

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

In the matter of the :  
Application for a : Number 1, December Sessions, 1907,  
Public Road in : Road Docket.  
Elder Township. :

In the matter of the petition of the road supervisors of Elder Township, in said County, for a Rule upon certain inhabitants of said Township who petitioned the Court for viewers to lay out a public road, to show cause why the report of the viewers should not be set aside.

Cambria County, ss:

Charles Becker, on behalf of the inhabitants who signed the petition for viewers in the above-stated proceeding and one of said petitioners, being duly sworn according to law, files this, his Answer to the above Rule, as follows:

He avers that the matters set forth in the said petition alleging that no notice of the time and place of the view on said proceeding had, was given to the supervisors of said Township according to the Act of Assembly of the 29th of March, 1905, are not correct. The said Charles Becker alleges that he served written notice, the same being attached to the report of viewers on Harry Thomas, one of the supervisors aforesaid, who accepted service thereon as appears by the endorsement on said paper. That the said Harry Thomas agreed to notify the other supervisors and assured your affiant that they would accept service also. That

Harry Thomas and Embra Weakland were present on the day of the view during the entire time of said view. That Embra Weakland was one of the chain carriers. That C. Otto, who has signed and sworn to the said petition for Rule to Show Cause, etc. was not a qualified supervisor of Elder Township at the time said view was held, but only became supervisor of said Township some time after the said view. That no notice was required to be served on the said C. Otto. That all of the supervisors of Elder Township on the day of said view had notice as required by law. That Harry Thomas, one of the supervisors of Elder Township, does not join, and informs your affiant is not party to the application for Rule to Show Cause, etc., purporting to be that of all of the supervisors of said Township.

For the above reasons, the said Charles Becker, on behalf of the citizens aforesaid and for himself, asks the Court to set aside the said Rule at the cost of the said petitioner, C. Otto, and he will ever pray.

C. B. Charles Becker

Cambria County, ss:

Charles Becker, being duly sworn according to law, deposes and says that the matters set forth in the above Answer to Rule, etc. are true and correct to the best of his knowledge and belief.

Sworn and subscribed before me this 20 day of Aug, 1908.

C. B. Charles Becker

James Campbell J.P.  
MY COMMISSION EXPIRES  
FIRST MONDAY IN MAY, 1912.

IN THE COURT OF QUARTER SES-  
SIONS OF CALIFORNIA COUNTY.  
NO. 1 DECEMBER SESSIONS, 1907.  
ROAD DOCKET.

In the matter of the Petition  
of supervisors of Elder Town-  
ship for sale, etc.

ANSWER TO RULE.

*Filed 25 Aug 1908*

*F. J. Kastmann*

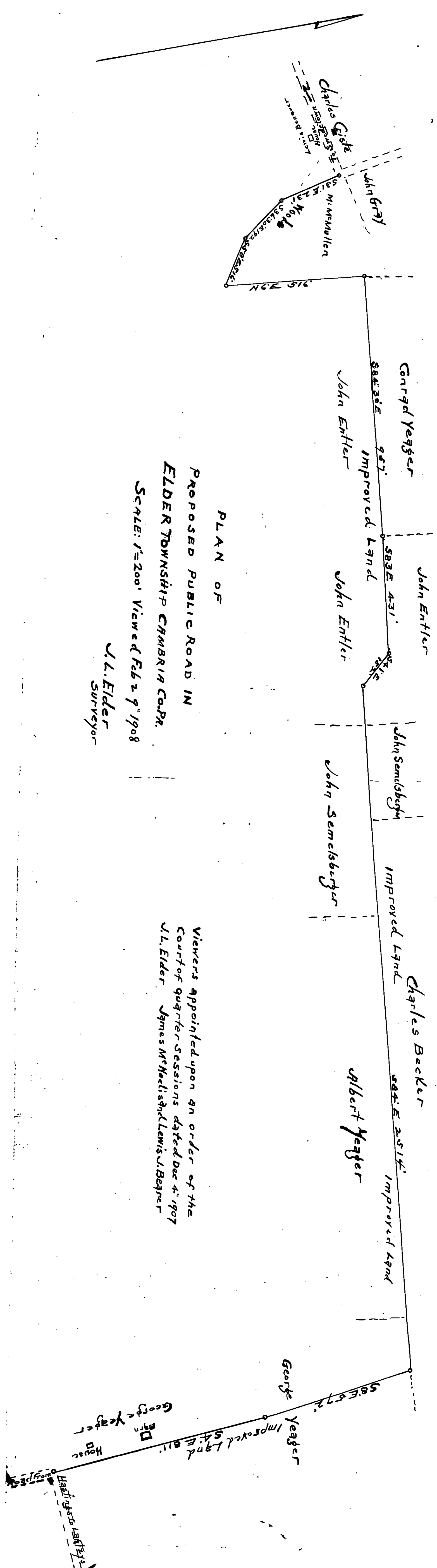
To the Honorable Francis J. O'Connor President  
Judge of the Court of Quarter Sessions of Buncombe Co. Pa.  
We the undersigned viewers appointed by the aforesaid  
order do, report: That in pursuance thereof, after  
having been severally duly sworn or affirmed to  
perform our duties impartially and to the best of  
our judgment and having given due public  
notice as required by law, and having served copies  
of said notice upon the supervisors of the terri-  
tory through which such new public road is  
laid out and also upon the County Commissioners  
of said County, properly attested copies of said  
notices being hereto attached, all the viewers  
appointed by said order viewed the ground proposed  
for the within mentioned road; and the undersigned  
do agree that there is occasion for a road as  
described by the petitioners, and that the same  
is necessary for a public road, and having  
due respect to the shortest distance and the  
best ground for such road, we have laid  
it out in such manner as shall do the least  
injury to private property, and so far as practicable  
agreeably to the desire of the petitioners  
and do return for public use the following  
described road to wit: Beginning at a point  
at or near the house of Lewis Benner thence south  
thirty one degrees east two hundred & thirty one feet  
thence south thirty six and one half deg on East one hundred  
and ninety two feet thence south fifty eight

degrees east one hundred & eighty six feet  
thence north six degrees east five hundred &  
sixteen feet thence south eighty four & one  
half degrees east nine hundred and fifty  
seven feet thence south eighty three  
degrees east four hundred and thirty  
one feet thence south forty one degrees east  
one hundred and fifty two feet thence south  
eighty four degrees east twenty five  
hundred & fourteen feet thence south  
eight degrees east five hundred &  
twenty two feet thence south four  
degrees east eight hundred and eleven  
feet to a point in the public road  
leading from St Bonifacius to Lantzys Mills  
near the house of George Yeager in Elder  
Township said County said road as aforesaid  
laid out in Elder Township Cambria Co. Pa.  
It is the opinion is necessary for a public  
road and we recommend the same said road  
passes through lands belonging to M. McMullen John Entler, Conrad  
Yeager John Simulburg Charles Becker Albert Yeager & George  
Yeager We have assessed or awarded damages as follows to  
M. McMullen twenty five dollars to John Entler one hundred  
dollar to Conrad Yeager twenty nine dollars to  
John Simulburg forty dollars to Charles  
Becker sixty dollars to Albert Yeager  
forty four dollars to George  
Yeager twenty five dollars

a plot or draft is herewith attached  
 and made part of this report, mine  
 our hands this 2nd day of March 1908

J. L. Elder	Comit order	\$ 9.6
J. L. Elder	3 days	15.00
" "	Milage	3.00
James Meek	his 2 days	6.00
" "	Milage	1.30
Log. Brown	3 days	6.00
" "	Milage	1.40
Embrey Meek	Chairman	3.00
Albert Becker		
		<u>30.00</u>
		\$ 37.60

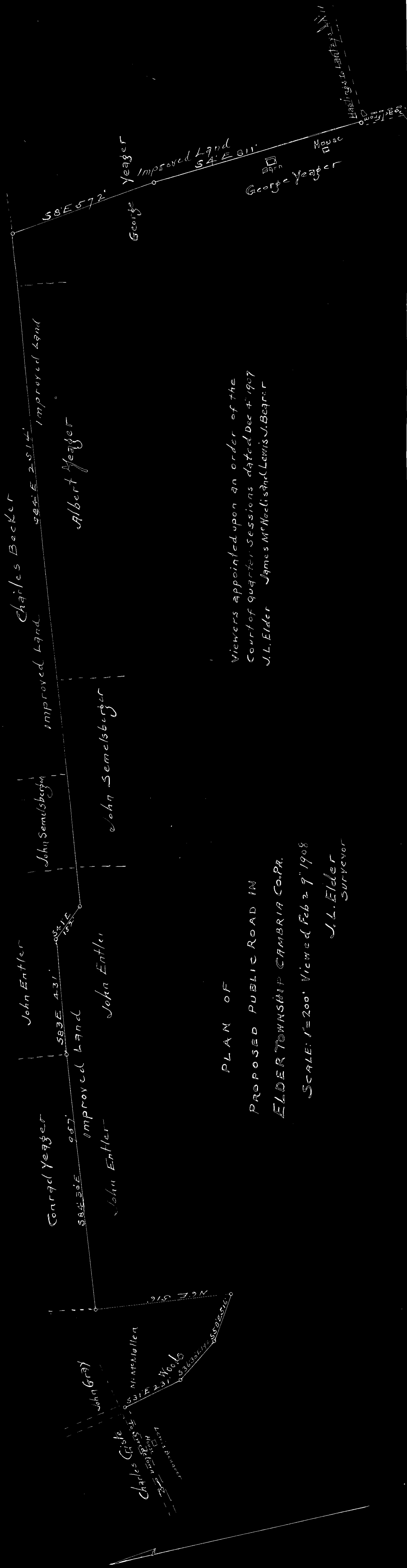
J. L. Elder  
 James M. Melis  
 L. J. Beare,



PLAN OF  
 PROPOSED PUBLIC ROAD IN  
 ELDER TOWNSHIP CAMBRINA CO. PR.

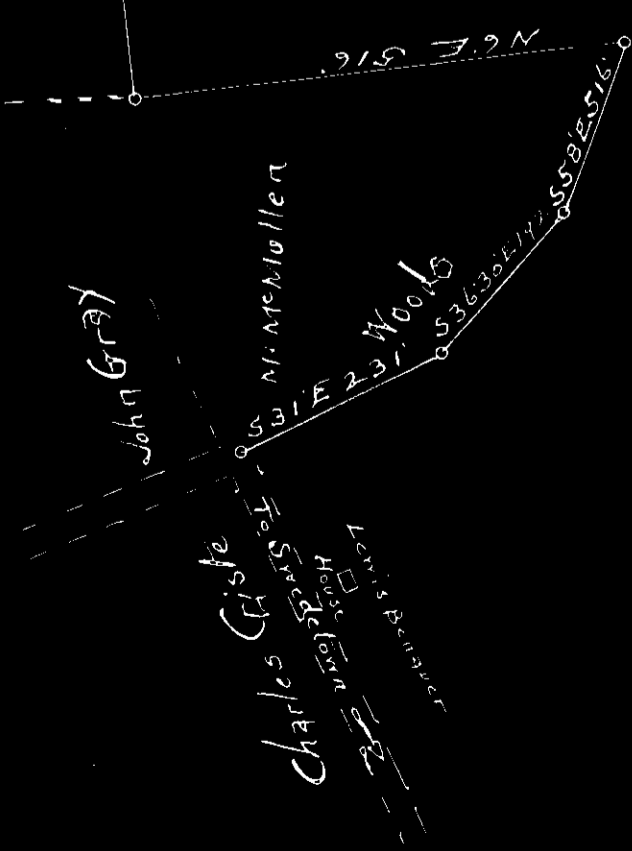
SCALE: 1" = 200' Viewed Feb 29 1908  
 J. L. Elder  
 Surveyor

Viewers appointed upon an order of the  
 Court of quarter sessions dated Dec 4 1907  
 J. L. Elder James McNeill and Lewis J. Beamer



PLAN OF  
 PROPOSED PUBLIC ROAD IN  
 ELDER TOWNSHIP CAMBRIA CO. PA.  
 SCALE: 1"=200' Viewed Feb 29 1908  
 J. L. Elder  
 Surveyor

Viewers appointed upon an order of the  
 Court of Quarter Sessions dated Dec 4 1907  
 J. L. Elder James McNeelis and Lewis J. Beager





Duplicate

# ROAD NOTICE.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions to view the ground ~~for a~~ public road to lead from the road passing through the village of Duedetown near the house of Lewis Benant, to a point in the public road leading from St. Boniface to Lutz's mill near the house of George Yrager in Elder Township

will meet at the house of Lewis Benant in the township of Elder aforesaid, on the 29<sup>th</sup> day of February 1908, at 10 o'clock A.M., for the purpose of viewing said ground.

Feb 19

1908

J. Elder  
Geo. McNeelis  
Lewis J. Brarer  
Viewers.

Service of further notice is hereby accepted

Supervisors { Henry Thomas

# ROAD NOTICE.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions to view the ground for a public road to lead from the road passing through the village of Shvedetous near the house of Lewis Benaur to a point in the public road leading from St. Boniface to Lutzys mill near the house of George Yager in Elder Township

will meet at the house of Lewis Benaur in the township of Elder aforesaid, on the 29<sup>th</sup> day of February 1908, at 10 o'clock A.M., for the purpose of viewing said ground.

Feb. 19 1908

J. H. Elder  
Gas McNeillis  
Lewis J. Benaur  
Viewers.

Service accepted for  
Commissioners.

J. P. Schuman  
Clerk.

Commonwealth of Pennsylvania, }  
County of Cambria. } ss

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the Tenth day of December A. D. 1907, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Elder,

in the said County, setting forth that they labor under inconvenience for want of a public road road or highway, to lead from a point on a public road passing through the village of Sweettown, at or near the house of Lewis Behauser, (which said road leading through the said village of Sweettown, branches off from the public road leading from Hastings to Lantz's Mills), to a point in the public road leading from St. Bernis-lacis to Lantz's Mills, near the house of George Yeager, in Elder Township, said County,

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

J. S. Elder surveyor, and Gas. McNeilis and Lewis J. Beauer viewers,

to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

L. C. Triffel, Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

19.  
NO. 1, December Session, 1907.

Order to view public roads.  
vs. Elders Township.

Filed 4 March, 1908.  
in Jan Court.

Viewers.  
J. S. Elders  
Jan McNeelis  
Laura J. Beards

Clerk Ed by Elders 90 cts.  
Hartmann

Dec. 7, 1908 exceptions  
noted and proceeding  
out side at cost of petition  
By the Court

BERKS MOUNTAIN-HEALD ELECTRIC PRINT.

April 14, 1908, approved and breadth fixed at thirty feet.  
By the Court

In THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.

In the Matter of the Applica-  
tion for a public road in  
Elder Township.

No. 1 Dec. Sessions, 1907 Road Docket.

EXCEPTION.

The parties making application for a new public road in the above stated proceeding, failed to give written notice to the Supervisors of roads and highways of Elder Township of the time and place of making such application, and also failed to file among the records in said proceedings a copy of such written notice, duly attested, as is provided by the Act of General Assembly approved 29th March, 1905 P. L. page 69.

*M. S. Kittell*

Attorney for Exceptants.

Cambria County, ss

*G. Otto*

being duly sworn according to law

says that the matters set forth in the foregoing Exception are true, as he verily believes.

Sworn and subscribed before me

this 28 day of May, 1908.

*Just. G. H. Beale*

*G. Otto*

My Commission Expires  
First Monday of May 1912.



No. 1 Dec. Sessions, 1907.  
Road Docket.

In the Matter of the Appli-  
cation for a public road in  
Elder Township.

Exceptions.

*Filed 1 June 1908*

Kittell.

*FCM*

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

In the matter of the :  
Application for a : Number 1, December Sessions, 1907,  
Public Road in : Road Docket.  
Elder Township. :

In the matter of the petition of the road supervisors of Elder Township, in said County, for a Rule upon certain inhabitants of said Township who petitioned the Court for viewers to lay out a public road to show cause why the report of the viewers should not be set aside.

Cambria County, ss:

Charles Becker, on behalf of the inhabitants who signed the petition for viewers in the above-stated proceeding and one of said petitioners, being duly sworn according to law, files this, his Answer to the above Rule, as follows:

He avers that the matters set forth in the said petition alleging that no notice of the time and place of the view on said proceeding had, was given to the supervisors of said Township according to the Act of Assembly of the 29th of March, 1905, are not correct. The said Charles Becker alleges that he served written notice, the same being attached to the report of viewers on Harry Thomas, one of the supervisors aforesaid, who accepted service thereon as appears by the endorsement on said paper. That the said Harry Thomas agreed to notify the other supervisors and assured your affiant that they would accept service also. That

Harry Thomas and Embra Weakland were present on the day of the view during the entire time of said view. That Embra Weakland was one of the chain carriers. That C. Otto, who has signed and sworn to the said petition for Rule to Show Cause, etc. was not a qualified supervisor of Elder Township at the time said view was held, but only became supervisor of said Township some time after the said view. That no notice was required to be served on the said C. Otto. That all of the supervisors of Elder Township on the day of said view had notice as required by law. That Harry Thomas, one of the supervisors of Elder Township, does not join, and informs your affiant is not party to the application for Rule to Show Cause, etc., purporting to be that of all of the supervisors of said Township.

For the above reasons, that said Charles Becker, on behalf of the citizens aforesaid and for himself, asks the Court to set aside the said Rule at the cost of the said petitioner, C. Otto, and he will ever pray.

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Cambria County, ss:

Charles Becker, being duly sworn according to law, deposes and says that the matters set forth in the above Answer to Rule, etc. are true and correct to the best of his knowledge and belief.

Sworn and subscribed before : \_\_\_\_\_  
me this \_\_\_ day of \_\_\_, 190\_\_ .  
:  
:  
\_\_\_\_\_ :

IN THE COURT OF QUARTER SESSIONS

OF CAMBERIA COUNTY.

No. 1 December Sessions, 1907,  
Road Docks.

In the Matter of the petition  
of Supervisors of Alder  
Township for Public, etc.

Answer to said.

... the petition of the petitioners, ...  
... the Court to say ...  
... the petitioners, ...  
... the Court to say ...

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.

TO THE HONORABLE FRANCIS J. O'CONNOR, PRESIDENT JUDGE OF SAID COURT:

The petition of the Road Supervisors of the Township of Elder, in said County of Cambria, respectfully represents:

That upon the petition of sundry inhabitants of said Township of Elder, which was presented to the above named court on the 2nd day of December, 1907, viewers were appointed to view and lay out a public road in said Township leading from a point on the public road passing through the Village of Swedetown at or near the house of Lewis Benauer (which said road leading through the said Village of Swedetown branches off from the public road from Hastings to Lantzy's Mill ) to a point in said public road leading from St. Bonifacius to Lantzy's Mills near the house of George Yeager. That in pursuance of said appointment viewers appointed by the Court filed their report on the 14th day of April, 1908, which said report has been confirmed nisi, as shown by said proceedings entered to No. 1 December Sessions 1907 Road Docket, in said Court.

Your petitioners further represent that the parties making application for said road did not give notice to the supervisors of Elder Township of the intention to make said application, nor of the time and place of said application, as is required by the Act of Assembly of 29th March 1905, P.L. page 69.

Your petitioners therefore showing that the parties making application for said road did not comply with the provisions of the law in that behalf, pray the Court to set aside the proceedings which have been had in pursuance of said application. And they will etc.

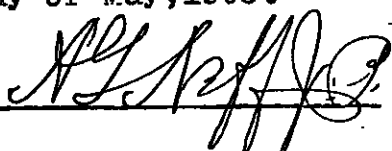
Road Supervisors of Elder Township.  
Per.

*S. Otto*

Cambria County, ss.

C. Otto being duly sworn according to law says that the matters set forth in the foregoing petition are true, as he verily believes.

Sworn and subscribed before me  
this 28 day of May, 1908.



My Commission Expires  
First Monday of May 1912.

Subscribed



And now, June 1st, 1908 the foregoing petition read and a rule is granted on the petitioners for appointment of viewers to show cause why said proceedings should not be set aside; returnable at next Term.



No.1 Dec. Sessions 1907

Road Docket.

In the matter of the Appli-  
cation for a public road in  
Elder Township.

Petition of supervisors of  
Elder Township to have the  
proceedings set aside.

*Filed 1 June, 1908,*

Kittell.

TO THE HONORABLE FRANCIS J. O'CONNOR, PRESIDENT JUDGE OF THE COURT OF  
QUARTER SESSIONS OF CAMBERIA COUNTY, PENNSYLVANIA.

The petition of the undersigned inhabitants of the Township of Elder, in said County and State, respectfully represents: That viewers appointed by your Honor have returned a road for public use to lead from a point on a public road passing through the Village of Swedetown, at or near the house of Lewis Benauer (which said road leading through the said village of Swedetown branches off from the public road leading from Hastings to Lantzy's Mills) to a point in the public road leading from St. Bonifacius to Lantzy's Mills, near the house of George Yeager, in Elder Township, said County.

X That said road if confirmed by the Court will be very injurious to your petitioners and burdensome to the inhabitants of the Township through which the same will pass.

Your petitioners therefore pray your Honor to appoint proper persons to re-view the said road and parts adjacent, and make report to the next Court. And they will etc.

Andrew Schmitt  
John Kahn  
Henry Shimp  
L. J. Endler  
Wm McDermott  
Frank Simelberger

Thomas Ott  
J. Simelberger

John Heakland  
Jacob Brannan  
Sam. Ruff  
Albert B. Ott  
Ed. Ott

John G. Ott  
Ed. Heakland  
T. L. Dixon  
Peter Eckenrode  
L. Lantzy  
Ed. Yeager  
Paul Yeager  
Frank Heakland  
Frank Brannan  
Ray Thomas  
John Dixon Jr.  
Geo. Seabart  
James Lynn  
Wm. McDermott Sr.  
Wm. Simelberger  
Ed. Ott



Swan Swanson  
George Kibler  
Edwin Boyer  
Jacob Stuber  
Lenny Stuber  
Adam Miller  
Francis Parvizy  
A D Libby  
Anthony Beck  
John Sandquist  
Kidney Jockey  
Joseph Lantry  
Benj F. Kibler  
John A. Nagle  
Louis Deloisy  
James Stumpf  
John C. Kline  
Chas F. Anderson  
Chas J. Johnson  
Henry Kibler  
Chas A. Miller  
Chas A. Miller

Lust Ecker  
G. A. Sch  
August Celin  
John Morter  
Thad Kibler  
Martin Kibler  
Wm Luce  
Otto Johnson  
Charles Smith  
Albert Sward  
Jeffrey  
George Gager  
Frank Kline  
James West  
Jim O. Westrich  
M D Waller  
Frank K. Kline  
H. C. Kline  
Tommy Gage  
Fred Kline  
Jacob Gager  
Lust McMillen

Mark J. Ambree  
Pat McAndrew  
Lust Bush  
J. A. Dillon  
Philip Lenz  
Sam Selfridge

Peter Kagle  
Amrose J. Gage  
H. A. Westrich  
D. D. Dillon  
Henry Gager  
Thomas, Berg

Henry Eadley  
John Green  
Louis Ciccielli  
Jacob Magle  
James Carpinello  
Albert Menicelli  
Joseph Meakland  
Emily Meakland  
E. Otto } Supts  
Isaac Bollinger  
Philip J. Wickham  
Michael Galt  
Joe McGuirk  
Frank Kish  
Frank Tyler  
Thomas Howe  
John McEwen  
Charles Wagner  
John Delawder  
Frank Otto

Cambria County, ss.

*Embry Meakland*, being duly sworn according to law says that the matters set forth in the foregoing petition are true, to the best of his knowledge and belief.

Sworn and subscribed before me

this 28<sup>th</sup> day of <sup>May</sup> April, 1908.

*Philip N. Shetty*  
Notary Public  
My Commission Expires January 16th, 1909.

*Embry Meakland*

No. 1 December Sessions

1907, Road Docket.

Petition for the appointment of re-viewers.

*Filed 1 June 1908,*

*And now, June 1<sup>st</sup>, 1908, read  
and the Court appoint A. G.  
Yeager, Henry Link and  
W. F. Cunningham  
re-viewers as prayed for  
By the Court*

Kittell.

In the Court of Quarter Sessions of Cambria County, Penn'a.

To the Honorable Francis J. O'Connor, President  
Judge of said Court.

The petition of the undersigned, inhabitants of the  
Township of Elder, in the said County, respectfully represents:

That your petitioners labor under great inconveni-  
en- in said Township of Elder  
cies for want of a public road or highway, to lead from a point  
on a public road passing through the village of Swedetown, at  
or near the house of Lewis Benauer, (which said road leading  
through the said village of Swedetown, branches off from the  
public road leading from Hastings to Lantzy's Mills) to a point  
in the public road leading from St. Bonifacius to Lantzy's Mills,  
near the house of Geroge Yeager, in Elder Township, said County.

Your petitioners therefore pray the Court to appoint  
proper persons to view and lay out the said road, and they will  
ever pray, &c.

Geo. J. Yeager	:	Raphael Wieland, A.B.
B. J. Dutton	:	Albert Yeager
Charles Priest	:	Benj. Carter
Emil Dabring	:	J. Semelberger
Stephen Wilkinson	:	George Semelberger
Mr. Joseph Stewart	:	Fred Emdler
Miss Eittler	:	Lewis Emdler
J. C. Emdler	:	Albert B. Ott
Peter Emdler	:	Frank Haber x
A. D. Libby	:	P. E. Dillon
J. Semelberger	:	Joseph Lantzy
Althouse Hein	:	B. J. Kuyler
Frank L. Stone	:	Jacob Semelberger
Henry J. Ott	:	

Frank X. Krus  
 Aug. Bernaberg  
 Jacob Neugebauer  
 C. L. Wulff  
 Mike Endler  
 Josef Weymann  
 Laurence Lantz  
 Andrew Hahn  
 Fred Thomas  
 Frank Walters  
 C. A. Eck  
 Jacob Glesser  
 Andrew Guss  
 John S. Walther  
 Lewis Johnson  
 Theodore Huber  
 David Gussman  
 Thomas Quinn  
 Paul Bronner  
 Phynas Endler  
 William Quinn  
 Thomas Corbett  
 Wm. H. Dinkelberger  
 x Charles Becker

Charles Becker  
 24th block

State of Pennsylvania : Thomas Ott, Justice of  
County of Cambria. : ss. the Peace for said County.

Before me came Charles Becker, one of the fore-  
going petitioners, being duly sworn according to law, deposes and  
says that the matters contained in the foregoing petition are true  
and correct to the best of his knowledge and belief.

Sworn and subscribed before me :

this 6 day of Nov 1907 :

Thomas Ott J. P.  
Justice of the Peace.

Charles Becker

My commission expires first  
Monday in May 19//.

MY COM. EXPIRES. ✱  
MAY: 1- ST. 1911

No. 1 Dec, Sess. 1907.  
In the Court of Quarter Sessions  
of Caledonia County

Petition of inhabitants of Elder  
Township for appointment of  
viewers to view and lay out a  
public road in Elder Township  
commencing at a point in  
public road passing through  
the village of Smeditoras at or  
near the house of Lewis Bonaut  
and ending at a point in Public  
road leading from St. Boniface  
to Sautyjo mill at or near the  
house of George Yeager  
~~Elder, Lewis J. Bonaut,  
Jacques Smeditoras~~  
And now December 2nd 1907. The  
within petition read and considered  
and the Court do hereby order that  
Elders are appointed by the Court

Filed 2 December, 1907.

F. J. Hartmann



Know all men by these presents, that Charles Becker of the Township of Elder, County of Cambria and State of Pennsylvania, and *G. J. Yeager* of the same place, are held and firmly bound unto the County of Cambria in the sum of fifty dollars lawful money of the United States of America, to which payment well and truly to be made they do bind themselves, their heirs, executors, administrators and assigns and each and every of them firmly by these presents.

Signed and sealed this *30<sup>th</sup>* day of November, 1907.

Now the condition of this obligation is such, that whereas, the Court of Quarter Sessions of Cambria County has, upon the petition of certain citizens of said Township of Elder, appointed viewers to view and lay out a public road to lead from a point on a public road passing through the village of Swedetown, at or near the house of Lewis Benauer to a point in the public road leading from St. Bonifacius to Mantzy's Mills near the house of George Yeager in Elder Township, said County; now if the said petitioners shall pay or cause to be paid into the Treasury of Cambria County the costs and fees of the viewers so appointed to view said road as the Court by order may direct, then this obligation to be null and void, else to be and remain in full force and virtue.

Signed, sealed and delivered in the presence of us,

*Frank L. Schaefer*  
*Emil Palberg*

*C.B.* *Charles Becker*  
*G. J. Yeager*

In the Court of Quarter Sessions  
of Calaveras County  
No. 1 December 1907 RA  
In the matter of appointment  
of viewers to view and lay  
out a public road in Elder  
Township, leading from the  
public road in Suedetown  
near house of Lewis Benaur &  
ending in public road leading  
from St. Bonifacio to Sautys  
Mills near the house of  
George Yeager.

Bond of Petitioners.

Filed 2 December, 1907.

And now Dec 1st 1907. The  
within Bond approved and or-  
dered to be filed.

By the Court

J. J. Eastman

In re Road )  
in )  
Elder Township, )

In the Court of Quarter Sessions of the Peace  
of Cambria County, Pa.  
No. 1 Dec. Sessions, 1907 R. D.

Depositions of Petitioners.

Depositions of witnesses taken in pursuance of a rule of Court hereto attached, before Emory H. Davis, Commissioner to take testimony, at his office in the Davis Block in the Borough of Fensburg, County of Cambria and State of Pennsylvania on Monday the 19<sup>th</sup> day of October, A. D. 1908 between the hours of 8 o'clock A. M. and 8 o'clock P. M. on the part of the petitioners in the above stated case.

Appearances:

F. J. Hartmann, Esq., for the Petitioners.

Philip N. Shettig, Esq., for exceptants and petitioners  
for re-view.

In re Road ) In the Court of Quarter Sessions of the Peace  
in ) of Cambria County, Pa.  
Elder Township. ) No. 1 Dec. Sessions, 1907, R. D.

D E P O S I T I O N S .

Harry Thomas called and sworn who testifies as follows:-

I am one of the supervisors on Elder Twn. and was at the time the view was taken. I accepted notice of this view, it was served by Chas. Baker. I accepted service by signing my name on back of notice. Embry Weakland, Supervisor of Elder Twp and I talked about this view and we decided to attend the view and Embry was one of the chain carriers at the view!

The persons who live on the proposed road are ~~Chas.~~ Chas. Baker, Albert Yeager, John Simmelsberger, John Entler, Albert Baker, and C. J. Yeager, they all own farms on this road. This road is a little over a mile long. It is pretty <sup>near</sup> all over fields and is dry ground.

Counsel for the Exceptants object to all testimony as to the necessity for the road, the number of persons who will be benefitted thereby, the expenses of building and maintaining the road, and the character of the road when built for the reason that the necessity for the road is a question for the court upon the report of viewers and reviewers and not upon depositions.

C. J. Yeager called and sworn who testifies as follows:

The persons who live on the proposed road are Albert Yeager, John Simmelsberger, Conrad J. Yeager, Chas. Baker, John Endler, Albert Baker and George Yeager. About one half of the road would have to be made new, some of the people depended on this road for an outlet there are about thirty property holders in Sweed-town

Charles Becher called and sworn who testifies as follows:

I served the notice on Harry Thomas and he accepted the notice by signing of the back of the notice, this notice attached to the report of viewers is the one I served on him and the one he signed. I asked Harry Thomas to ~~ME~~ give notice to Embry W. Oakland, Embry W. Oakland was present at the view, and was one of the chain carriers.

The persons who live on this proposed road are Geo. Yeager, Albert Yeager, Chas. Becker, Albert Becker, John Simmelsberger, John Endler and C. J. Yeager. They are all farmers and own farms. They have no way of getting out from their farms to the public road. These people have no way to reach the township road except over a private road belonging to John Endler, they are at ~~great~~<sup>great</sup> inconvenience for want of ~~an~~ a public road. This road could be built for less than a hundred dollars.

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L. J. Bearer called and sworn who testifies as follows: I have gone over the ground of the proposed road and I consider it a nice ground to build a public road on. Two hundred dollars will make a fine road there. I believe that these people should have a public road there as proposed in this proceeding. I further think that it would be a great benefit for the people in Sweedtown



Cambria County, SS:

I hereby certify that the foregoing typewritten pages contain the complete and correct testimony of witnesses on the part of the petitioners in the matter of a Road in Elder Township, entered to No. 1 December Sessions, 1907 Road Docket, and that the same was taken before me as Commissioner appointed to take testimony, at my office in the Davis Block in the Borough of Ebensburg, County of Cambria and State of Pennsylvania, on Monday the 19<sup>th</sup> day of October, A. D. 1908 between the hours of 8 o'clock A. M. and 8 o'clock P. M. in pursuance to a rule of Court hereto attached.

Emory H. Davis (Seal)  
Commissioner.

COSTS:

Emory H. Davis, Commissioner, *By atty Harlinam \$2.00 Extra*

Witnesses:

Harry Thomas,	one day, 23 miles,	2.38
C. J. Yeager,	" "	2.38
Charles Becker,	" "	2.38
L. J. Bearcr,	" "	2.38
John Fndler,	" "	2.38
John Simmelsberger,	" "	2.38
Albert Backer,	" "	2.38
		<hr/>
		18.66

State of Pennsylvania }  
County of Cambria } §§.

Oath of Supervisor

I, Christian Otto do solemnly swear that I have been duly Elected as Supervisor of Elder Twp Cambria Co. for the Term of 3 years from the date hereof, and that I will as Supervisor Support Obey and defend, the Constitution of the United States and of the Commonwealth of Pennsylvania, and that I will discharge the Duties of my office as Supervisor of said Twp. with Fidelity, and that I have not payed nor caused to be paid any money or Valuable thing nor promise to pay or contribute. Either Direct or indirectly any such thing, to procure My Election as Supervisor, Except for proper and Necessary Purposes, Expressly authorized by Law, and that I have not knowingly Violated any Election Law of this Commonwealth, nor asked to be done by others, for my behalf and that I will not knowingly Receive any money or Valuable thing, for the Performance or non performance of my duty as Supervisor

Sworn before me this  
2<sup>nd</sup> day of March 1908  
Thomas Ott. J. P.

C. Otto

NOTARY PUBLIC  
MAY 1 - ST. 1911



Oath of  
Supervisor of  
Elder Troup  
Christian Otto  
Mar 2<sup>d</sup> 1908  
H

In re Roads  
in  
Elder Township

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

of Dec. Term, A. D. 1907, No. 1. P. D.

And now, to wit, the 13<sup>th</sup> day of October A. D. 1908, Rule  
on part of Petitioners to take deposition of witnesses  
before E. H. Davis, Esq., Commissioner, to be read on the  
hearing of the above stated case.

Cambria County, ss:

Extract from the Record of said Court, Cer-  
tified the 13<sup>th</sup> of October  
1908.

S. S. Knicker  
Prothonotary  
Clerk

To

TAKE NOTICE, That in pursuance of the above Rule the deposition of witnesses to  
be read in evidence on the of the above stated on  
part of the will be taken at the

on  
the day of A. D. 190, between the hours  
of o'clock A. M., and o'clock P. M., before  
in and for said

or by some other person of competent authority, at the time and place aforesaid, when  
and where you may attend if you think proper.

No. 1 Dec, <sup>R.D.</sup> <sup>sess.</sup> <sup>Form,</sup> 1907

In Re Road

in

Elder Township.

Filed 6 November 1908.

Rule on part of Petitioners  
To take depositions

Hartmann