

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

IN THE MATTER OF A TOWNSHIP ROAD WHICH LIES PARTLY IN THE
TOWNSHIP OF BARR AND PARTLY IN THE TOWNSHIP OF WEST CARROLL.

PETITION FOR APPOINTMENT OF VIEWERS.

To the Honorable, John H. McCann, President Judge of said Court:

The petition of the undersigned, Supervisors, citizens, residents and property owners of the Townships of Barr and West Carroll in the County of Cambria and State of Pennsylvania, respectfully represents:

1. That they labor under great inconvenience for want of a public road beginning in the Township of Barr at the point of intersection of said proposed public road with the road leading from Bakerton to Colver, said point being near the Henry Farbaugh Homestead; thence said proposed road continues through the Township of Barr the following two courses and distances: South $17^{\circ} 50'$ East 335 feet and South $48^{\circ} 15'$ East 378 feet and thence said proposed road continues through the Township of West Carroll, the following five courses and distances: South $22^{\circ} 30'$ East 348 feet; South 6° East 454.5 feet; South 16° West 278 feet; South $25^{\circ} 40'$ West 618.5 feet and thence South 45° West 30 feet to a point due south of the stone bridge which crosses over Blacklick Creek near the lane to the Trexler Farm.

Your petitioners therefore pray your Honorable Court to appoint Viewers to view the ground and report to the Court in accordance with the Act of Assembly in such cases made and provided.

And they will ever pray, etc.

State of Pennsylvania :
County of Cambria : SS

Before me, the undersigned authority,
personally came Frank Swizdale, one of the
petitioners above named, who being by me duly sworn according to
law, deposes and says that the matters set forth in the foregoing
petition are true and correct.

Sworn to and subscribed before
me this 8th day of August, 1932.

Frank Swizdale

W. P. Hestrich Notary Public

NOTARY PUBLIC
My Commission Expires Mar. 2, 1933.

NAME

ADDRESS

Supervisor

E. D. Bravley

Carrolltown B. D. #1

Supervisor

James West

Elmora Pa

Supervisor

Frank Fravel

Richman B. D. #1

Supervisor

W. A. Krummacker

Barrs Post

Supervisor

Frank Stiles

Richman

Supervisor

Edward W. Farabough

Carrolltown P. D. =

P. H. Henshaw

Carrolltown Pa

Margaret V. Agor

Marrolltown P. D.

John B. Balle

" " "

J. W. Gaglin

Elmora Pa.

Francis A. Miller

Carrolltown Pa

H. E. Patterson

Christman Pa

L. H. Agor

Carrolltown "

W. G. Rumbow

McKlown Pa

P. J. Guss

" "

W. A. Richard

" "

E. E. Cameron

Elmora Pa

Edward S. Bravley

Carrolltown Pa

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Your petitioners therefore pray your Honorable Court to appoint Viewers to view the ground and report to the Court in accordance with the Act of Assembly in such cases made and provided.

And they will ever pray, etc.

To the Commissioners of Cambria County, Penna:

Tuesday, September You are hereby notified that on or about *Monday, August 15th*, 1932, the foregoing petition will be presented to the above named Court.

F. D. [Signature]
Attorney for Petitioners.

I hereby accept service of the above notice and copy of the petition for the County Commissioners.

Walter [Signature]
Asst Chief Clerk.

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

In the Matter of a Township
Road which lies partly in
the Township of Barr and
partly in the Township of
West Carroll.

Petition for Appointment
of Viewers.

Now, ~~Sept~~ *Sept* 13, 1932,
the within petition present-
ed and read and upon due
consideration thereof, the
Court do appoint

Am Shremder
L. Taylor and
James M. Green

Viewers to view the premises
and make return thereof to
the next term of Court, as
provided by law.

Fred J. Fees
Wm J. [unclear]

LAW OFFICE
FRED. J. FEES
EBENSBURG, PENNSYLVANIA

Filed - Sept - 13 - 1932

No. 1 Sept Term, 1932

Received 5-24 1935

from Prothonotary of Cambria
County

Petition to open

Geo. J. Bass

Atty. for

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

To Edward Brawley, Joseph Shero and James West

supervisors of the township of West Carroll, in the county of Cambria,
greeting:

Whereas; at a Court of Quarter Sessions of the Peace held at Ebensburg, in and for the county of Cambria, aforesaid, on the day of June 12, 1933, said court did approve and confirm for public use a certain road theretofore reported, and directed the same to be opened of the breadth of 40 feet, which said road so reported, approved for public use, confirmed and directed to be opened begins at,

See description of road on attached copy of Viewers Report and blue print.

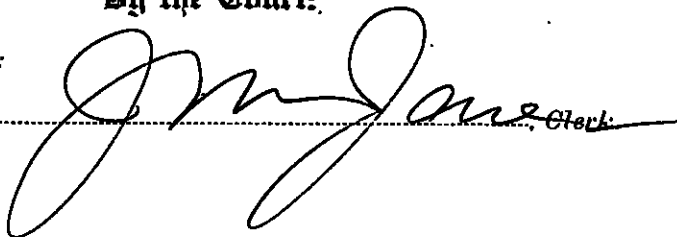
which said road was, on the 12 day of June, 1933, ordered and directed by the said court to be entered of record, and thenceforth to be taken, deemed and allowed to be a lawful public road or highway:

Now, this is to authorize, empower, command and require you the said supervisors aforesaid, in which district the said road lies, as soon as may be practicable, effectually to open the said road, by the courses and distances aforesaid, and the breadth of 40 feet, as ordered and directed by the said court; and you are hereby further required to make return of this order to the next stated Court of Quarter Sessions, after the opening of the road in accordance with this order, and the manner of its execution by you, verified by the affidavit of one or both of you, setting forth that you have effectually opened the said road of the breadth of 40 feet, and upon the line hereinbefore directed.

Witness, the Honorable John H. McCann, President of our said court at Ebensburg, this 14 day of June, 1933.

By the Court:

Attest:

 Clerk

RETURN BY SUPERVISORS

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

On the 1 day of July, 1933, before me
a Notary Public, personally came E. D. Brawley and
Joseph Shero
supervisors of the township of West Carroll, who being duly sworn
~~(or-affirmed)~~ according to law, do depose and say that they effectually opened the road designated by
the order of the Court bearing date the 12 day of June
1933, in accordance with the directions of the said order.

Sworn ~~(or-affirmed)~~ and subscribed before me this

Ruby Williams
My Commission expires
March 7th, 1937

Joseph Shero
E. D. Brawley
Supervisors.

No. 1 September Sessions 1932

Order to open Public road which lies
partly in Barr and West Carroll
Townships.

Clerk J. M. Jones

Filed July 3, 1933

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 Permanent Board of Viewers of Cambria County, appointed by your honorable Court to view and determine as to the necessity for a public road in the townships of Barr and West Carroll; between the termini specified on the attached order of court; 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, by serving them with a copy of a notice hereto attached, and to the Supervisors of the townships of Barr and West Carroll and having them accept service of notice as attached hereto and to the traveling public by printed hand bills posted in public and conspicuous places at and near the termini of the piece of road petitioned to be laid out and opened as and for a public road.

All of us met at the time and place appointed, in accord with the notices posted and served as aforesaid; and having been each first duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability; and proceeded to go over and investigate as to the necessity for the piece of road in question and learned as follows:

That the piece of road desired opened as a public road is a portion of an old road which was abandoned by the public and vacated some years ago, that there is no one living immediately adjoining the said piece of road, that the piece of road desired opened is not of great length, that it is partly within the township of West Carroll and partly in Barr Townships, that there is a country coal bank on the Trexler farm which accomodates a great many of the citizens of each of the above named townships and probably others, that the Supervisors of each of the two named townships believe it to the interest of many of the citizens that the said piece of road should be opened, that the expense of repairing/same need not be great and that none of the property owners through and over whom

same is laid out are are entitled to any damages whatsoever for the reason that the benefit will equal or exceed the damages and therefore we have assessed them no damages.

Said piece of road as viewed and laid out , beginning on the Colver - Bakerton road; as indicated on the attached order of tthe Court; and extending thence over the piece of road formerly vacated; south $20^{\circ} 05'$ east 323 ft., south $41^{\circ} 25'$ east 391 ft., south 25° east 329.5 ft., south $5^{\circ} 40'$ east 461 ft., south $9^{\circ} 25'$ east 322.9 ft., south $19^{\circ} 10'$ west 572.4 ft. to the Blacklick Creek, and south 42° west 60 ft. to the southerly termini of the piece of road proposed to be laid out.

For the reasons above set forth the viewers believe the piece of road in question is necessary for the use and convenience of the public as a public road and therefore recommend same be opened and maintained as such.

Witness our hands this 18th. day of October, A. D., 1932.

A. M. Shoemaker
J. E. Taylor
James McCann

Viewers.

N O T I C E O F V I E W .

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 Barr and West Carroll Townships, said county and state: Beginning on the road leading from Bakerton to Colver, at a point near the Henry Farbaugh Homestead, in Barr Township; where a public road had formerly been opened and in use by the public; and extending thence in an easterly and south easterly direction into West Carroll Township, and ending at a point due south of an old stone bridge which crosses the Blacklick Creek, at or near the lane leading to the Trexler Farm, in West Carroll Township:

Said viewers will meet at the point of beginning, above indicated, in the Township of Barr, Cambria Co., Pa., October 18th., 1932, at 10:00 o'clock a. m., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,
L. E. Kaylor and
James McCann,

Viewers.

Now, October 11th., 1932, I hereby certify that an exact copy of the above notice was served upon the Commissioners of Cambria County, at their office in the Court House, Ebensburg, Pa.

A. M. Shoemaker

N O T I C E O F V I E W .

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 Barr and West Carroll Townships, said county and state; Beginning on the road leading from Baker-ton to Colver, at a point near the Henry Farbaugh Homestead, in Barr Township; where a public road had formerly been opened and in use by the public; and extending thence in an easterly and a south easterly direction into West Carroll Township, and ending at a point due south of an old stone bridge which crosses the Blacklick Creek, at or near the lane leading to the Trexler Farm, in West Carroll Township:

Said viewers will meet at the point of beginning, above indicated, in the Township of Barr, Cambria Co., Pa., October 18th., 1932, at 10:00 o'clock a. m., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

L. E. Kaylor and

James McCann,

Viewers.

Now, October 18th 1932, service of the above notice is hereby accepted by the undersigned Supervisor of the Township of Cambria County, Pa.

E. D. Krawiec

NOTICE OF VIEW.

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 propriety of vacating a certain piece of public road in East Carroll Township, said county and state:

Beginning on the improved highway leading from Strittmatters Corner, on State Highway Route 62, to Bradley's Junction, at a point 4224 feet eastward; along said improved highway; from its juncture with Route 62; at Strittmatter's Corner; and ending on the public road which extends from said Route 62, at the Betty Bell Tea Room; just south of Carrolltown Borough; to Chest Springs and adjoins said last mentioned public road at a point 7920 feet eastward; along said last mentioned public road; from its juncture with said Route 62.

Said Viewers will meet at the point of beginning, above indicated, in the Township of East Carroll, Cambria Co., Pa., ^{at} August 22nd., 1932, at 10:00 O'clock a. m., E. S. T., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,
Louis Kaylor and
James McCann,

Viewers.

County of Cambria

To R. M. Shoemaker, Dr.

To preparing, posting and serving notices of view —	\$18 ⁰⁰
18 miles @ 10¢ per mi	1 ⁸⁰
Stenographer & Stationery	1 ⁴⁰
Day on View	12 ⁰⁰
18 miles @ 10 cts	1 ⁸⁰
Engineering work	16 ⁰⁰
Preparing assembling & filing report of view —	18 ⁰⁰
Stenographer & stationery	1 ²⁰
Account of Stationery	
	<u>\$69²⁰</u>

L E Kaylor	
Day on View	12 ⁰⁰
18 miles	1 ⁸⁰
	<u>\$13⁸⁰</u>

James McLean	
Day on View	12 ⁰⁰
54 miles	5 ⁴⁰

APPROVED FOR PAYMENT

John F. [Signature] 5⁴⁰

Frank P. [Signature] 17⁴⁰

COMMISSIONERS

L. E. Kaylor & J. M. McLean pd. Jan. 9 - 1932

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 13 day of September A. D. 1932, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Barr & West Carroll Twps, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from beginning in the Township of Barr at the point of intersection of said proposed public road with the road leading from Bakertown to Colver, said point being near the Henry Farbaugh Homestead: thence said proposed road continue through the Township of Barr the following two courses and distances: South 17° 50' East 335 feet and South 48° 15' East 378 feet and thence said proposed road continues through the Township of West Carroll, the following five courses and distances: South 45° 30' East 348 feet; South 6° East 454.5 feet; South 16° West 278 feet; South 25° 40' West 618.5 feet and thence South 45° West 30 feet to a point due South of the stone bridge which crosses over Blacklick Creek near the lane to the Trexler Farm.

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

L. E. Kaylor and James McCann

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.

McCann, P.J.

Attest:

James M. Jones 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."

Not signed by state view

No. 1, Sept. 1932, SESSIONS, 1932

Order to view and layout public road which lies partly in the Township of Barr and partly in the Township of West Carroll

Report of Viewers

shown view and others will hand

Filed Nov. 4 1932

Viewers
A. M. Shoemaker
L. E. Kaylor
James McCann

Clerk James M. Jones 1932

13 March 1933 Approved and width fixed at forty feet

By the Court
McKerriken & Jones
Edward Bramley
Carrolltown, Pa.

