg Beef Co., and the Nickel Fabricating Company, and then we have an Oil plant, two of them in fact, which the other witnesses failed to mention.

Q. Would you care to state the approximate amount of your investment over there?

A. About \$18,000.00.

Q. How many automobiles do you use? A. Three trucks.

Q. What do you have to say as to the necessity of this bridge so far as your business is concerned?

A. This bridge is a necessity.

Q. Does your Borough maintain the Pine Street road from the proposed bridge over to the New York Central right of way?

A. Yes sir, we have a street right there.

Q. What becomes of your Pine Street, so far as an outlet is concerned when you get to the New York Central Railway tracks?

A. We pass over the New York Central right of way over to the tracks and go up to the Presqueisle street road by a right of way.

O'Laughlin:

Q. Who maintains that road? A. New York Central.

Q. Does your Borough take any part in the maintenance of it?

A. Not on the right of way.

Q. Are there two roads? A. Just the one.

Q. Do you know when this road was constructed along the right of way?

A. I can't tell you, it has been there ever since I have been a boy, about 35 years.

Q. What is the condition of that road now, and what has been the condition during, say the past 5 or ten years?

A. It has always been good, but especially good at the present time. The road has been widened out.

Q. Who widened it out? A. New York Central.

Q. Does that make a perfect outlet to the right of way on Presqueisle Street?

A. Yes sir.

S.D. Gettig:

Q. You say the Borough of Chester Hill maintains the Pine Street road past the Moshannon Creek over to the New York Central right of way?

A. Yes sir.

Q. Who maintains the road from that point to the Presqueisle Street roadway?

A. New York Central.

Q. Where is the Chester Hill Borough line? A. Moshannon Creek.

Q. Where is that north west of that point towards Clearfield?

A. Our line follows the creek, I imagine about six or eight hundred feet, and takes a straight course over the hills.

Q. Is there a Street in Chester Hill Borough immediately past the New York Central right of way?

A. In this section lying immediately west is three streets, this Pine Street stops by the New York Central Right of Way.

Q. Kept open and repaired by the Borough? A. Yes sir.

Q. Any crossing over the tracks? A. No sir.

Q. Any provided for? A. No sir.

Q. And this road leads from Pine Street on this side of the tracks toward Presqueisle Street and is simply a permissive street? A. Yes sir.

Q. How many inter-County bridges have you? A. Two.

Q. And then you have several to the North or North West from here?

A. Towards Clearfield.

Q. You said there were two inter County bridges from Philipsburg to Chester Hill? A. Yes sir.

Q. The Pine Street, on the other side of the New York Central tracks towards your Borough road is opened and travelled? A. Yes sir.

Q. And what is the roadway condition? A. At the present time it is in very good shape. We put on about five or six carloads of ashes.

Q. What is the width of it? A. I imagine 40 feet.

Q. State whether or not that street is shown on the map of the Borough of Chester Hill beyond the New York Central right of way?

A. Yes sir, I can show you on the map.

A.M. Liveright:

Q. What is the northern most street in Chester Hill Borough as shown by the map. A. Sanford Street.

Q. What is the eastern most as shown by the plan? A. Edward Street.

Q. Where is Florence Street? A. That is the first street just opposite the New York Central running parallel to the line of Pine Street.

Q. What is the distance from Florence Street to the New York Central Railway?

A. I can't say how many feet that they have on the other side, 386 feet on the Philipsburg side and possibly 150 feet on the other side.

Q. Up to this time there has been no street laid out or opened through to 150 and 200 feet of the New York Central right of way on the western side of the New York Central tracks and there has been no plan prepared by the Borough ordaining or filing it in the Court of Common Pleas of Clearfield County or Recorder's office showing a street east of Florence Street?

A. Nosir.

Jas. P. O'Laughlin:

Q. Between Pine Street running parallel to the New York Central tracks and the New York Central right of way, is there any crossing to the Chester Hill Streets? A. No sir.

Q. Florence Street is the last and next street to the New York Central, which runs parallel with Pine Street, but no road goes over the tracks?

A. No sir.

Q. Have you or your citizens in mind on this proceeding of any continuance of Pine Street across the New York Central tracks? A. Nosir.

Q. Would the present arrangement as it now is, not across the New York Central, satisfactory? A. Yes sir.

Q. That is where you expect to quit asking? A. Yes sir.

Q. Your citizens would then be satisfied? A. Yes sir.

Q. Of all these three or four or five industries and the four or five residences, as spoken of by the other witnesses, do they lie between the Moshannon Creek and the New York Central tracks? A. Yes sir.

Q. How many people in Chester Hill Borough?

A. 900, assessed valuation \$230,000.00, Chester Hill Borough people pay a County tax of \$2000.00 in addition to the millage.

Q. Have you here any official map showing any streets or highways as a part of the Chester Hill Borough, lying between the Moshannon Creek and the New York Central right of way, other than Pine Street? A. Nosir.

SAMUEL RUGGIERO, being produced and sworn according to law, testifies as follows:

Geo. W. Zeigler:

Q. Mr. Ruggiero, where do you live? A. Chester Hill Borough.

Q. What business are you engaged in? A. Crossing watchman on Pine Street. I have been watchman for 15 years at this Pine Street crossing.

Q. Sammy, did you ever have any instructions from the Pennsylvania Railroad to keep a record of the number of vehicles that crossed the tracks where your little stand is at Pine Street? A. Yes sir.

Q. How frequently do you cross it on an average perday, business day?
A. In answer to that question, I don't cross it as often as I would like to for the only time I dare cross it is when I am empty. I have a lot of occasions to use the bridge but can't use it when I have a load on.

Q. Will you please state to the Viewers your occasion to use this bridge in preference to any other bridge in Philipsburg crossing the Moshannon Creek?

A. All the material that we haul to and from the Nickel Fabricating Company we have to go, coming from the Pennsylvania Station to the Nickel Fabricating Company, to Presqueisle Street bridge and going from the Nickel Fabricating Company to the station we have to go along the New York Central right of way to the Presqueisle street bridge. Of course, we could use the Pine Street bridge were it able to carry our load.

Q. How far would that total extra distance be? A. About five miles.

Q. Do you feel in your business a great necessity for this bridge?

A. It is a very great injury not to have a bridge.

Q. It is a matter of some expense isn't it? A. Of course, it takes money to drive the extra distance, and in hauling freight from the New York Central we would prefer to haul the Pine Street bridge way, as it is easier to travel for the Presqueisle Street way has a longer hill.

Jas. P. O'Laughlin:

Q. Mr. Lansberry, have you in mind in this proceeding or in any subsequent one, to ask that there be a crossing put over the New York Central tracks, which would connect Pine Street with Florence Street in Chester Hill Borough? A. None whatever.

Q. What convenience would it be, additional convenience, to you to have it extended over the New York Central tracks if you were permitted it?

A. Not any.

Q. You wouldn't consider it any worth while convenience. A. I wouldn't consider it any convenience at all.

Q. If you had an adequate bridge to carry loads over the Moshannon Creek at Pine Street, you would have all you want, your desires wouldn't extend further than that? A. No sir.

Q. Is it easier to haul your load over Pine Street than Presqueisle Street into Philipsburg?

A. The hill is steep and longer on Presqueisle than on Pine Street from the Pennsylvania railroad.

Q. As a matter of convenience, which one would you choose? A. Pine Street.

Q. Would it be simply to avoid the traffic or because of the grades?

A. Mostly to avoid the traffic.

Q. Is the traffic so troublesome on Presqueisle Street.

A. Quite frequently on Front but not on Presqueisle.

Q. What distance have you observed the water to have been at its highest under the bridge, or how far from the bottom part of the floor of the bridge to the surface of water at its highest?

A. It has gone up as high as 5 or 6 feet between bridge and water.

Q. Have you ever known the water there to be over the embankment?

A. No, the only place where I saw the water over the embankment was near the New York Central right of way, the back water had overflowed. I have seen it several times but never here at the bridge.

Q. Is the roadway which is along the New York Central Railroad adequate for your business? A. It is.

Q. If you were hauling a load from the Nickel Fabricating Company, the road is satisfactory, is it? A. Yes sir.

Q. You wouldn't need any crossing over the tracks for any of your purposes?
A. No sir, we have no use for it at all.

A.M. Liveright:

Q. Is the road along the New York Central right of way anytime covered with water? A. No sir.

Q. Within the last ten or twelve years?

A. The only time I saw any water on there was once three or four years ago, caused by the backwater overflowing of about 4 inches or more.

Q. Have you had any expression of the New York Central Railroad about the stability of this road along the right of way? A. No sir.

Q. Do you know anything pertaining to its stability? A. I don't know.

Q. Do you know whether the New York Central will dedicate that road to the Borough? A. I don't know.

Q. If the people should be denied that stretch of road along the right of way, Pine Street in Chester Hill would come to a dead halt at the right of way? A. Yes sir.

MISS ANNA GILL, being produced and sworn, testifies as follows:

Geo. W. Zeigler:

Q. You are an old resident of Philipsburg? A. Yes sir.

Q. What business are you engaged in? A. In the making of mining supplies.

Q. You have a place of business? A. Yes sir.

Q. Where is it located? A. On Front Street, two squares below Pine.

Q. Do you have occasion to use the Pine Street bridge in the line of your business? A. Yes sir.

Q. Will you please state to the Viewers the reason why you use the Pine Street bridge in preference to any other bridge going over to Clearfield County?

A. It is much more convenient for we live at the lower end of town. We consider it a great deal of saving of time and is a great convenience to use Pine Street bridge.

Q. Wouldn't it appear to be that to all the business places of the town?

A. Yes, more so to Mr. Curtis and Mr. Tay for of course he gets all his goods or a part, as we do, over the New York Central railroad, and then we ship a great deal of our merchandise over the New York Central road.

Q. It has been a great convenience to you as well as to other people in that end of town? A. Yes.

Q. Do you regard a new bridge there as a great necessity? A. Yes indeed, that is the reason I am here today.

Jas. P. O'Laughlin:

Q. In which county do you reside? A. Centre.

Q. In what way, after you cross Pine Street bridge do you travel toward your place?

A. We go to the New York Central station, by the road Mr. Curtis' plant is on, run along the station and then we turn around and go back to Pine Street, unless we have business on some other street.

Q. Is the present arrangement with a proper and adequate bridge, satisfactory for your purposes? A. Yes sir.

Q. You wouldn't want any crossing over the tracks of the New York Central Railroad?

A. No, we wouldn't ask for any other way of getting to the station except for the bridge.

WILLIS N. ZEITLER, being produced and sworn, testifies as follows:

Geo. W. Zeigler:

Q. Mr. Zeitler, where do you reside? A. Philipsburg, Pa.

Q. How long have you resided here? A. 14 years.

Q. What position do you occupy in reference to the Fire Company of Philipsburg?
A. I am chief of the Hope Fire Company.

Q. What have you to say to the Viewers with reference to the necessity of a bridge across the Moshannon Creek at Pine Street?

A. As you know, the Company responds to all fire alarms; and to use the bridge is out of the question, for if our pumper was to drive his truck on the bridge, he would go through the bridge and go into the creek. In the second place there is a very great amount of business around this section, which is subject to fire hazard, and to run the pumper on the bridge would be an utter impossibility at the present time. We have one plug at this section of the town, and of course, that plug would be no help to cover any fire that there would be beyond the bridge. Another thing, there is property on the other side of the bridge needing protection and as it is we would have to go down Presqueisle Street and then it would be a question of short suction, for in this section it would be a question of short suction as it is more than 22 feet and the pumper on land near the creek couldn't get the water on account of it being too high above the water.

Q. Do you know how the present bridge there is maintained?

A. As I understand it has been maintained in the past by property owners.

Q. Was it built that way also?

A. As I understand it, yes.

O'Laughlin

Q. You serve as a volunteer fireman? A. Yes.

Q. You serve Chester Hill Borough? A. We did in the past and we are always subject to call, but they have their own fire company at the present time.

Q. You respond when you are asked to?

A. Yes sir. They have no pumper and the nearest place that we could get water would be on the New York Central side.

Q. For your Fire Department's use, is it a necessity to have a crossing over the New York Central Railroad?

A. If we had fire to fight in that direction. If we were called we would have to go and time is very precious to a fire company.

Q. For this present proceeding, are you a party to it? A. Yes.

Q. Are you a signer with this? A. Yes.

Q. Are you on this with an effort to put Pine Street across the New York Central Railroad?

A. I had given that no thought.

Q. If it can be done? A. I think it is no question that it can't be done physically.

Q. What makes you think I have the thought that perhaps you would want Pine Street across the New York Central tracks into Chester Hill Borough?

A. I take that from your line of questioning.

Q. You did, and what was the questions pertaining to this?

A. Well, from what I have heard here.

Q. Do you know, or not know, that the laws object to a railroad crossing?

A. In a great many cases it is, but where it is a physical necessity it is not.

Q. Do you know that there is a law, which prohibits grade crossings?

A. I am not familiar whether it can't be or not.

- Q. Who would permit it?
A. Public Service Commission.

A.M. Liveright:

- Q. How long has Chester Hill had its own fire department? A. I judge about a year.
- Q. How many fire calls have you had over there in that year? A. None.
- Q. Where is your engine house situated in reference to Pine Street?
A. Presqueisle Street.
- Q. If you were fighting fire in that region you would have to go down Presqueisle Street?
A. Yes, and we would be making a circuit, by having to come up to the Moshannon Creek on Pine Street. We would have to be on the bridge to pump on account of the suction as we couldn't be on land near the creek, for the elevation of Philipsburg doesn't permit you to get suction over 20 feet.
- Q. If there would be no scientific reason why, you could if the pipes were longer, couldn't you?
A. You don't have suction pipes to be 12 feet away from the creek to pumper.

O'Laughlin

- Q. When your fire engine is stationed at or on this bridge at Pine Street, what part of Chester Hill would you serve?
A. We would serve this section in here, the properties just beyond the Pine Street bridge in Chester Hill and all the property on the Philipsburg side, from the Pennsylvania depot in down across it.
- Q. Is it possible to pump from dry land from Pine Street bridge?
A. You can't get close enough.
- Q. Is there more of an elevation of water from the Pine Street bridge, over 20 feet?
A. It is 16 feet as far as I can estimate it.
- Q. You would have about how much above the floor of the bridge?
A. About 15 feet.
- Q. You couldn't then pump at Pine Street bridge from land instead of getting on the bridge?
A. No.
- Q. Where is your nearest pump to Pine Street?
A. Corner of Pine and Front Streets.
- Q. If it is a small fire then couldn't you use this plug?
A. No, especially not, if across the bridge and usually it is a case of using twopumpers, on at the plug on Pine and Front and one on the bridge.
- Q. How long have you been Chief? A. 5 years.
- Q. How often have you use for two plugs?
A. The day before Thanksgiving we had occasion to use three plugs. One at Pine Street, one at Spruce and the other at Sixth Street, and we used every bit of hose we could command at this time.

Zeigler:

- Q. Mr. Zeitler have you had occasion to serve Chester Hill Borough in the past?
A. We have covered that region until they organized their own department, of course, those fires were out the other way.

E.E. DEMI, being produced and sworn, testifies as follows:

By Zeigler:

- Q. Mr. Demin, where do you live? A. Philipsburg.

- Q. How long have you lived here? A. 20 years.
- Q. What is your present position with reference to the business affairs of Philipsburg, are you an officer of Philipsburg Borough?
- A. No sir.
- Q. Were you at one time in the past? A. Yes sir.
- Q. Have you then at one time in the past belonged to the council of Philipsburg Borough?
- A. Yes sir.
- Q. How long were you a member of council? A. 5 years.
- Q. What do you have to say to the Viewers of the Borough with reference to the two Boroughs building a county bridge of their own cost at Pine Street?
- A. I think it would bring a great pressure to bear at this time.
- Q. Could it be done without a special taxation? A. No sir.
- Q. Is it your opinion then that the cost of such abridge to the Boroughs would be more than the Boroughs could reasonably bear?
- A. I do.

A.M. Liveright

- Q. What type of bridge are you figuring on?
- A. I am not figuring on any bridge, but would like to have a cement bridge, if it is granted.
- Q. What you want is a good bridge? A. A bridge.
- Q. What is the assessed valuation of Philipsburg Borough? A. About \$1,170,000.
- Q. What is the present bonded indebtedness of Philipsburg Borough?
- A. I don't give you that.
- Q. Have you any idea how close it is to the constitutional limit of borrowing?
- A. No sir.
- Q. You don't know whether it is 1/2 or 1%?
- A. No sir.

O'Laughlin

- Q. In your judgment, are the present arrangements adequate were the present bridge to measure up to what the population think it should be?
- A. Yes sir.

Zeigler

- Q. What do you have to say as to the necessity and convenience of a bridge at this point?
- A. The bridge as it is at the present time is very unsafe, and it is used practically as much, if not more, than the bridge on Presqueisle Street. because of the fact that it is very convenient to get to and from both freight stations, and especially so when the trains tie up the traffic on Presqueisle Street and there is no other outlet than this way. I have been down over there quite often with my own trucks.

G.C. IRISH, being produced and sworn, testifies as follows:

By Mr. Zeigler:

- Q. Mr. Irish how long have you resided in Philipsburg? A. 23 years.
- Q. What position do you occupy at present in Council? A. Secretary.
- Q. Please state to the Viewers the assessed valuation of the property in Philipsburg and its bonded indebtedness?

- A. The Assessed valuation as I can recall, I can't give the figures correct, is \$1,700,000.00 and the bonded indebtedness \$42,000.00.
- Q. What is exclusive of the school tax? A. Yes.
- Q. What have you to say to the Viewers with reference to the financial ability of the Philipsburg people to pay its part of the construction of a new bridge at Pine Street?
- A. We would hardly be able to do it without an extra assessment.

Liveright

- Q. From your bonded indebtedness, how much was claimed by the vote of the electors?
- A. The only one I can recollect prior to my assuming the office was the Presqueisle and Ninth Street extensions.
- Q. You say there is a Borough Bonded indebtedness of 40 or \$42,000.00, how much of that debt was claimed by the vote of the public?
- A. The greater part of it for different purposes.
- Q. Presumably all of it was claimed? A. Yes.
- Q. Then you still have within your power a capacity of 2% for borrowing and you don't have to go to the public at all to get that money do you?
- A. That involves a legal question that I am not able to answer.
- Q. The Borough has no outstanding bonded indebtedness that was authorized by Council and not submitted by the public to vote?
- A. No.
- Q. You still have a borrowing capacity of about \$75,000.00 before you reach the constitutional limit?
- A. That I don't know.

Certificate
Now Feb. 9th I hereby certify
the foregoing evidence was correctly
transcribed from stenographic notes
taken on Jan. 31st 1925 at the above
mentioned hearing

Margaret M. Latz

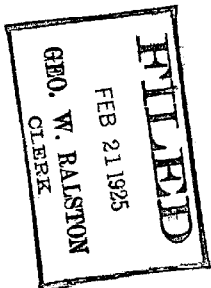
No 3 Q. S. Feb. T. 1925.

Re- Petition for erection
of a county bridge on a county
line, on Pine Street, Chester
Hill Borough, where the
street crosses the Moshannon
Creek.

TESTIMONY.

Blairfield Co

*early
Margaret Kelly 2000
Phillipsburg Pa*



GEORGE W. ZEIGLER
ATTORNEY-AT-LAW
PHILLIPSBURG, PA.

H. C. BUNNIE CO., STATIONERS, ALTOONA, PA.

TO THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS OF THE COUNTY
OF CLEARFIELD, NOW HOLDING A COURT OF QUARTER SESSIONS OF THE PEACE
IN AND FOR SAID COUNTY:

The petition of the subscribers, inhabitants of the
Counties of Clearfield and Centre, respectfully represents:

That a bridge is much wanted over Moshannon Creek,
being the line of said Counties, at the place where the public
highway known as Pine Street to Philipsburg Borough, crosses the
said creek in the Borough of Chester Hill, in Clearfield County,
and in the Borough of Philipsburg, in Centre County, and that the
erection of such bridge will require more expense than it is
reasonable the said Boroughs should bear; your petitioners, there-
fore pray the Court to appoint proper persons to view the pre-
mises and take such order on the subject as is required and
directed by the Acts of Assembly in such case made and provided,
and they will ever pray, &c.

Signers:

Address:

Edgar Shouz-
H. M. Hughes
Harry Ellis
Theodore Wood
Geo. H. Ford
John Scott
Wm. W. Wallis
Grant Smith
M. L. Pearson
H. B. Poorman

Chester Hill, Pa.

" " "
" " "
" " "
" " "
" " "
" " "
" " "
" " "

Dr. Warner Chester Hill Pa
 Mr. Samuel Ruggiero " "
 Jacob Shantz " "
 C. B. Shantz " "
 R. M. Shantz " "
 Penicillium - Penna

Centre County, SS.

On this 28th. day of November, 1924,
 before me the subscriber, personally came Edgar Shantz, who
 being duly sworn says, that the foregoing signers duly
 subscribed their names to the above petition, and that the
 facts set forth therein are true and correct to the best of
 his knowledge and belief.

Edgar Shantz

WITNESS my hand and seal the day and year
 aforesaid.

G. W. Ziegler

Notary Public.
 My Commission Expires Jan. 15, 1925.

COURT OF QUARTER SESSIONS
No. 3 Dec. Term, 1924.

Petition for the erection
of a bridge on a County
line at a point where
Pine Street in Chester
Hill Borough crosses the
Moshannon Creek in
Philipsburg Borough.

Nov Dec 24 ¹² 1924.

Let Scott's say.
Heavy flow, and
Jack Middle, as
appointed viewing to
report - the written
report by the Court
by Mr. Moore.

Filed Dec 23 1924 (J.S.)

Res M. Raltan

Clark

GEORGE W. ZEIGLER
ATTORNEY AT LAW
PHILIPSBURG, PA.

IN THE COURT OF QUARTER SESSIONS in and for the COUNTY OF
CLEARFIELD, PENNSYLVANIA.

In re: Petition for bridge on :
County line at a point :
where Pine Street in :
Chester Hill Borough : No. 3, February SS.- 1925
crosses the Moshannon :
Creek in Philipsburg :
Borough. :

To the Honorable A. R. Chase,

President Judge of said Court:

The petition of John Scollins, H. A. Reese and J. S.
Michaels respectfully represents:

1. That by an order issued out of your Honorable Court
to the above number and term, your petitioners were appointed,
on behalf of Clearfield County, together with Kline Woodring,
Esq., H. S. Shattock and L. E. Swartz similarly appointed by
the Court of Quarter Sessions of Centre County to view the
place proposed for said bridge, and if they or any five of
them view the same and four of the actual viewers agree, they
shall make report to the respective Courts whether there is
occasion for such bridge and whether the erecting of such bridge
would require more expense than it would be reasonable the said
Boroughs should bear.

2. That the Act of Assembly and Rules of Court of Clear-
field County require that the public hearing be held in the
Arbitration Room in the Court House in Clearfield, Pennsylvania.

3. Your petitioners, believing that it would be more
convenient for all parties in interest to hold the public hearing
in the Auditorium of the Moshannon Bank Building in Philipsburg,
Centre County, Pennsylvania;

4. Therefore pray that a special order issue out of your

Honorable Court directing the public hearing in the above matter to be held in the aforesaid Auditorium of the Moshannon National Bank in the Borough of Philipsburg, Centre County, Pennsylvania.

And they will ever pray.

John Scollins
B. A. Reese
J. S. Michaels

Clearfield County, SS:

Personally appeared before me the subscriber, John Scollins, one of the petitioners within named, who being duly sworn according to law doth depose and say that the facts stated in the foregoing petition are true and correct.

John Scollins

Sworn and subscribed to before me this 12th day of January, A.D. 1925.

Leo W. Palstoy
Clark

Order of Court.

And now, January 12th, 1925, the within petition presented, read and considered, and it appearing that the public interest and the convenience of all parties in interest will be best served hereby, it is specially ordered that the public hearing in the above proceeding be held in the Auditorium of the Moshannon National Bank Building in Philipsburg Borough, Centre County, Pennsylvania.

By the Court,

A handwritten signature in cursive script, appearing to read 'P. J.', written in dark ink.

P. J.

Order of Court.

And now, January 12th, 1925, the within petition presented, read and considered, and it appearing that the public interest and the convenience of all parties in interest will be best served hereby, it is specially ordered that the public hearing in the above proceeding be held in the Auditorium of the Moshannon National Bank Building in Philipsburg Borough, Centre County, Pennsylvania.

By the Court,



P. J.



IN THE COURT OF QUARTER SESSIONS in and for the COUNTY OF CLEARFIELD, PENNSYLVANIA

No. 3, February SS.- 1925

In re: Petition for bridge on County line at a point where Pine Street in Chester Hill Borough crosses the Moshannon Creek in Philipsburg Borough.

Petition and Order of Court specially designating the Auditorium of the Moshannon National Bank in Philipsburg for public hearing in the above proceeding.

RECEIVED
Jan 12 1925
J. W. RALSTON
CLERK

JOHN SCOLLINS
HOOTDALE, PENNSYLVANIA