

No. 13 <sup>March</sup> June Sessions, 1924. Road Docket

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

PETITION FOR APPOINTMENT OF VIEWERS.

And now, May 5, 1924,  
the within petition  
has been considered  
and A.M. Shoemaker, Esq.,  
J.D. Rutter, and  
Adam Sherman are  
appointed viewers as  
within prayed for.

Pythecanth  
M

Filed 5 May 1924

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

No. June Sessions, 1924. Road Docket.

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:

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

That your petitioners labor under great inconvenience for want of a public road or highway in said township to lead from a point on the public road leading from Byrne's cross-roads toward St. Boniface, which point is distant thirteen hundred feet, measured along said road from Byrne's cross-roads, said cross-roads being an intersection of the public road leading from Patton to Hastings with the public road leading from Carrolltown to St. Boniface; and ending at a point on the public road leading from Thomas' mills to Patton, said point being distant four hundred sixty feet, measured along said road, from the intersection of said road with Railroad Avenue in the Borough of Patton.

Your petitioners therefore pray the court to appoint three disinterested and competent persons as viewers to view and layout a road for public use between the points aforesaid.

And they will ever pray, etc.

David Johnson

Frank Hahn

A. J. Miller

W. H. Miller

Michael Emmer

Peter Nagle

Jacob Semelsbugg

Chas C. Ginn

Lewis Hoetz

A. J. Miller

Thomas Burkhardt

Denis L. Westrick

D. H. Stitchen

Benj. T. Tibb

Wm. Maher

W. Thomas

C. F. Ruise

H. McMillen

Henry Ott

Simon Beckel

Carl Ott

Peter Yeager

Oscar Anna

Harry Yeager

Anthony Becker

Samuel Thomas

Ed Gray

State of Pennsylvania )  
 ) SS.  
County of Cambria )

Peter A. Kline being duly sworn according to law says that the matters set forth in the foregoing petition are true and correct as he verily believes.

Sworn and subscribed before me )  
this 3 day of May, A.D..1924.)

P.A. Kline

A. T. Miller, J.P.

My Commission expires 1st Nov Jan 1924

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENN'A.

TO THE COUNTY COMMISSIONERS OF SAID COUNTY OF CAMBRIA:

You are hereby notified that on Monday, May 5th, 1924, a petition will be presented to the Court of Quarter Sessions by inhabitants of the Township of Elder, praying the court to appoint viewers to lay out a public road in said township to lead from a point on the public road leading from Byrne's cross-roads toward St. Boniface, which point is distant thirteen hundred feet; measured along said road from Byrne's cross-roads, said cross-roads being an intersection of the public road leading from Patton to Hastings with the public road leading from Carrolltown to St. Boniface; and ending at a point on the public road leading from Thomas' mills to Patton, said point being distant four hundred sixty feet, measured along said road, from the intersection of said road with railroad Avenue in the Borough of Patton.

Shetty & Nelson  
Attorneys for Petitioners.

Now, May 5 1924, service of the foregoing notice is accepted  
on behalf of the County Commissioners.

A. A. Kitchener  
Chief Clerk.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENN'A.

TO THE SUPERVISORS OF ELDER TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA:

You are hereby notified that on Monday, May 5th, 1924, a petition will be presented to the Court of Quarter Sessions by inhabitants of the Township of Elder, praying the court to appoint viewers to lay out a public road in said township to lead from a point on the public road leading from Byrne's cross-roads toward St. Boniface which point is distant thirteen hundred feet, measured along said road from Byrne's cross-roads, said cross-roads being an intersection of the public road leading from Patton to Hastings with the public road leading from Carrolltown to St. Boniface; and ending at a point on the public road leading from Thomas' mills to Patton, said point being distant four hundred sixty feet, measured along said road, from the intersection of said road with Railroad Avenue in the Borough of Patton.

*Shettig & Nelson*  
Attorneys for Petitioners.

Now, May 3 1924, service of the foregoing notice is accepted.

*J. A. Kifley*  
*F. A. Westrick*  
*Rich. B. K...*  
Supervisors.

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY  
PENNSYLVANIA.

Certificate and report  
of the Supervisors of  
Elder Township to the  
effect that the road in  
the proceeding entered to  
the above number and  
sessions has been laid  
out and opened for public  
travel.

*Filed 13. July 1925*

And now,  
1925, the foregoing report  
and certificate presented,  
read and considered, and  
the same is hereby ordered  
to be filed of record in  
the ~~above~~ stated proceeding.

SHETTIG & NELSON  
Attorneys-at-law,  
Ebensburg, Penn'a.

In re petition of Inhabitants  
of the Township of Elder for a  
public road leading from a point  
on road at Byrnes Cross Roads  
toward St. Boniface and ending at  
a point on road leading from Thomas  
Mills to Patton.

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

No. 13 March Sessions 1924.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned, being all of the Supervisors of Elder  
Township, do hereby certify and report to this Honorable Court that  
the road as laid out in the above stated proceeding, and as shown  
by the draft attached to the report of viewers filed and confirmed  
absolutely, has been laid out and completed and is now open for  
public travel.

All of which is respectfully submitted to this Honorable  
Court.

Thad Kibler  
F. A. Westrick  
Victor R. Kline  
Supervisors of Elder Township.

State of Pennsylvania, )  
County of Cambria. ) SS:

Victor R. Kline, Frank Westrick and Thad Kibler, supervisors  
of Elder Township, being duly sworn according to law, depose and say  
that the facts set forth in the above and foregoing certificate and  
report are true and correct.

Sworn and subscribed before me  
this 29th day of June, A.D. 1925.

A. J. Miller  
Justice of Peace

My commission expires 1st Mar Jan 1930

Thad Kibler  
F. A. Westrick  
Victor R. Kline  
Supervisors of Elder Township.



No. 13 March Sessions 1924.

In re petition of inhabitants of the Township of Elder for a public road leading from a point on road at Byrnes Cross Roads toward St. Boniface and ending at a point on road leading from Thomas Mills to Patton.

PETITION OF EDWIN DILLON FOR THE APPOINTMENT OF VIEWERS TO VIEW THE PREMISES AND ASSESS OR AWARD DAMAGES, IF ANY, SUSTAINED BY HIM BY REASON OF THE OPENING OF SAID PUBLIC ROAD THROUGH HIS LANDS.

*Filed 11 May 1925*

F. J. HARTMANN,  
ATTORNEY,  
EBENSBURG,  
CAMBRIA COUNTY, PA.

In re petition of Inhabitants  
of the Township of Elder for a  
public road leading from a point  
on road at Byrnes Cross Roads  
toward St. Boniface and ending  
at a point on road leading from  
Thomas Mills to Patton

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

) No. 13 March Term 1924.  
(

TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of Edwin Dillon of Elder Township, in the County  
and State aforesaid, respectfully represents.

1. That a petition was presented in the above stated  
proceeding on the 5th day of May 1924, whereupon this Honorable  
Court did on the same day appoint A. M. Shoemaker, J. D. Ritter  
and Adam Shuman viewers to view and lay out a road in Elder  
Township, Cambria County, Pennsylvania, between the points above  
stated.

2. That the said viewers filed their report in this  
Honorable Court on the 7th day of June 1924, in which report they  
did, among other things, approve the said road so viewed and laid  
out by them, giving the various courses and distances thereof,  
and the names of the land owners through whose premises the said  
road extends.

3. That the report of said viewers was approved on  
the 9th day of June 1924 and the breadth of the road in question  
fixed at 40 feet.

4. That the said report was confirmed absolutely  
by this Honorable Court on the 8th day of September 1924 and  
that an order to open the same issued out of the said Court  
on the 27th day of March 1925.

5. That the said public road, beginning and ending  
as hereinabove stated in the caption hereof, and as laid out  
by said viewers, has been opened for public travel within one

year past through the lands of your petitioner by order of this Honorable Court; and that by the opening of said road as aforesaid your petitioner has sustained great injury and damage, to-wit: damages for the value of the land taken, being a strip 40 feet wide and upwards of 2000 feet in length; damages by way of money which your petitioner will be required to expend in erecting fences on each side of said highway; damages to his farm by reason of the same being badly divided by the said road and cutting off a large portion thereof consisting of pasture containing a stream of water from the main portion of his said farm and the buildings thereon, as well as other damages.

6. That while the report of said viewers contains the following: " \* \* \* and feeling no damages was suffered by Edw. Dillon \* \* \* by reason of laying out of the above road we have assessed them (him) no damages." and it might be inferred therefrom that they negotiated or endeavored to negotiate or agree with your petitioner on the amount of damages sustained or to be sustained by him, yet nevertheless, the facts are that said viewers did not at any time say anything to your petitioner about damages or about securing a release of damages and did not consider the question of damages to your petitioner or the securing of a release from him at any time.

7. That by an error and oversight the said viewers overlooked the awarding of damages to your petitioner or the taking up with him the question of damages to his land, or the securing from him of a release of such damages, and that by mistake they did include in the said report to this Honorable Court the allegation as quoted above, but that in point of fact they did not discuss among themselves or with anyone the question of damages and come to the conclusion that your petitioner did not suffer damages by reason of the laying out of said road.

8. That the facts as herein stated are that said viewers assessed no damages, did not consider the question of damages and did not endeavor to secure a release of damages so far as the lands of your petitioner, Edwin Dillon, are concerned in the laying out of said road.

Your petitioner therefore prays this Honorable Court to appoint the viewers hereinabove named, being disinterested persons, to view the premises of your petitioner and assess or award such damages as your petitioner may have sustained, if any, by reason of the opening of said public road through his lands as aforesaid. And he will ever pray.

Edwin Dillon

STATE OF PENNSYLVANIA )  
COUNTY OF CAMBRIA ) SS:

Edwin Dillon, petitioner above named, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct as he verily believes.

Sworn and subscribed before me  
this 6th day of May A. D. 1925.

A. J. Miller, Justice of Peace

St. Bonifacio Pa

My Commission expires 1st Nov Jan 1930

Edwin Dillon

076.  
In re Petition of Inhabitants  
of the Township of Elder for  
a public road leading from a  
point on road at Byrnes Cross  
Roads toward St. Boniface and  
ending at a point on road leading  
from Thomas Mills to Patton

) In the Court of Quarter Sessions  
( of Cambria County,  
( Pennsylvania.  
( No. 13 March Term 1924.

I, Alfred Shoemaker, one of the viewers in the above stated  
road proceeding, do hereby aver that the matters set forth in the  
foregoing petition insofar as they relate to the action of the  
viewers are true and correct; that the question of awarding damages,  
if any, which would sustained by Edwin Dillon were not considered  
*with knowledge of the facts*  
by the viewers but overlooked by them and that by an oversight the  
allegation set forth in our report "feels no damages were suffered  
by Edw. Dillon\* \* \* \* by reason of laying out of the above road we  
have assessed them (him) no damages" was inserted therein. And I  
further aver that the question of damages was not discussed with  
Edwin Dillon by the viewers and that the viewers did not endeavor  
to secure a release of damages from him.

A. M. Shoemaker

We, the Commissioners of Cambria County,  
do hereby acknowledge to have received a copy of  
the foregoing petition and notice that the said  
petition will be presented to the Court of Quarter  
Sessions of Cambria County on Monday, the 11<sup>th</sup>  
day of May, A. D. 1925, at ten (10) o'clock A. M.,  
or as soon thereafter as the attention of the  
Court can be secured.

THE COMMISSIONERS OF CAMBRIA COUNTY

By D. S. Kirkland  
Chief Clerk.

-: D E C R E E :-

And now, 11th May 1925, the foregoing petition presented, read and considered, and it appearing to the Court that no damages were awarded to the petitioner, Edwin Dillon, by the viewers appointed to lay out a public road in Elder Township as in said petition set forth, and after due consideration we do order and appoint Alfred Shoemaker, Esq., J. D. Ritter and Adam Shuman to re-view and adjudge the amount of damages, if any, sustained by the petitioner, Edwin Dillon, by reason of the opening of the public road in said petition and proceedings set forth. And the Court do further order that said viewers give notice of the time of the holding of such view to one or more of the Commissioners of Cambria County, and that the viewers aforesaid do make report of their proceedings therein on the first Monday of June 1925.

By the Court

E

No. 13 March Sessions 1924.  
Road Docket.

In re Petition of Edwin Dillon  
for the appointment of viewers to  
assess damages sustained by him,  
if any, by reason of the opening  
of a public road in Elder Township,  
Cambria County, Pennsylvania,  
beginning at a point on road lead-  
ing from Byrnes Cross Roads toward  
St. Boniface and ending at a  
point on road leading from Thomas  
Mills to Patton.

REPORT OF VIEWERS.

Filed 1 June 1925  
12: A.M.

CERTIFIED

*Jacob M. Hoffman*

COUNTY CONTROLLER

F. J. HARTMANN,  
ATTORNEY,  
KRENSBURG,  
CAMBRIA COUNTY, PA.



IN RE: Petition of Edwin Dillon for the appointment of viewers to assess damages sustained by him, if any, by reason of the opening of a public road in Elder Township, Cambria County, Pennsylvania, beginning at a point on road leading from Byrnes Cross Roads toward St. Boniface and ending at a point on road leading from Thomas Mills to Patton, said road being fully described in the report of viewers in a proceeding entered to No. 13 March Term 1924 in the Court of Quarter Sessions of Cambria County.

REPORT OF VIEWERS APPOINTED BY THE COURT TO AWARD  
DAMAGES TO EDWIN DILLON.

To the Honorable, The Judges of the Court of Quarter Sessions  
of Cambria County:

We, the undersigned appointed by the annexed order of Court to view the premises and assess damages, if any, which the therein named petitioner, Edwin Dillon, has sustained by reason of said road and the opening of the same, in said order mentioned, to-wit:

Beginning at the termini specified in the above referred to order of Court on the public road leading from Byrnes Cross Roads to St. Boniface, takes the following courses and distances, viz: N. 40° 20' E. 537 ft., N. 50° E. 266 ft., N. 79 1/2° E. 264 ft., S. 52 1/2° E. 189 ft., S. 50° E. 2156 ft., S. 54° E. 463 ft., S. 52° E. 252 ft., S. 60° E. 369 ft., S. 68° E. 587 ft., S. 55° E. 452 ft., S. 42 1/2° E. 327 ft., S. 41 1/2° E. 171 ft., S. 60° E. 218 ft., S. 73° E. 95 ft., N. 78° E. 253 ft., East 332 ft., S. 75° 50' E. 393 ft., S. 57° E. 122 ft., S. 58° E. 284 ft., N. 78° E. 169 ft., S. 84° E. 460 ft., S. 82 1/2° E. 744.5 ft., and S. 66° E. 391 ft., to the termini at the line between the townships of Elder and East Carroll on the road leading from Patton - Thomas Mills road, as specified in said order. Passing through and over lands of Ambrose Yahner, Edward Dillon and the Patton Clay Works, do respectfully report:

That we met for the purpose of performing the duties imposed upon us by the said order on the land of said Edwin Dillon in question, in Elder Township, Cambria County, Pennsylvania, on the 16th day of May A. D. 1925, and proceeded to view the premises and assess the damages as therein directed; and having carefully viewed the same and taking into consideration the damages sustained by the petitioner by reason of said road passing through his land, as well as loss or disadvantage to be derived from such passage and the probability of the land reverting to the said petitioner, we are of the opinion that he has sustained damages to the amount of One Thousand Dollars (\$1,000.00) and we do accordingly assess unto the said Edwin Dillon the sum of One Thousand Dollars (\$1,000.00).

Witness our hands this 18th day of May A. D. 1925.

J. D. Ritter  
A. M. Shoemaker  
Adam Sherman  
Viewers.

N O T I C E.

To  
The Commissioners of Cambria County:

You are hereby notified that the Court of Quarter Sessions of Cambria County, upon the petition of Edwin Dillon, appointed the undersigned as viewers to re-view and adjudge the amount of damages, if any, said Edwin Dillon has sustained by reason of a public road being opened through his lands in Elder Township, Cambria County, Pennsylvania, said road being as follows:

Beginning at the termini specified in the above referred to order of Court on the public road leading from Byrnes Cross Roads to St. Boniface, takes the following courses and distances, viz: N. 40° 20' E. 537 ft., N. 50° E. 266 ft., N. 79 1/2° E. 264 ft., S. 52 1/2° E. 189 ft., S. 50° E. 2156 ft., S. 54° E. 463 ft., S. 52° E. 252 ft., S. 60° E. 369 ft., S. 68° E. 587 ft., S. 55° E. 452 ft., S. 42 1/2° E. 327 ft., S. 41 1/2° E. 171 ft., S. 60° E. 218 ft., S. 73° E. 95 ft., N. 78° E. 253 ft., East 332 ft., S. 75° 50' E. 393 ft., S. 57° E. 122 ft., S. 58° E. 284 ft., N. 78° E. 169 ft., S. 84° E. 460 ft., S. 82 1/2° E. 744.5 ft., and S. 66° E. 391 ft. to the termini at the line between the Townships of Elder and East Carroll on the road leading from Patton - Thomas Mills road, as specified in said order. Passing through and over lands of Ambrose Yahner, Edward Dillon and the Patton Clay Works.

And you are further notified that we, the undersigned, viewers so appointed by the Court, will meet for the purpose of performing the duties of our said appointment on the lands of said Edwin Dillon in Elder Township, Cambria County,

Pennsylvania, on the 16th day of May, A. D. 1925,  
at ten (10) o'clock A. M., at which place and time you may appear  
and be heard if you deem proper.

A. M. Shoemaker

J. D. Ritter

Adam Shoemaker  
Viewers.

ACCEPTANCE OF SERVICE OF THE ABOVE NOTICE.

We, the Commissioners of Cambria County, do hereby accept  
service of the above and foregoing notice with the same force and  
effect as if the same had been served upon us and sworn return  
made of such service.

THE COMMISSIONERS OF CAMBRIA COUNTY

By A. S. Kintead  
Chief Clerk.

NOTICE TO THE COMMISSIONERS OF CAMBRIA COUNTY OF THE FILING OF THE REPORT OF VIEWERS, WHICH VIEWERS WERE APPOINTED BY THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY TO AWARD DAMAGES, IF ANY, WHICH HAVE BEEN SUSTAINED BY EDWIN DILLON BY REASON OF THE OPENING OF A PUBLIC ROAD THROUGH HIS LANDS IN ELDER TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA.

To the Commissioners of Cambria County:

You are hereby notified that the report of viewers in the above noted proceeding, a copy of which is attached hereto, will be presented for the Court's consideration and for approval and confirmation on Monday, the first day of June, 1925 at ten (10) o'clock A. M., or as soon thereafter as the attention of the Court can be obtained.

And you are further notified that the Court will be requested to confirm the said report on said date NISI and to direct the clerk to mark the same CONFIRMED ABSOLUTELY unless exceptions be filed thereto within 30 days, and that if no exceptions are filed and the said report is Confirmed Absolutely that the Treasurer of Cambria County will be directed by decree of Court to pay out of the moneys of the County in his hands to the said Edwin Dillon the sum of One Thousand Dollars (\$1,000.00) damages awarded to him.

\* J. D. Ritter  
A. M. Shumaker  
Adam Shuman  
Viewers.

Acceptance of Service of a copy of the report of Viewers with notice of the filing thereof and Confirmation by the Court.

We, the Commissioners of Cambria County, do hereby acknowledge to have received a copy of the report of viewers appointed by the Court to assess damages, if any, to Edwin Dillon by reason

of the opening of a public road through his lands in Elder Township, Cambria County, Pennsylvania, and we do further acknowledge to have received notice that the said report would be filed on Monday, the first day of June 1925 and that the Court would be requested to confirm the same NISI, which NISI CONFIRMATION should become ABSOLUTE unless exceptions be filed thereto within 30 days from said Nisi Confirmation, and that in case no exceptions are filed that the Treasurer of Cambria County will be directed to pay out of the moneys of the County in his hands to the said Edwin Dillon the sum of One Thousand Dollars (\$1,000.00) damages awarded to him by said viewers.

THE COMMISSIONERS OF CAMBRIA COUNTY

By S. S. Kinsaid  
Chief Clerk.  
Per. J. P. Lehman  
Asst. Clerk.

D E C R E E.

And now, June 1, 1925, the within and foregoing report of viewers appointed by this Court to assess damages, if any, sustained by Edwin Dillon by reason of the opening of a public road through his lands in Elder Township, Cambria County, Pennsylvania, as in said report fully set forth, having filed their report and the same having been read and considered, the Court on due consideration do approve and confirm the same NISI, it appearing from the said report that a copy thereof was served upon the Commissioners of Cambria County with a notice that the same would be presented for confirmation on this date, the Clerk is directed to mark the same CONFIRMED ABSOLUTELY unless exceptions be filed thereto within 30 days, and if no exceptions be filed within 30 days and after said report has been so Confirmed Absolutely, the Court do further direct that the sum of One Thousand Dollars (\$1,000.00) be paid to the petitioner, Edwin Dillon, by the Treasurer of Cambria County out of moneys of the County in his hands.

By the Court  
E

Dillon

Cost of View.

A. M. Shoemaker

3 Days

Auto hire

\$22.50

3.50

\$26.00

Adam Shideman

2 Days

Auto hire

22 miles

\$15.00

3.50

1.00

\$19.50

J. D. Ritter

2 Days

Auto hire

\$15.00

3.50

\$18.50

CERTIFIED  
J. M. Hoffman  
COUNTY CONTROLLER

APPROVED FOR PAYMENT

*[Signature]*  
QUINCY, ILL.



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

No. 13 March Sessions, 1924. R.D.

In re Petition of Edward Dillon for the Appointment of Viewers to View the Premises and Assess or Award Damages, if any, sustained by him by Reason of the Opening of said Public Road through his Lands.

D E C R E E .

And now, 11th May, 1925, the foregoing petition presented, read and considered, and it appearing to the Court that no damages were awarded to the petitioner, Edwin Dillon, by the viewers appointed to lay out a public road in Elder Township as in said petition set forth, and after due consideration we do order and appoint Alfred Shoemaker, Esq., J. D. Ritter and Adam Shuman to review and adjudge the amount of damages, if any, sustained by the petitioner, Edward Dillon, by reason of the opening of the public road in said petition and proceedings set forth. And the Court do further order that said viewers give notice of the time of the holding of such view to one or more of the Commissioners of Cambria County, and that the viewers aforesaid do make report of their proceedings herein on the first Monday of June, 1925.

By the Court,

E.

Extract from the Record.

Certified this 11th day  
of May, A. D. 1925.

Frank C. Roff.

Clerk C. S.

R E P O R T   O F   V I E W E R S .

To the Honorable, the Judges of the Court of Quarter Sessions of  
Cambria County, Pennsylvania.

We, the undersigned members of the board of viewers of Cambria county, appointed by your honorable Court, upon the attached order, to view and determine as to the necessity for a public road in Elder Township, Cambria County, Pennsylvania, between the termini specified in said attached order, respectfully report:-

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of Cambria County and the Supervisors of the Township of Elder; and having them accept service of notices hereto attached; and to the traveling public by printed hand bills posted in public and conspicuous places at and near the termini and along the route of the proposed new road: and having been first duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability:

All of us met at the time and place appointed in accord with the notices so given and having gone over and carefully viewed the premises in the vicinity of the proposed new road and carefully considered the whole situation, and are all of the opinion that the prayer of the petitioners should be granted and the new road as petitioned for laid out and opened for the convenience and accommodation of the public.

Said new road as laid out; a plot or draft of which is hereto attached and made a part of this report; beginning at the termini, specified in the above referred to order of court, on the public road leading from Byrne's Cross Roads to St. Bonafice takes the following courses and distances, viz: N. 40° 20' E. 537 ft., N. 50° E. 266 ft., N. 79 1/2° E. 264 ft., S. 52 1/2 ° E. 189 ft., S. 50° E. 256 ft., S. 54° E. 463 ft., S. 52° E. 252 ft., S. 60° E. 369 ft., S. 68° E. 587 ft., S. 55° E. 452 ft., S. 42 1/2° E. 327 ft., S. 41 1/2° E. 171 ft., S. 60° E. 218 ft., S. 73° E. 95 ft., N. 78° E. 253 ft., East 332 ft.,

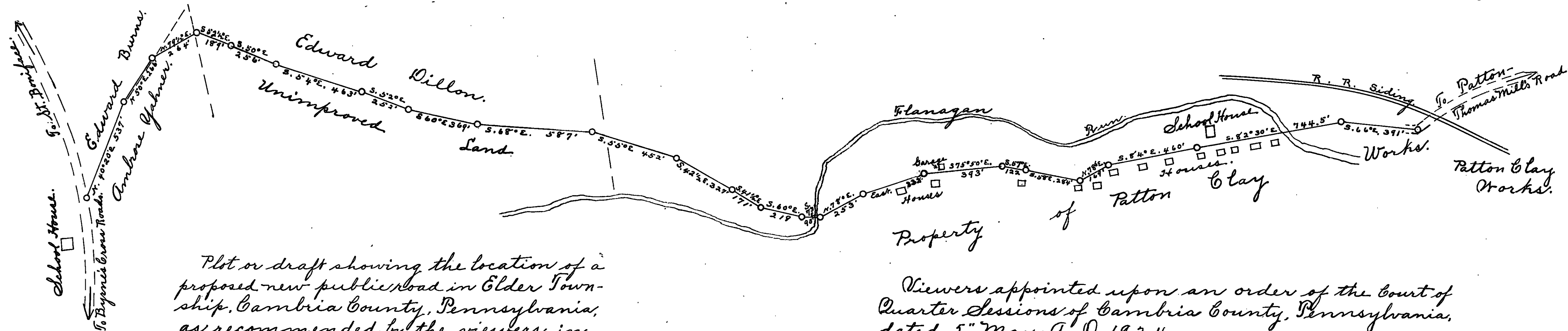
S. 75° 50' E. 393 ft., S. 57° E., 122 ft., S. 58° E. 284 ft., N. 78° E. 169 ft., S. 84° E. 460 ft., S. 82 1/2° E. 744.5 ft. and S. 66° E. 391 ft. to the termini at the line between the townships of Elder and East Carroll, on the road leading to the Patton-Thomas Mill's road, as specified on said order. Passing through and over lands of Ambrose Yahner, Edward Dillon and the Patton Clay Works, and not being able to secure a release of damages from Ambrose Yahner we have assessed his damages at Forty Dollars and feeling no damage was suffered by Edw. Dillon or the Patton Clay Works, by reason of laying out the above road we have assessed them no damages.

Witness our hands this 31st. day of May, A. D., 1924.

A. M. Shoemaker

J. D. Patton

Adam Shuman



Plot or draft showing the location of a proposed new public road in Elder Township, Cambria County, Pennsylvania, as recommended by the viewers in the attached report.

Viewers appointed upon an order of the Court of Quarter Sessions of Cambria County, Pennsylvania, dated 5<sup>th</sup> May, A. D. 1924.  
 A. M. Shoemaker, J. D. Ritter & Adam Shuman.  
 Viewers.

# ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of .. Quarter .....  
... Sessions ..... of Cambria County, Pa., to view .. and determine as to ..  
the necessity for a public road in Elder Township, said county ..  
and state: Beginning on the public road leading from Byrnes's Cross  
Roads to St. Bonafice, at a point 1300 ft. measuring along said ..  
road from said Cross roads toward St. Bonafice and ending on the  
Thomas Mills - Patton Road at a point 460 ft., along said Patton -  
Thomas Mills road from its intersection with Railroad Avenue, in ..  
Patton Borough:

will meet .. at the point of ending, above noted, ..... in the  
..... Township ..... of ..... Elder ..... aforesaid,  
on the .. 20th, .. day of ..... May ..... 19 24 at .. 9:30 .. o'clock a. m., ..  
for the purpose of performing the duties of their appointment.

..... A. M. Shoemaker, .....

..... J. D. Ritter and .....

..... Adam Shuman, .....

Viewers.

.. Ebensburg, Pa. 5/6/... 19 24.

Now, May 1924, service of the within notice  
is hereby accepted by the undersigned Supervisors of the  
Township of Elder, Cambria County, Pennsylvania.

F. A. Westrick

Richd B. Kane

B.

Supervisors.

# ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of ... Quarter.....  
... Sessions..... of Cambria County, Pa., to view and determine as to ..  
the necessity for a public road in Elder Township, said county .....  
and state: Beginning on the public road leading from Byrne's .....  
Cross Roads to St. Bonafice, at a point 1300 feet, measuring along .....  
said road, from said cross roads toward St. Boniface; and ending ..  
on the Thomas Mills -& Patton Road at a point 460 ft., along said ..  
Patton - Thomas Mills Road, from its intersection with Railroad .....  
Avenue in Patton Borough: .....

will meet ..... at the point of ending, above noted, ..... in the  
..... Township ..... of ..... Elder ..... aforesaid,  
on the ... 20th.. day of ..... May..... 19.24, at .. 9:30.. o'clock a. m., ..  
for the purpose of performing the duties of their appointment.

..... A. M. Shoemaker, .....

..... J. D. Ritter and .....

..... Adam Shuman, .....

Viewers.

Ebensburg, Pa. May. 6th 1924.

Now, May 7th. 1924, service of the within notice is  
hereby accepted for the Commissioners of Cambria County,  
Pennsylvania.

A. J. Kieckhefer



# Costs of View.

A. M. Shoemaker

Lifting Order \$90  
6 Days @ 750 45.00

Auto hire & 4.00  
61 mi. @ 5¢ (two trips) - 3.05

Engineering work 85.00  
2 Blue Prints 1.50

2 helpers (charcoal burner) 10.00  
each \$5.00  
\$149.45

J. D. Ritter  
2 Days \$15.00  
86 miles (2 trips) 4.30  
\$19.30

APPROVED FOR PAYMENT

COMMISSIONERS

1 1/2 Days \$112.50  
Auto hire 4.00  
42 miles 2.10  
\$118.60

CERTIFIED  
COUNTY CONTROLLER

No 13, March SESSIONS, 1924

Order to view Public road

in Elder Township

*any*  
Report of Viewers.

CERTIFIED  
*James D. Hoffman*  
COUNTY CONTROLLER 1924

A. M. Shoemaker -

J. D. Ritter

Adam Shuman

Viewers

Clerk Robb 90 cts.

*not paid.*

9 June 1924 Approval and breadth fixed at forty feet  
By the Court  
E

8 Sept. 1924 confirmed absolutely.  
Frank C. Robt, 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."

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 5th day of May A. D. 1924, 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 the public road leading from Byrne's cross-roads toward St. Boniface, which point is distant thirteen hundred feet, measured along said road from Byrne's cross-roads, said cross-roads being an intersection of the public road leading from Patton to Hastings with public road leading from Carrolltown to St. Boniface; and ending at a point on the public road leading from Thomas' Mills to Patton, said point being distant four hundred sixty feet, measured along said road, from the intersection of said road with Railroad Avenue in the Borough of Patton

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 A. M. Shoemaker surveyor, and

J. D. Ritter and Adam Shuman 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:

Frank C. Roth, Clerk.