

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...fifth.....day of...September.....A. D. 1900, 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~~.....road or highway, to lead from

on the Third day of May, 1910, a petition of certain of the inhabitants of Elder Township, aforesaid, was presented to your Honorable Court praying for the appointment of Viewers to open and lay out a public Road in said Township of Elder, described as follows: "Beginning at a point on a public road passing through the village of Swedetown at or near the house of Lewis Bennauer, which said road leading through the 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. Boniface to Lantzy's Mills, at or near the house of George Yeager in Elder Township, said County: the exact point of beginning is 360 feet west of the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 1976 feet north from an intersecting public road already opened, to-wit: a public road leading from the Village of St. Boniface to the Borough of Hastings".

That on the Third day of May, 1910, Viewers were appointed by your Honorable Court to pass upon the necessity of said road and on the Sixth day of June, 1910, they made their return finding in favor of said road.

This return was on the Sixth day of June, 1910, approved by your Honorable Court and the breadth of the road fixed at Thirty feet, but said approval, if confirmed absolutely 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 petitioner, therefore, showing these things and that they are parties interested, respectfully pray your Honorable Court to appoint persons, properly qualified, to re-view the ground proposed for said road, and make report of their proceedings at the next term of Court.

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

Francis Cunningham and ~~Henry Link~~ *Henry Link*

viewers, to re-view the ground proposed for said road, and if they re-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:

S. S. Kirkhead, 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."

No. 6, March SESSION, 1900.

Order to re-view Public Road in

Elder Township.

Filed 5 December, 1910,
in open court.

Viewers.

Charles Slicker

Francis Cunningham

Henry Hunt Link

Ok. by atty McLean.

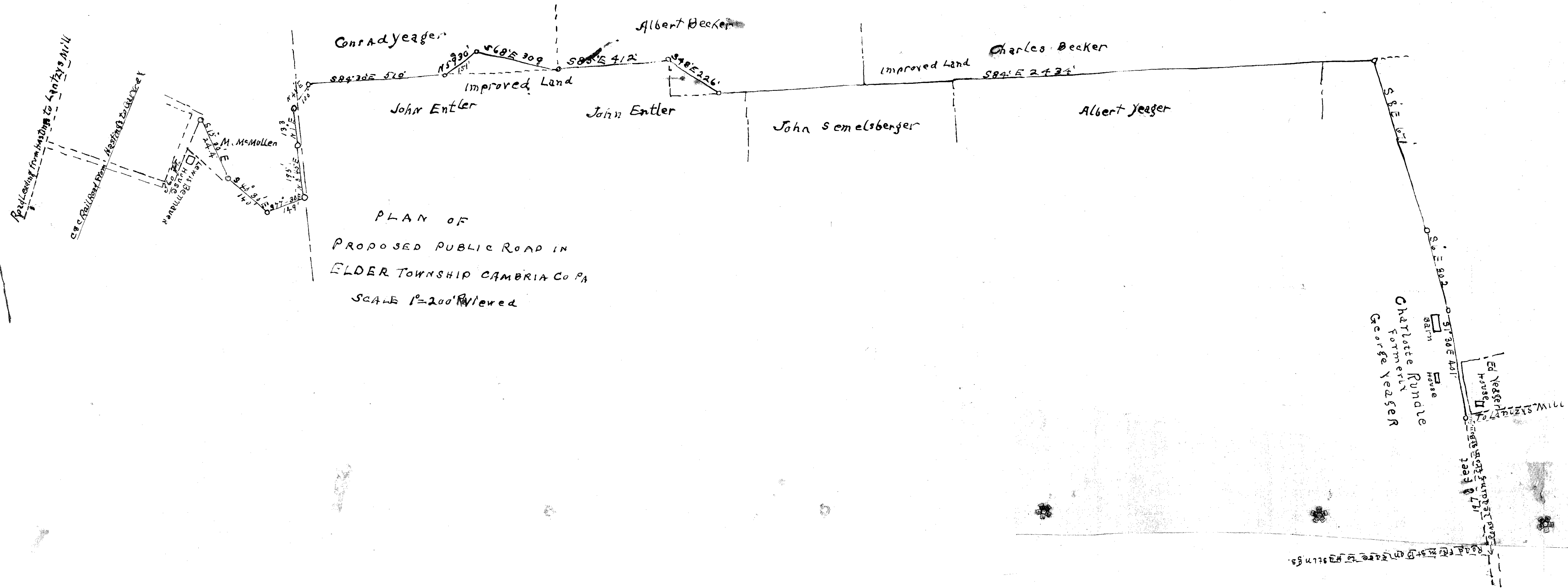
Clerk Kinkead 90 cts.

McCann

LEWISBURG MOUNTAIN-REARLDS ELECTING PRINT.

5 Dec. 1910. Approved,

By the Court



To the Honorable Francis J. O'Connor, President
Judge of the Court of Quarter Sessions of Cambria
County, Pennsylvania:

We, the undersigned persons appointed by the
within order of Court to review the road therein
mentioned respectfully report:

That all the viewers appointed by the said
Court by said order were present at the view, and
having been first severally sworn or affirmed
according to law, and having given due public
notice as required by law, by causing to be posted
along said proposed public road ten written notices
of the time and place of view, and setting forth
therein specifically the metes and bounds of said
proposed public road as fully as the description
appeared in the original petition for said road, and in
the report of the viewers appointed thereon, ten days
before said review; and after due notice had been
given to the County Commissioners of the review, and
due notice to the supervisors, (copies of said notices
duly verified or attested as required by law being hereto
attached and made part of this report.), in
pursuance of said order of Court, we have
reviewed the said road and have gone over all
the ground surveyed by the County Surveyor and viewed
by the viewers appointed in the original petition
for said road, and have come to the conclusion
That as there are only five farm houses which
would be benefitted by said proposed new Township
road, and as said road would not be of
any further use to the traveling public as

Good roads are at present being maintained to any destination the said new road could lead to, we deem it advisable that the petitioners continue their former friendly relations among themselves and maintain for their own use a private road. Private roads would have to be made at all events, and as two-thirds of the site is already a fair private road, we do not favor opening a new Township road, and if such a road were opened it would be useless, inconvenient, and burdensome to the public. While said proposed road does not exceed a five per cent grade, the entrance from the Svedetown side would not be possible during the heavy snows without great expense by the Township. We have thoughtfully reviewed the whole of the proposed road, and we, therefore report against the said proposed public road described in said order to view, the said road being described as follows:

"Being wholly situate in the Township of Elder, County of Cambria, and State of Pennsylvania, leading from a point in a public road passing through the village of Svedetown, as or near the house of Louis Bermanor, which said road leading through the village of Svedetown, branches off from the public road leading from Hastings to Lantz's Mills, to a point in a public road leading from St. Boniface to Lantz's Mills, as or near the house of George Yeager in Elder Township, said County; the exact point of beginning is 360 feet west from the Cambria and Clearfield Railroad leading from Hastings to Garvey Junction, and the said point of

ending is 1976 feet north from an intersecting public road already opened; to wit: a public road leading from St. Albans to the Borough of Hastings.

A plan or draft of said proposed road reviewed by us is hereto attached as part of this report.

Witness our hands this twenty first day of November, A. D. 1910.

Chas. E. Schlicher

Henry Link

Frank W. Cunningham

} Reviewers.

Oct 15

Chas. E. Schlicher, 2 days \$10.00

Henry Link \$3.00 (1 day)

Frank W. Cunningham \$3.00 (1 day)

Johnston & Co. 70¢ (Order for Review)

To Charles Miller, C. Otto and Anthony Beck, Supervisors of Elder Township, Cambria County, Pennsylvania.

You are hereby notified that the re-viewers appointed by the Court of Quarter Sessions of Cambria County on the fifth day of September 1910, to view the ground for a Public Road in the Township of Elder, County of Cambria, State of Pennsylvania, to lead from a Point on a Public Road passing through the Village of Swedetown, at or near the house of Louis Bennauer, which said road leading through the Village of Swedetown branches off from the Public Road leading from Hastings to Lantzy's Mills, to a point in Public Road leading from St. Boniface to Lantzy's Mills, at or near the house of George Yeager in Elder Township, aforesaid; the exact point of beginning is 360 feet West from the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 1976 feet North from an intersecting Public Road already opened, to-wit:- a Public Road leading from St. Boniface to the Borough of Hastings-, will meet at the house of D. J. Houck in the Hastings Boro ~~Township of Elder~~, aforesaid, on the 21st day of November 1910, for the purpose of re-viewing said ground for said proposed Public Road, at 9⁰⁰ o'clock, A. M., of said day.

Chas E. Schlicher

J. W. Cunningham

Henry Link

Re-viewers.

We, Charles Miller, C. Otto, and Anthony Beck, Supervisors of Elder Township, Cambria County, Pennsylvania, hereby accept service of the above notice of Re-view, and we hereby acknowledge and admit having received notice of the time and place of the application for Re-view, having been Petitioners for said Re-view.

Attested by,

Thad A. Kitcher

C. Otto
Charles Miller
Anthony Beck

To John Owens, Charles Leventry, and Thomas A. Oshorn, County Commissioners of Cambria County.

You are hereby notified that the re-viewers appointed by the Court of Quarter Sessions of Cambria County on the ~~fifth~~ day of September 1910, to view the ground for a Public Road in the Township of Elder, County of Cambria, State of Pennsylvania, to lead from a Point on a Public Road passing through the Village of Swedetown, at or near the house of Louis Bennauer, which said road leading through the Village of Swedetown branches off from the Public Road leading from Hastings to Lantzy's Mills, to a point in Public Road leading from St. Boniface to Lantzy's Mills, at or near the house of George Yeager in Elder Township, aforesaid; the exact point of beginning is 360 feet West from the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 1976 feet North from and intersecting Public Road already opened, to-wit:- a Public Road leading from St. Boniface to the Borough of Hastings, will meet at the house of D. J. Houck ^{Hastings Boro} in the ~~Township of Elder~~, aforesaid, on the 21st day of November 1910, for the purpose of re-viewing said ground for said proposed Public Road. AT 9⁰⁰ o'clock, A. M., of said day.

Sign Slacker Chas E. Schlicher
Amph F. W. Cunningham
and Henry Link
 Re-viewers.

And now, Nov 10th, 1910, I hereby accept service of the above and foregoing, notice of re-view of the proposed public road mentioned therein, for the County Commissioners of Cambria County.

John Owens
 Clerk.

ROAD NOTICE.

Notice is hereby given that the re-viewers appointed by the Court of Quarter Sessions of Cambria County, on the 5th day of September, 1910, to view the ground for a public road in the Township of Elder, county of Cambria, and State of Pennsylvania, to lead from a point on a public road passing through the village of Swede Town, at or near the house of Louis Bennauer, which said road leading through the village of Swede Town branches off from the public road leading from Hastings to Lantzzy's Mills, to a point in public road leading from Saint Boniface to Lantzzy's Mills, at or near the house of George Yeager in Elder Township, aforesaid the exact point of beginning is 360 feet West from the Cambria and Clearfield Rail Road, leading from Hastings to Garway Junction, and the said point of ending is 1976 feet North from an intersecting public road already opened. to wit:- A public road leading from Saint Boniface to the Borough of Hastings,- Will meet at the house of D. J. Houck in Hastings, Borough, on the 21st day of November, 1910, for the purpose of re-viewing said ground for said proposed public road, at 9:00 o'clock of said day.

Charles E. Schlicher
F. W. Cunningham
Henry Link.

Re-viewers.

State of Pennsylvania *
County of Cambria * ss

6 Chas. H. Miller, being duly sworn according to law, says, that ten notices, of which the foregoing is a copy, were duly posted in conspicuous places along the route of the proposed public road mentioned therein.

Chas. H. Miller

Sworn and subscribed before me
this 2nd day of ^{November} ~~November~~, 1910.

James Campbell
Justice of the Peace.

To the Honorable Francis J. Connor President
Judge of the Court of Quarter Sessions of Cambria Co. Pa.

We the undersigned viewers appointed by the
annexed 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
territory 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 examined five
witnesses under oath who were present on the
ground and testified that there are five land owners along
the proposed road who have positively no outlet to any
public road and whose children must trespass to go
and come from the public school which we find to
be true. and the undersigned do agree that there
is occasion for a road as desired 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 corner of Lewis
Brunner thence South fifteen and one half degrees
East two hundred and forty four feet thence
South forty and one half degrees East one hundred
and ninety feet thence South twenty seven and
one half degrees East one hundred and forty seven
feet thence North three and three fourth degrees East
one hundred and ninety five feet thence North
one degree East one hundred and thirty three
feet thence North forty one degrees East one
hundred feet thence South eighty four and
one half degrees East five hundred and ten feet
thence North fifty nine and one half degrees
East one hundred and fifty one feet thence
South sixty eight degrees East three
hundred and nine feet thence South eighty
five degrees East four hundred and twelve
feet thence South forty eight East two hundred
and twenty six feet thence South eighty four degrees
East twenty four hundred and thirty four feet
thence South eight degrees East six hundred and
twenty one feet thence South six degrees East
three hundred and two feet thence South one and
one half degree East four hundred and one
feet to a point in the public road leading from Rt
Bonafant to Lutz's mill near the house of George
Hager or Charlott Rundle in Elder Township
Columbia Co. Pa. - said road as aforesaid laid out
in Elder Township Columbia Co. Pa. - Near of the

opinion it is necessary for a public road and we
 recommend the same - said road passes
 through lands belonging to M. McMullen John
 Entler Conrad Yeager Albert Becker John
 Samuelberger Charles Becker Albert
 Yeager and Charlotte Rundle We have assessed
 or awarded damages as follows to M. McMullen
 one hundred dollars to John Entler one hundred
 dollars to Conrad Yeager ninety dollars to
 Albert Becker ninety dollars to John Samuelberger
 twenty five dollars to Albert Yeager forty dollars
 to Charles Becker fifty five dollars to Charlotte
 Rundle twenty five dollars - a plot or
 draft is herewith attached and made
 part of this report witness our hands
 this 26th day of May 1910

J. L. Elder 3 days \$15.00
 J. L. Elder Witness 3.30
 J. P. Yahrle
 J. L. Elder
 20

J. P. Yahrle Miller 2.00
 Albert Becker chairman 1.50
 John Samuelberger 1.50
 Order to view 27.70
 28.60

ROAD NOTICE.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions to view the ground for a public road in the Township of Elder, County of Cambria and State of Pennsylvania, to lead from a point on a public road passing through the Village of Swedetown, at or near the house of Louis Bennauer, which said road leading through the 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. Boniface to Lantzy's Mills, at or near the house of George Yeager, in Elder Township, said County; the exact point of beginning is 360 feet west of the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 1976 feet North from an intersecting public road already opened to wit:— a public road leading from the village of St. Boniface to the Borough of Hastings, WILL MEET at the house of Louis Bennauer in the Township of Elder aforesaid on the 20th day of May 1910 at eight o'clock A. M. for the purpose of viewing said ground.

J. L. Elder Sr.
Charles Stewart
I. P. Yahner

Viewers.

State of Pennsylvania, County of Cambria, SS.

Before me the subscriber, a Justice of the Peace in and for said County personally came Albert F. Becker, who being duly sworn according to law did depose and say that he served the above notice upon C. Otto, supervisor on the 6th day of May, 1910; on William Westrick, supervisor, on the 6th day of May, 1910; and on Chas. Miller, supervisor, on the 6th day of May, 1910, by handing each one of them personally a copy thereof, this being the original.

Sworn and subscribed before me this :
7th day of May, 1910.

James Campbell
Justice of the Peace.
BY COMMISSIONER EX-1283
FIRST MONDAY IN MAY, 1912.

Albert F. Becker

ROAD NOTICE.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions to view the ground ~~for a public road in the Township of Elder, County of Cambria and State of Pennsylvania, to lead from a point on a public road passing through the village of Swedetown, at or near the house of Louis Bennauer, which said road leading through the 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. Boniface to Lantzy's Mills, at or near the house of George Yeager in Elder Township, said County; the exact ~~and~~ ~~known~~ point of beginning is 360 feet west from the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 1976 feet North from an intersecting public road already opened to wit:— a public road leading from St. Boniface to the Borough of Hastings,~~

will meet at the house of Louis Bennauer *in the township of* Elder *aforsaid, on the* 20th *day of* May *190* 1901 *at* 8 *o'clock* A.M. *, for the purpose of viewing said ground.*

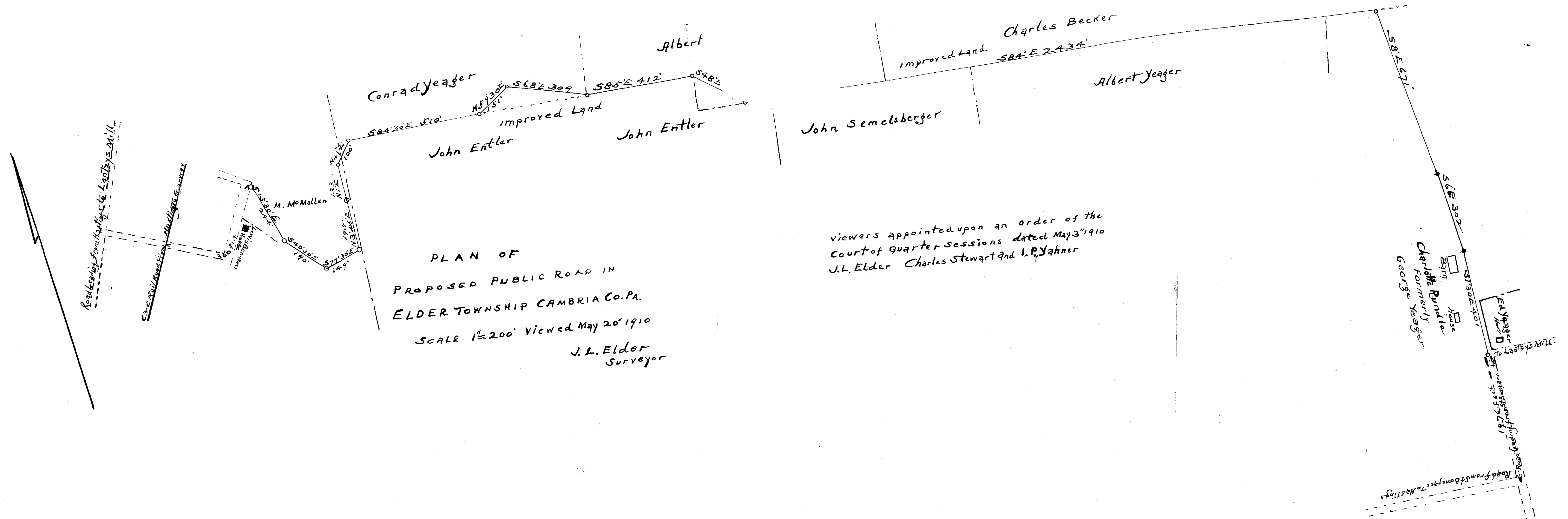
J. L. Elder

Charles Stewart

I. P. Yahner

190

Viewers.



State of Pennsylvania

County of Cambria

ss.

Albert F. Becker being duly sworn according to law deposes and says that he posted up ten (10) notices, of which this is a copy, along the route of the proposed public road in Elder Township, ^{on the 6th day of May 1910} and further deponent sayeth not.

Sworn and subscribed before me
this 7th day of May, 1910.

James Campbell
Justice of the Peace.
BY COMMISSIONER
FIRST POSTED MAY, 1910,

Albert F. Becker

Service of notice accepted for County Court
Egda May 8-1910

lchrippe
black

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.....3rd.....day of.....May.....A. D. 1900, 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 or highway, to lead from a point on a public road passing through the Village of Sweden, at or near the house of Lewis Bernauer, which said road leading through the village of Sweden branches off from the public road leading from Hastings to Santzys Mills, to a point in the public road leading from St. Boniface to Santzys Mills, at or near the house of George Yeager, in Elder Township, said County; the exact point of beginning is 36.0 feet west of the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 197.6 feet north from an intersecting public road already opened to wit: a public road leading from the village of St. Boniface to the Borough of Hastings.....

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint J. L. Elder.....surveyor, and.....Charles Stewart and J. P. Yohner.....

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:

A. S. Kirkhead, 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."

13

NO. 6, March Session, 1910.

Order to view road in

Eldon Township

Filed to June 1910, in
Open Court.

Viewers.

J. L. Eldon
Charles Stewart
J. P. Yabner

Clerk Kimbrell 90 cts.
Hartmann

BERKELEY MOUNTAIN, HEALD ELECTRIC PRINT.

to June 1910, approved and breadth fixed at
90 feet,

Bryke and

KNOW ALL MEN BY THESE PRESENTS: That We, *Charles X. Miller, and C. Otto.*

are held and firmly bound unto S. D. Gounhour, Treasurer of Cambria County, for the use of the County of Cambria, in the sum of fifty dollars lawful money of the United States of America, to be paid to the said County of Cambria, its certain attorney, successors or assigns; to which payment well and truly to be made, we do bind ourselves, our heirs, executors and administrators, firmly by these presents. Sealed with our seals and dated this *22d.* day of September, A. D. 1910.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the petitioners for a review of a public road in Elder Township, entered to No. *6*, *March* Sessions, *1910*, in the Court of Quarter Sessions of Cambria County, shall and do pay the costs and fees of the reviewers as the Court may direct, then this obligation to be void; otherwise to be and remain in full force and virtue.

Witness.
James Campbell

Charles Miller (SEALS)

C. Otto. (SEALS)

____ (SEALS)

No. 6. March Session 1910

In Re. Petition for
Review of road
in Elder Township,
Cambria County, Pennsylv-
ania.

Bond for Review.

Sept. 23, 1910, this
bond approved
By the Court

Filed 23 September, 1910.

JOHN H. McCANN
ATTORNEY AT LAW
EBENSBURG, PENNSYLVANIA

IN THE MATTER OF THE PROPOSED PUBLIC
ROAD IN ELDER TOWNSHIP, BEGINNING AT
A POINT IN THE VILLAGE OF SWEDETOWN
AT OR NEAR THE HOUSE OF LOUIS
BENNAUER TO A POINT ON THE PUBLIC
ROAD LEADING FROM ST. BONIFACE, DE-
LANCEY'S MILL, AT OR NEAR THE HOUSE
OF GEORGE YEAGER.

: IN THE COURT OF QUARTER SESSIONS
:
: OF CAMBRIA COUNTY.
:
:
:
:
: No. 6 March Sessions, 1910.

DEPOSITIONS ON PART OF THE PETITIONERS
FOR RE-VIEW.

It is agreed between John H. McCann, Attorney representing the re-view, and F. J. Hartmann, representing petitions on original view and exceptants, that the testimony of witnesses taken before Harry A. Englehart, Jr., both on part of the parties interested in the re-view as well as parties interested in the exceptions, which is to be read upon the argument of the case, shall have the same force and effect as if a Rule was regularly taken out, served and attached hereto.

MR. MARION H. GRAY, being called and sworn, testified as follows:-

DIRECT EXAMINATION BY Mr. McCann.

Q. Mr. Gary, you are a resident of Elder Township, are you?

A. Elder township.

Q. And you are acquainted with the proceedings for a view of a road leading from Swedetown to St. Boniface? A. Yes.

Q. And did you see notices posted along -

A. I saw notices on Monday or Tuesday after the first Friday on November. The supervisors meeting was on the first friday.

Q. You saw one notice? A. Yes.

Q. You hadn't gone over any other part of the road? A. No Sir.

Q. As to any other notices you can't say? A. I can't say. I was driving team for Abel and I drove up to this post and I saw the notice.

Q. Mr. Miller, the supervisor, is very sick at this time? A. Yes Sir.

Q. Very sick? A. He was not expected to live last evening.

Q. What is the matter with him? A. Typhoid pneumonia.

Q. You are positive, Mr. Gray, that those notices were posted before the 10th of November? A. Yes Sir. The one I saw was posted on a telephone post near Mrs. Stuart's barn.

Q. It was along this proposed road? A. Yes Sir. It was one of the ends of the road.

CROSS-EXAMINATION by Mr. Hartmann.

Q. Are you one of the Supervisors, Mr. Gray? A. No Sir.

Q. You say the day you saw this one notice was the Monday or Tuesday after the first Friday in November? A. After the first Friday.

Q. How do you fix that? A. I fix it from my conversation with Mr. Miller at the time. The supervisors meeting was held on Friday.

Q. How do you know that? Were you at the meeting? A. No I wasn't. We were talking at the time -

Q. He said that the meeting of the Supervisors was held on the first Friday in November? A. No he didn't say that.

Q. Then you don't know? A. Yes I do know.

Q. On what date did he say the meeting took place? A. He didn't say. He said on Friday.

Q. Then if that meeting was held on Friday, the 11th, then you didn't see the notice until the Monday following? A. Then I wouldn't be driving Abel's horse.

Q. Why? A. Because I was off for a week then.

Q. What week were you off driving? A. I was off the second week in November.

Q. And you say you were off the second week in November? A. I

was driving Abel's horse at the time.

Q. You are sure that you were driving Abel's horse when you say the notice? A. I am sure.

Q. And you are sure you were off duty the second week in November? A. The second week in November I wasn't driving.

Q. And you only saw one notice? A. Only one notice.

Q. You didn't go along the line of this proposed road? A. No.

Q. Did you read that notice? A. Yes.

Q. What was on the notice? A. It was a notice for the re-view of this road.

Q. Now did you see the names on that notice? A. There were names on the notice but to recall them I don't ~~xxxx~~ know that I could. I saw Mr. Miller and I asked him what they were about.

Q. If you read it why did you ask him? A. I wanted to make sure of it.

Q. Were you sure when you read it what the notice was for? A. I was sure it was a notice for this road.

Q. You said it was a re-view a minute ago? A. Well a re-view or view.

RE-DIRECT EXAMINATION by Mr. McGann.

Q. You said ~~saw~~ that you weren't working for Mr. Abel the second week in November? A. Not the second week.

Q. When did the second week in November begin? A. The 10th or 11th along there.

Q. Was it before you quit working for Mr. Abel? A. Yes.

Q. And you think it was about the 10th or 11th of November that you quit working for Mr. Abel? A. Yes, Somewhere about the 10th or 11th because on the 15th I know I was down at Clearfield County.

Q. And you were off for a week? A. Well I wasn't back to work for him any more.

RE CROSS-EXAMINATION by Mr. Hartmann.

Q. How long did you drive for him before that. For Mr. Abel?

A. I don't know just how long. A matter of six weeks or two months. Something like that. That I drove for him altogether.

Q. Before you saw the notice how long? A. I suppose about six weeks. In that neighborhood.

Q. ~~XXX~~ You don't have any books or other data to refresh your memory. A. Not with me.

MR. C. OTTO, being called and sworn, testified as follows:-

DIRECT EXAMINATION by Mr. McCann.

Q. Mr. Otto, you are one of the Board of Supervisors of Elder Township? A. Yes Sir.

Q. When did you hold your meeting after you received these papers from me in that re-view? A. We received the papers and our Secretary presented the notices or the papers the evening of the meeting.

Q. When was the meeting? A. The first Friday of the month.

Q. First Friday of what month? A. Of November.

Q. That would be the 4th of November? A. Yes Sir.

Q. You had the papers at that time? A. The Secretary presented the papers at that meeting and we acted on it.

Q. You didn't help to post these notices? A. No Sir. We decided that Mr. Miller, Supervisor and Road-Master, would post them papers.

Q. Mr. Miller is sick and can't be here as a witness? A. Yes Sir.

Q. He is not able to be here to-day as a witness? A. No Sir.

Q. You just state when you saw the notice up there? A. Well, I seen them it was either Monday or Tuesday. It was sticking on that

road.

Q. Did you see more than one notice? A. I didn't until the day of the view and then I seen them. I seen one notice it was either Monday or Tuesday.

Q. What date was that? A. Well, it was Monday or Tuesday. I will make it positive on Tuesday. The 7th or 8th. If it wasn't the 7th it was positively the 8th.

Q. You saw one notice? A. I seen one notice.

Q. That is all you know about the notice yourself? A. Until the day of the view and then I seen all of them.

CROSS-EXAMINATION by Mr. Hartmann.

Q. Well, how many notices were put up altogether? A. I can't say that now.

Q. You don't know whether there were ten or not? A. Well I couldn't swear to that. I seen quite a few of them.

Q. Have you any idea. You didn't count them?

A. No I didn't count them.

Q. You swear positively that it was Monday or Tuesday that you come up? A. Yes Sir.

Q. You were coming from Lantzy's to Hastings? A. Yes Sir.

Q. What was it tacked on? A. Telephone pole.

Q. Did you get off to read it? A. Well, I didn't get off to read it for I saw it Friday before.

Q. How far away from it were you when you saw it? A. About sixteen feet.

Q. What kind of a notice was it? Was it print or typewriting? A. It was in typewriting and the names of the viewers was in ink. I looked at those notices the day of the meeting.

Q. Now you couldn't be mistaken that the Monday or Tuesday that you past there was the 14th or 15th? A. No Sir. Our meeting was on

Friday and he was to stick them up as quick as he could.

Q. Well, I am asking you whether you could not be mistaken?

A. No Sir.

Q. Where were you that day? A. I was going from my place to Hastings.

Q. You saw the notice when you came to Hastings and when you went home again? A. I don't know how about when I came back.

Q. You didn't go along the whole road to see if the others were up? A. No Sir. I trusted Mr. Miller when he stuck one up he

stuck them all up.

Q. That is what you think? A. Yes.

Q. Do you know where you were on the 14th and 15th? A. No I don't.

Q. Do you know where you were on the 11th? A. No Sir.

Q. Do you have the minutes? A. Yes Sir.

Q. Do you have them with you? A. No Sir.

Q. Why don't you? A. Well the Secretary has them and I didn't have time to get them.

Q. Weren't you up here last Monday or Tuesday? A. Tuesday, I think.

Q. Weren't you talking about it then? A. I guess we did.

Q. Weren't you and Mr. Beck and Mr. Kibley, ^{your} Secretary, talking about when these notices were stuck up last Tuesday? A. Yes.

Q. Why in the meantime didn't you get your Minute Book and fix the time of your meeting? A. Well, I didn't know there was to be any trouble.

Q. You held the view on the 21st of November? A. I think that was the day.

Q. What day of the week was it that the view was held? A. Why

I think it was to be a Monday or Tuesday the forepart of the week.
I think it was. I didn't keep it in my mind.

Q. And there was no reason why you shouldn't keep the other ~~thing~~
in your mind? A. Why if I kept everything in my head I would have to
have a head as big as this house.

Q. Why do you burden your mind with knowing that it was this date t
that the notices were posted? A. Well it was a Friday we had the
meeting and the notices were to be stuck up and when I was going up
this road and he was to do this and I wanted to see if he done it.

Q. Well that might have been a week and a half or two weeks after-
wards? A. Well I tell you it wasn't.

Q. Did you mark it down any place? A. Only in my head.

Q. But you can't even tell whether it was Monday or Tuesday?
A. No Sir.

Q. Now if you were very sure why didn't you know whether it was
Monday or Tuesday? A. Well it was one of those days.

Q. Well it might have been the 14th or 15th. Couldn't you be
mistaken? A. No Sir.

Q. Well are sure that it wasn't? A. Yes Sir.

Q. You only saw the one notice? A. Yes Sir.

I HEREBY CERTIFY that the foregoing pages, Nos.1 to 7,
both inclusive, contain a full and complete transcript of the notes
of testimony taken by me in the above cause.

Harry A. Englehardt
Stenographer.

IN THE COURT OF QUARTER SESSIONS
OF CALIFORNIA COUNTY.

No. 6 March Sessions, 1910.

IN THE MATTER OF THE PROPOSED
PUBLIC ROAD IN ELDER TOWNSHIP,
BEGINNING AT A POINT IN THE
VILLAGE OF SWEDETOWN AT OR NEAR
THE HOUSE OF LOUIS BENNAUER TO
A POINT ON THE PUBLIC ROAD
LEADING FROM ST. BONIFACE, DE-
LANCEY'S HILL, AT OR NEAR THE
HOUSE OF GEORGE YEAGER.

DEPOSITIONS ON PART OF THE
PETITIONERS FOR RE-VIEW.

Filed 18 April, 1911.

H. A. Englehart, Jr.,
Stenographer \$3.87

Know all Men by these Presents,

THAT we ² Charles Becker and J. J. Hartmann

and ^{an} are held and firmly bound
unto the County of Cambria to ~~heirs, executors, ad-~~
~~ministrators or assigns~~, in the sum of Fifty (50⁰⁰)

Dollars, lawful money, for the payment of which
sum, well and truly to be made, we do bind ourselves, our and each of our heirs, ex-
ecutors and administrators, jointly and severally, firmly by these presents; ~~and we~~
~~do hereby confess judgment for the above sum, without stay of execution or appeal,~~
~~waiving the right of exemption and appraisement, and the right of inquisition on~~
~~real estate, with five per cent. added as Attorney's commission for collection.~~ Sealed
with our seals and dated this 2^d day of May
A. D., One Thousand Nine Hundred and ten

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
passing through the village of Swedestown and commencing
at a point in public road at or near the house of
Louis Bernauer to a point in the public road leading
from St Boniface to Lantys Mill 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 ap-
pointed 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.

In presence of

J. J. Hartmann

Charles Becker.



J. J. Hartmann



Witness

Elmer C Davis as to J. J. Hartmann



10 6 March Less 1910 Rd.

In the Court of Quarter Sessions
of Cambria County

BOND.

In re appointment of Viewers
to view and lay out a public road
in Elder Township leading from
public road in Subletstown near
house of Lewis Benauer & ending on
public road near Geo Jeger's house in
Elder Twp

TO

The County of Cambria

Filed 3 May, 1910,

May 3rd, 1910 the within bond
approved.

By the Court

F. J. Hartmann

In the matter of the rule
upon Anthony Beck, Charles X. Miller
and Christ Otto, Supervisors of
Elder Township.

§ In the Court of Quarter Sessions
§ of Cambria County, Pa.
§ No. 6 March Term, 1910.
§
§
§
§
§

ANSWER TO RULE ON BEHALF OF SAID SUPERVISORS.

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

1. Anthony Beck, Charles X. Miller and Christ Otto, Defendants
in above rule in answer thereto say,

That they admit that an order to open the road therein
referred to in the Petition for said rule was delivered to them
at the time mentioned in said Petition.

2. That they have not refused to open said road, but that
they have failed to do so because of lack of funds, and that they
fully intended to open said road as soon as the finances of the
Township would permit, and that they will immediately proceed to
open said road.

3. They further aver that they had no intention at any
time to disregard the order of the Court to open the said road
and fully intended so to do, and they acted in good faith, and pray
that they be hence dismissed with their reasonable costs.

Christ Otto.

Charles X. Miller

Supervisors.

Cambria County, SS.

Charles X. Miller and Christ Otto, two of the Supervisors
above named, who being duly sworn according to law say, that the
foregoing answer is true and correct.

Sworn and subscribed

before me this 2^d

day of October, 1911.

A. A. Kinkead.
Notary

Witness

Ch. Otto.

Charles X. Miller

1st March Less 1910 R.D

In the matter of the rule upon
Anthony Beck, Charles X.
Miller and Christ Otto, Sup-
ervisors of Elder Township to
show cause why they should not
be adjudged in contempt of court.

*Answer of Defendants
to rule.*

Filed 2 Oct 1911

JOHN H. MCCANN.

In the Court of Quarter Sessions of Cambria County.

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

The petition of the undersigned, all of whom are inhabitants of the Township of Elder, in said County, respectfully represents:-

That your petitioners labor under great inconveniences for want of a public road or highway in said Township to lead from a point on a public road passing through the Village of Swedetown, at or near the house of Lewis Bennauer, which said road leading through the 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. Boniface to Lantzy's Mills, at or near the house of George Yeager, in Elder Township, said County: the exact point of beginning is 360 feet, west of the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 1976 feet north from an intersecting public road already opened, to wit: a public road leading from the village of St. Boniface to the Borough of Hastings.

Your petitioners therefore pray that viewers be appointed by this Honorable Court to view and lay out said road. And they will ever pray &c.

John A. Smeltzer

Dennis Kibler

H. C. Kibler

Vincent Thomas

Sam Thomas

Patrick Kelly

M. R. Tialito

Thad Kibler

Anthony Smeltzer

Geo. J. Kibler

Frederick Endler

Lewis J. Endler

John Bullard

Henry Endler

Levi Endler

Anthony Heer

F. C. Endler

John Wagoner

Jacob Kasser

James A. Thomas

Henry J. Ott

Wm M. Dermott

Dennis Carter

Dennis F. Thomas

James Symon

Jacob Smeltzer

David Johnson, Sr

W. J. Bates

David Johnson Jr

Geo Johnson

Prof McAndrew

John Ott

Thomas Lamm

Frank H. Ott

Mike Endler

John R. Dixon Jr

James Tobin

Robert Phillips x
 William McClelland
 Chas M Taggart
 Mike Schmitt
 Michael Coranagh
 Albert Sward
 Martin Grey
 Philip Vahner
 Joe Bennett
 ✓ John Bennett
 Adam Bennett x
 Lewis Benkhoff
 ✓ Anthony Benkhoff
 John House
 Thos McClelland x
 ✓ Robt McClelland
 August Quinet x
 W. J. Dunn
 John McEnnis
 Thomas House
 Henry Smith

Thos Bartwright
 Thos Bayle
 Chas Sederholm
 John Sandgrit
 Chas Ballerg
 Anna Johanson
 Sam Selfridge
 Sevan Swanson x
 Henry W Thomas
 Chas C. Anna
 William Miller
 Wm H Semelberger
 Frank Garrity
 Albert B Ott

State of Pennsylvania :
 County of Camaria : ss

Jno A. Semelberger, one of the petition-
 ers to the foregoing petition, being duly sworn according to law
 deposed and said that he was present and saw all of the persons
 sign their names as they appear on said petition and that the said
 signatures are genuine; that the matters set forth in the said pe-
 tition are true and correct.

Sworn and subscribed before me this :
 19th day of April, 1910.

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

Jno A Semelberger

In the Court of Quarter Sessions of Cambria County.

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

The petition of the undersigned, all of whom are inhabitants of the Township of Elder, in said County, respectfully represents:-

That your petitioners labor under great inconveniencies for want of a public road or highway in said Township to lead from a point on a public road passing through the Village of Swedetown, at or near the house of Lewis Bennauer, which said road leading through the 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. Boniface to Lantzy's Mills, at or near the house of George Yeager, in Elder Township, said County: the exact point of beginning is 360 feet, west of the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 1976 feet north from an intersecting public road already opened, to wit: a public road leading from the village of St. Boniface to the Borough of Hastings.

Your petitioners therefore pray that viewers be appointed by this Honorable Court to view and lay out said road. And they will ever pray &c.

Albert Becker

Charles Becker

Frank Rogers

George J. J. J.

J. C. McMillen

C. J. J. J.

Alphonse Brasseur

John Skirrow

Fred Guenther

J. A. Dillon

Frank W. Huber

Frank S. S. S.

Andrew Hahn

Henry Hahn

Rev. Raphael Wieland O.S.B.

Terence M. J. J.

J. Z. J. J.

Simon Becker

Andrew J. J.

John Samuel

Ernest Charles

George J. J.

Jacob J. J.

Peter S. S.

George J. J.

Wm. J. J.

Frank X. Krus

State of Pennsylvania :

County of Carbonia -

Albert F. Becker, one of the petitioners to the foregoing petition, being duly sworn according to law deposed and said that he was present and saw all of the persons sign their names as they appear on said petition and that the said signatures are genuine; that the matters set forth in the said petition are true and correct.

Sworn and subscribed before me this :
19th day of April, 1910.

James Campbell J.P.

MY COMMISSION EXPIRES
FIRST MONDAY IN MAY, 1912.

Albert F. Becker

In the Court of Quarter Sessions of Cambria County.

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

The petition of the undersigned, all of whom are inhabitants of the Township of Elder, in said County, respectfully represents:-

That your petitioners labor under great inconveniences for want of a public road or highway in said Township to lead from a point on a public road passing through the Village of Swedetown, at or near the house of Lewis Bennauer, which said road leading through the 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. Boniface to Lantzy's Mills, at or near the house of George Yeager, in Elder Township, said County, the exact point of beginning is 360 feet, west of the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 1976 feet north from an intersecting public road already opened, to wit: a public road leading from the village of St. Boniface to the Borough of Hastings.

Your petitioners therefore pray that viewers be appointed by this Honorable Court to view and lay out said road. And they will ever pray &c.

Henry Murner
W. D. Ames
H. R. Hooley
Joseph Lantzy
Francis G. Lutz
James Carpinello
John G. Weckland
John L. Brown
Ludwig Klein
Victor Kline
Lehar Yeager
Arthur Yeager
Lehar Chapman
Joseph Swartz
Samuel Swartz
Stephen Wilkinson
Otto Johansson
Ernest Dahlberg
Louis Bennauer

Charly Rust
John Guller
A. Smeltzer
Adam Haas
John Smeltzer
Paul Billo
Samuel Fry
Satt Brothers
J. A. Coors
C. J. Yeager

State of Pennsylvania :
County of Cambria : ss

C. J. Yeager, one of the petition-
ers to the foregoing petition, being duly sworn according to law
deposed and said that he was present and saw all of the persons
sign their names as they appear on said petition and that the said
signatures are genuine; that the matters set forth in the said pe-
tition are true and correct.

Sworn and subscribed before me this :
19th day of April, 1910. :

James Campbell J.P.
MY COMMISSION EXPIRES

FRIDAY MORNING IN MAY, 1912

C. J. Yeager

1976

(original)

To the Supervisors of Elder Township:-

You are hereby notified, that on the 3rd day of May, 1910, there will be presented to the Honorable Francis J. O'Connor, President Judge of the Court of Quarter Sessions of Cambria County, Pennsylvania, the petition of certain inhabitants of the Township of Elder, in said County, for the appointment of viewers to view and lay out a public road in said Township, commencing at a point on a public road passing through the village of Swedetown at or near the house of Lewis Benbauer- which said road leading through the said village branches off from the public road leading from Hastings to Lantzy's Mills- and ending at a point in the public road leading from St. Boniface to Lantzy's Mills, at or near the house of George Yeager.

J. F. Westmann
Attorney for petitioners.

State of Pennsylvania :
County of Cambria : ss.

Albert F. Becker, being duly sworn according to law deposes and says that he served the above notice upon William Westrick, supervisor, on the 18 day of April, 1910; upon C. Otto, supervisor, on the 18 day of April, 1910; and upon Chas. K. Miller, supervisor, on the 18 day of April, 1910; by handing each one of them, on the said dates, a correct copy of said notice, this being the original, and making the contents thereof known to each one of them.

Sworn and subscribed before me this :
19th day of April, 1910.

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

Albert F. Becker

May 6 March Term, 1910
In the Court of Quarter
Sessions of Cambria County.

The petition of inhabitants of
Elder Township in said County for
a public road in said township
to commence at a point near house
of Louis Bernauer and to end at
or near the house of Geo Yeager.

Filed 3 May, 1910.

And now May 3rd, 1910. The written
petition read and considered and prayer
of petitioners granted; the Court appointing
J. L. Elder, surveyor, Charles
Stewart & J. P. Schmeissner,
and

By the Court

J. J. Kesteven

In re Road § In the Court of Quarter Sessions of Cambria
 in § County, Pennsylvania.
Elder Township, § No. 6, March Sessions, 1910.
Cambria County, § Petition for Re-View of Road.
Pennsylvania. §

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

The petition of the under-signed, inhabitants of the Township of Elder, County and State aforesaid, respectfully represents:-

That, on the Third day of May, 1910, a petition of certain of the inhabitants of Elder Township, aforesaid, was presented to your Honorable Court, praying for the appointment of Viewers to open and lay out a Public Road in said Township of Elder, described as follows:

"Beginning at a point on a public road passing through the Village of Swedetown at or near the house of Lewis Bennauer, which said road leading through the 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. Boniface to Lantzy's Mills, at or near the house of George Yeager in Elder Township, said County; the exact point of beginning is 360 feet west of the Cambria and Clearfield Railroad leading from Hastings to Garway Junction, and the said point of ending is 1976 feet north from an intersecting public road already opened, to-wit: a public road leading from the Village of St. Boniface to the Borough of Hastings."

That on the Third day of May, 1910, Viewers were appointed by your Honorable Court to pass upon the necessity of said road and on the Sixth day of June, 1910, they made their Return

finding in favor of said road.

This return was ,on the Sixth day of June,1910, approved by your Honorable Court and the breadth of the road fixed at Thirty feet,butsaid approval,if confirmed absolutely by the Court,will be very injurios to your petitioners and burdensome to the inhabitants of the Township through which the same will pass.

Your Petitioners, therefore, showing these things and that they are parties interested, respectfully pray your Honorable Court to appoint persons, properly qualified, to re-view the ground proposed for said road, and make report of their proceedings at the next term of Court.

C. Otto
 Wm. A. Herrick
 John F. Miller
 Baltzer, Kline
 W. M. Ashcraft
 Uria Stagle
 Victor K. Linder
 Ludwig Kline
 Andy Gager
 J. M. Gager
 Adolph Peterson
 Lawrence Nesbitt
 H. H. Hays
 Wm. J. Luce
 Philip J. Lenz
 Daniel Swartz
 Thomas Carr
 Joseph Swartz
 Frank & Krasie

Samuel Fory
Paul Pitts
David J. Keefe
Henry Marshall
Jacob Vogel
Jacob Grossman
M. Cronan
Henry Huddley
H. L. Kibler
Zachariah Marshall
Chas. Beale
Wm. J. Gray
Peter Nagle
John J. ...
...
Steve Otto
Fred ...
S. A. Dillon
Anthony Beck
Thad A. Kibler

P. E. & Illow

Great Satisfaction

Ed. H. B.

Thurston Johnson

August Quinn
B. B. Hill

John Quinn
Andrew Johnson

Frank Quinn

Joseph Quinn

Gust. C. H.

as above

Quinn

Nick Quinn

John Quinn

Ambridge J. Quinn

Quinn

Charles A. Quinn

Ben. Carter

Edmond Quinn

Thomas Otto

Edmond Quinn

John Quinn

J. A. Westrick

Michael Quinn

James Westrick

F. W. Lammert

J. A. Westrick

Charles Marshall

Edwin G. Guss

Ed. Meakland

Harmon Kaen

Chas. M. Quinn

James Meakland

Henry Quinn

W. J. Westrick

Frank Quinn

Dennis Quinn

John Quinn

Harry Bradley

Emory Meakland

James Quinn

Rudolph Meakland

John Quinn

John Quinn

Blair Quinn

John Quinn

John Abel

John Quinn

Michel Abel

Alphonse Brassard

Francis Abel

John Quinn

George Abel

State of Pennsylvania }
County of Cambria. } SS.

Charles F. Miller &
Wm Westrick, one of the above and foregoing
petitioners, being duly sworn, according to law, deposes and says
that he was present and saw all of the persons, whose names are
affixed to the above Petition, sign their names as they appear on
said Petition, and that the signatures, so affixed, are genuine;
and that the matters and statements set forth in said Petition
are true and correct.

Sworn and subscribed before me,
this, 2 day of Sept, 1910.

Charles F. Miller
Wm Westrick
Thomas Ott. J.P.

No. 6, March Sessions, 1910.

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

In re Road in
Elder Township.

Filed 5 September, 1910.

Petition for Review.

And now, Sept. 5, 1910,
the within petition read
and considered, and
Charles Slicker

Francis Cunningham ^{Supervisor}

Francis Lusk

are appointed Reviewers to
report at next term Court.

JOHN H. MCCANN

ATTORNEY AT LAW

EBENSBURG, PENNSYLVANIA

To the Honorable Marlin Bingham Stephens, President Judge of the Court of
Quarter Sessions of Cambria County, Pennsylvania:

The petition of Conrad Yeager, Marcellus McMullen, John Semelsberger,
Albert Yeager and Charlotte Rundel respectfully represents:

That a certain public road was lately laid out from a point near the
house of Lewis Bennauer to a point near the house of George Yeager, in El-
der Township, in said County of Cambria, as appears of record, at No. 6
March Sessions, 1910, road docket, and the report of viewers duly confirm-
ed on the 18th day of April, 1911, wherein and whereby said viewers awarded
damages to your petitioners, over and through whose lands said road passes,
to wit, to Conrad Yeager ninety dollars, to Marcellus McMullen one hundred
dollars, to Albert Yeager ~~forty~~ dollars, to John Semelsberger twenty-
five dollars, and to Charlotte Rundel seventy dollars, as appears by said
report of viewers, duly confirmed absolutely as aforesaid.

That an opening order was duly issued to open said road, on the 20th
day of April, 1911, and pursuant thereto the supervisors of said Township
have long since opened and put into use to and for public travel the said
road, according to the opening order issued in above-stated proceedings,
and therefore the aforesaid damages have been due and payable to your peti-
tioners, as aforesaid awarded and adjudged to them, as above set forth,
but no part of said damages has been paid, though your petitioners have
demanded payment thereof from the County of Cambria, and have requested
the Commissioners of said County to issue orders to them upon the County
Treasurer for the damages due them respectively as aforesaid, all of which
demands the said County Commissioners have refused to comply with, and with
which they still refuse to comply.

Wherefore your petitioners respectfully pray the Court to grant a rule
upon Andrew G. Anderson, T. Stanton Davis and T. A. Osborne, Commissioners
of Cambria County, to show cause, if any they have, why a writ should not
be issued by this Court, commanding them to cause the aforesaid sums of
money, due your petitioners respectively as aforesaid, with interest there-
on from April 18th, 1911, and costs, to be paid to your petitioners out of
any moneys unappropriated of said County, or if there be no such moneys,
then out of the first moneys that shall be received for the use of said
County.

And they will ever pray, &c.

Samuel Yeager
Marcellus W. McMillan
John Demelshager
Albert Yeager
Charlotte Rudel
by their attorney,
Harvey Roland

Cambria County, SS:

Harvey Roland, being duly sworn according to law, says he is attorney for above-named petitioners, and is personally familiar with the facts and matters set forth in the foregoing petition, and that the same are true and correct, as appears of record in said proceedings, and as set out in said petition, except as to the actual opening of the road, as to which he believes the allegation in the petition to be correct, as based upon certificate signed by one of the supervisors, and attached to written demand made upon Commissioners for payment, and now in their possession.

Sworn and subscribed before me)
this 21st day of October, 1913.

D. D. Kirkhead,
Prothy

Harvey Roland

And now, October 21st, 1913, petition read, and rule granted as prayed for, returnable to next sessions.

By the Court

No. 6 March Session, 1810,
Road Pocket.

Petition for Rule on
County Commissioners
for Payment of Fares.

Filed 21 October, 1913.

Revised.

| | |
|--|--|
| In re road in Elder Township, etc., | : In the Court of Quarter Sessions : of Cambria County. : No. 6 March Sessions, 1910. : 3rd May 1910, Petition for viewers. : 3rd May Viewers appointed. : 6th June, 1910, Report of Viewers. : 5th Sept. 1910, Petition for re- : view. : 5th Sept. 1910, Re-viewers ap- : pointed. : 5th Dec. 1910, Report of Re-viewers : filed. |
|--|--|

Exceptions to Report of Re-viewers.

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

F. J. Hartmann, attorney for the petitioners for the appointment of viewers, files exceptions to the report of the re-viewers, asking the Court to set aside and desmiss the same at the costs of the petitioners for re-viewers, to wit:-

1. Francis Link, who was appointed by the Court as one of the re-viewers did not serve as a re-viewer and did not sign the report of the re-view.

not

2. Henry Link, who was appointed by the Court as one of the re-viewers did serve as a re-viewer and did sign the report of re-view.

3. There were not ten written notices of the said re-view posted along the route or line of said proposed road as required by law.

4. The notices that were posted up were not given by the re-viewers appointed by the Court, nor did they contain the signatures or names of all the persons appointed by the Court as re-viewers.

5. The notices that were posted up were not posted ten days before the time fixed therein as the time when the re-view was held, but they were posted at a time less than ten days before the day on which said re-view was held.

6 The Court should not have entertained the petition to re-view and should not have appointed re-viewers because said petition for re-view failed to set forth that the proposed road was not necessary for public travel.

*F. J. Hartmann atty
for Albert Becker a party in
interest & for the petitioners for
the appointment of viewers.*

Albert Becker

State of Pennsylvania :
County of Cambria : ss.

Albert Becker, being duly sworn
according to law, deposes and says that he is one of the sub-
scribers to the original petition for the appointment of viewers
in the aforesaid case, that he is a party in interest, and that
the matters set forth in the foregoing exceptions are true and
correct, as he verily believes.

Sworn and subscribed before me
this 6th day of March, 1911.

J. S. Kinshead, Pro.

.....

Albert Becker

No 6 March Sessions 1910.

In re road in Elder Township
etc.,

Exceptions to Report of Reviewers

Filed 6 March, 1911.

Kelbmann

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

In re public road in Elder Township
beginning at a point on the public
road leading from Hastings to
Lantzy's Mill near the house of
Louis Banauer, and ending in the
public road leading from St. Boniface
to Lantzy's Mill, neat the house of
George Keager.

No. 6. March Sessions, 1910

Road Docket.

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

The petition of Albert Becker, of Elder Township, res-
pectfully represents:-

That he is an elector and tax-payer of said Township of Elder.
That he is one of the petitioners on the petition asking your Honor-
able Court to appoint viewers, to view and lay out said road. That
he is a party interested in said proceeding.

That your Honorable Court confirmed the report of said view-
ers absolutely at March Sessions, 1911, whereupon an order issued out
of said Court for the opening of said road.

That your petitioner delivered said order to open said road
to the board of Supervisors of Elder Township at their regular meeting
held on the first Friday in the Month of May, 1911, there being present
at the time Anthony Beck and Christ Otto, two of said Supervisors, the
other supervisor, Charles X. Miller, being absent on account of ill-
ness.

That your petitioner has asked said supervisors, Beck, Otto, and
Miller to open said road after he served said order to open ~~near~~ them,
but that they have refused and neglected so to do without any cause
or excuse, and your petitioner is informed and verily believes that
said Supervisors have no intention of opening said road, but that
they intend to disregard the said order of this Honorable Court.

Wherefore your petitioner prays that a rule be granted on said
Anthony Beck, Christ Otto and Charles X. Miller, Supervisors of
Elder Township, to show cause if any they have why they should not be
adjudged in contempt of this Honorable Court. And he will ever.,

x Albert Becker

Cambria County, SS:

Albert Becker, being duly sworn according to law de-
poses and says that the matters set forth in the foregoing petition
are true and correct to the best of his knowledge and belief.
Sworn and subscribed before me this :
2th da y of September, 1911.

J. A. Kinhead
Purthy

x Albert Becker

No. 6. March Sessions 1910
In the Court of Quarter Sessions
of Augusta County

The Petition of Albert Becker
of Elder Township, said County
for a rule on Anthony Beck
Charles X. Miller & Christ Otto
Supervisors of said Township
to show cause why they should
not be adjudged in contempt
of Court.

Filed 11 September, 1911.

And now September 11th 1911 the within
petition presented, read and considered,
and a rule is granted upon Anthony
Beck, Charles X. Miller & Christ Otto,
Supervisors of Elder Township, to
show cause, if any they have, why
they should not be adjudged in con-
tempt of Court. Returnable First
Monday in October 1911.

By the Court

F. X. Hartmann

| | | |
|--------------------------------------|---|----------------------------------|
| IN THE MATTER OF THE PROPOSED PUBLIC | : | IN THE COURT OF QUARTER SESSIONS |
| ROAD IN ELDER TOWNSHIP, BEGINNING AT | : | |
| A POINT IN THE VILLAGE OF SWEDETOWN | : | OF CAMBRIA COUNTY. |
| AT OR NEAR THE HOUSE OF LOUIS | : | |
| BENNAUER TO A POINT ON THE PUBLIC | : | |
| ROAD LEADING FROM ST. BONIFACE, DE- | : | |
| LANCEY'S MILL, AT OR NEAR THE HOUSE | : | |
| OF GEORGE YEAGER. | : | No. 6 March Sessions, 1910. |

DEPOSITIONS ON PART OF EXCEPTANTS TO RE-
VIEW TO BE READ UPON THE ARGUMENT IN THE ABOVE STATED
PROCEEDING.

It is agreed between John H. McCann, Attorney representing the re-view, and F. J. Hartmann, representing petitions on original view and exceptants, that the testimony of witnesses taken before Harry A. Englehart, Jr., both on part of the parties interested in the re-view as well as parties interested in the exceptions, which is to be read upon the argument of the case, shall have the same force and effect as if a Rule was regularly taken out, served and attached hereto.

SIMON BECKER, being called and sworn, testified as follows:-

DIRECT EXAMINATION by Mr. Hartmann.

Q. Simon, where do you live? A. St. Boniface.

Q. Simon, do you know on what date the notices of the re-view to re-view this public road from Bennauer's to George Yeckley's, in Elder Township, do you know what date the notices were posted up? A. 14th of November, 1910.

Q. What was the date on which the re-view was held? A. On the 21st of November, 1910.

Q. Now Simon, how do you know that the notices were posted on the 14th? A. Because I had been watching the thing up.

Q. Now when did you begin to watch? Q. Well, I watched from

the 10th on because they were to be put up on the 10th. They were to be up ten days and they weren't put up until the Monday following.

Q. Where did you see the notices that were put up on the 14th?

A. At Yeager's and out there at the corner of our road there where I go down.

Q. Your father's place? A. Yes.

Q. That would be at the corner of George Yeckley's and Chas. Becker's? A. Yes.

Q. Is that along the road where this new road is to be located?

A. Yes, that is along the road.

Q. Where were they posted? On what were these notices tacked?

A. They were tacked up against fence posts.

Q. Now did you look at those same places on Thursday, the 10th, Friday, the 11th, Saturday, the 12th, and Sunday, the 13th, to see if they were up? A. Yes, I looked every day I went up there.

Q. Did you look on Sunday the 13th? A. Yes.

Q. How many times did you pass there on Sunday? A. Twice.

Q. Where did you go? A. Church.

Q. In the morning and in the afternoon? A. Yes.

Q. Then you passed it going to church in the morning and coming from church in the morning and going to church in the afternoon and coming from church in the afternoon? A. Yes.

CROSS-EXAMINATION by Mr. McCann.

Q. Simon, is this one of the notices that was posted up there?

(Hands witness paper) A. Yes this is one of them.

Q. You say that this was not up until Monday, the 14th? A. Yes Sir.

Q. And you say that the view was held on the 21st of November?

A. Yes Sir.

Q. And according to your statement these notices were only pub-

lished for seven days instead of ten days? A. seven days. Yes Sir.

Q. You are sure that these notices were not posted on Sunday when you went past there? A. No they were not posted on Sunday.

Q. You were looking for the notices on Sunday? A. Yes Sir.

Q. But you saw them, you said, on Monday? A. Those two, Yes.

Q. Did you only see two notices? A. Yes along the road I was going along over. A quarter of a mile. Only two notices there.

Q. There might have been other notices posted at that time that you might not have seen? A. I don't know.

Q. You say two along the road where you travelled? A. Yes Sir.

Q. There might have been other notices posted up on other parts of the road that you didn't see? A. That is something I don't know.

Q. You just saw two notices? A. Yes.

Q. Is this one of them? A. Yes, this is one of them.

Q. When did you take that notice down? A. I didn't take that one down. One of the other fellows took it down.

Q. Was it taken before the re-view was held or afterwards? A. I don't know. It might have been before or afterwards. Oh, along that road! I don't know where it was.

Q. Who took it off? A. These two notices I seen I don't know whether he took them or not.

Q. You just saw two notices? A. Yes.

Q. And you don't know whether there were any other notices posted or not? A. From there on down?

A. Yes. A. No Sir.

Q. Might not the notices have been posted ten days before and someone had taken them down? A. It might all be. That is all I seen, those two notices.

OSCAR YEAGER, being called and sworn, testified as follows:-

DIRECT EXAMINATION by Mr. Hartmann.

Q. Now Oscar, you live on the other end of this road down at Swedetown? A. The first part of the road.

Q. Now where did you work and live in the month of November, 1910 - where did you work? A. I worked in Barnesboro.

Q. Where does your father live? A. He lives above Swedetown.

Q. In Elder Township? A. Yes Sir.

Q. Right along where this road is to be opened? A. Yes.

Q. Now were you at home on Saturday, the 12th, Sunday the 13th, and Monday, the 14th of November? A. Yes, I was visiting there.

Q. Visiting at home? A. Yes Sir.

Q. Did you go apast your gate, that is, on Saturday, Sunday and Monday? A. Yes Sir.

Q. On Saturday did you see any notices up there? A. No Sir.

Q. Did you on Sunday? A. No Sir.

Q. Did you go apast that way along that lane? A. Yes Sir.

Q. Did you see them on Monday? A. Yes Sir, I saw them on Monday.

Q. Who went down that lane on Monday? A. Me and my mother.

Q. Who opened the gate? A. I did.

Q. Did you see any notice when you went down? A. No.

Q. Did you see any down toward Swedetown? A. No Sir.

Q. Did you see any when you came back? A. Yes Sir.

Q. Where was the one posted? A. Down at Swedetown.

Q. There was one at your gate there? A. Yes Sir.

Q. They weren't up when you went down on Saturday and they weren't when you went down on Monday? A. No Sir.

Q. Did you read any of the notices? A. Yes Sir.

Q. What was they about? A. They were something about the road. I don't just remember.

Q. Did it say when it was to be held? A. 21st of November. That was Monday when we was up town and it was to be viewed the next Monday.

Q. Were you talking about it when you went home? A. Yes Sir.

CROSS-EXAMINATION by Mr. McCann.

Q. How many notices did you see altogether? A. Two.

Q. And they weren't up until Monday morning? A. No.

Q. You are sure they weren't up on Saturday? A. No sir.

Q. Might not those notices been up and someone tore them down?

A. No, they weren't up Sunday, I am pretty sure. I would have seen them.

Q. And you say they weren't there on Saturday? A. No.

Q. You past on Saturday? A. Yes.

Q. You saw them the first time on Monday? A. I would have saw them on Saturday if they would have been there.

Q. Did you go up to see if they were there on Monday? A. No but I saw them anyhow. If they were there I would have saw them.

Q. You were watching for these notices? A. No.

CHARLES BECKER, being called and sworn, testified as follows:-

DIRECT EXAMINATION by Mr. Hartmann.

Q. Where do you live? A. With the old man.

Q. Your father's name is Charles Becker, Sr.? A. Yes Sir.

Q. Now were you along the part of this road from where your father's lane goes up to George Yeager's along the route of the this road - did you go along there in November last? A. Yes Sir.

Q. On what date were the notices of this re-view put up? A. On the 14th.

Q. How do you know that? A. Because they hadn't been put up when we went to church on Sunday morning and they hadn't been put up in the afternoon. And they weren't there when we went in the afternnon and they weren't there when we came home.

Q. When did you first see the notices? A. Monday the 14th.

Q. Of what month? November, 1910.

Q. Is this one of the notices? (Hands witness paper) A. Yes Sir.

Q. Now Charles, did you watch to see whether these notices were put up after the 10th of November? Did you watch every day after the 10th of November to see whether these notices were posted? A. Yes Sir.

Q. Why did you watch? A. Because we had orders from home. The lawyer wrote Pap that we were to be on the look out.

Q. And you knew the notices had to be up on the 10th? A. Yes Sir.

Q. So you watched carefully after the 10th to see when they were to be put up? A. Yes Sir.

Q. Now did you walk over this entire road from one end to the other? A. Yes Sir.

Q. How many notices were up? A. I didn't see more than nine.

Q. Now you just tell us where you saw the nine notices. A. One at Ed. Yeager's post; one at the corner of Chas. Becker's lane; one straight up from Chas. Becker's house; one down by John Entler's gate; one down at the lane of Albert Becker at the corner; one had been put up right between Becker's gate and the other one at the lane; one down handy Yeager's gate; one down near the corner of John Entler's land; one in the Village of Swedetown.

Q. You don't know whether there were ten notices put up or not? A. No, I don't know.

CROSS-EXAMINATION by Mr. McCann.

Q. Did you see them put up the notices at all? A. No Sir.

Q. And you don't know just when they were put up? A. No Sir.

Q. You are sure they weren't put up before Monday? A. Those over our way hadn't been put up before Monday.

Q. You are sure of that? A. Yes Sir.

Q. Monday was the 14th of November, 1910? A. Yes Sir.

By Mr. Hartmann: I offer notice of re-view marked "Road Notice", which has been identified by Simon Becker and Charles Becker, two of the witnesses who testified, as part of the depositions.

No objections.

TESTIMONY CLOSES.

I HEREBY CERTIFY that the above pages, Nos. 1 to 7, both inclusive, contain a full and complete transcript of the notes of testimony taken by me at the hearing of the above cause.

Karyn D. English Jr.
Stenographer.

 *** ROAD NOTICE ***

NOTICE is hereby given that the re-viewers appointed by the Court of Quarter Sessions of Cambria County on the fifth day of September, 1910, to re-view the ground for a public road in the Township of Elder, County of Cambria, State of Pennsylvania, to lead from a point on a public road passing through the Village of Svedetown, at or near the house of Louis Mennauer, which said road leading through the Village of Svedetown branches off from the public road leading from Hastings to Lantay's Mill, to a point in public road leading from Saint Boniface to Lantay's Mill, at or near the house of George Yeager, in Elder Township, aforesaid; the exact point of beginning is 360 feet East from the Cambria and Clearfield Rail Road leading from Hastings to Garway Junction, and the said point of ending is 1070 feet North from an intersecting public road already opened; to wit, --a public road leading from Saint Boniface to the Borough of Hastings, --will meet at the house of D. J. Houck, Hastings Pa, in the Township of Elder, aforesaid on the 21 day of November, 1910, at 9 o'clock, A.M. for the purpose of re-viewing said ground for said proposed public road.

Chas. B. Schlicher

Y. W. Cunningham

Henry Link

RE-VIEWERS.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY.

No. 3 March Sessions, 1910.

IN THE MATTER OF THE PROPOSED
PUBLIC ROAD IN ELDER TOWNSHIP,
BEGINNING AT A POINT IN THE
VILLAGE OF SWEDETOWN AT OR NEAR
THE HOUSE OF LOUIS BENNAUER TO A
POINT ON THE PUBLIC ROAD LEADING
FROM ST. BONIFACE, DE LANCEY'S
MILL, AT OR NEAR THE HOUSE OF
GEORGE YEAGER.

DEPOSITIONS ON PART OF EXCEPTANTS
TO BE VIEWED TO BE READ UPON THE
ARGUMENT IN THE ABOVE STATED
PROCEEDING.

Filed 18 April 1911,

| | | |
|----------------------|---------|---------------|
| Simon Becker | Mileage | \$1.32 |
| | One day | \$1.50 |
| | | <u>\$2.82</u> |
| Chas. Becker | Mileage | \$1.32 |
| | One day | \$1.50 |
| | | <u>\$2.82</u> |
| Oscar Yeager | Mileage | \$1.92 |
| | One day | \$1.50 |
| | | <u>\$3.42</u> |
| H. A. Englehart Jr.. | | |
| Stenographer | | \$3.87 |