

## REPORT OF VIEWERS

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 appointed by your Honorable Court to view and determine as to the necessity for a public road to begin at a point on the line of Sankertown Borough, near the Fry Milling Company property, and extending through the Townships of Cresson and Gallitzin and ending at a point on the highway leading from Cresson to Gallitzin, near the High Bridge, in said Township of Gallitzin; respectfully report:

That having given notice of the view and the time and place of meeting of the viewers to the Commissioners of Cambria County, the Supervisors of the Townships of Gallitzin and Cresson, and the Pennsylvania Coal and Coke Company, and having posted printed hand bills in public and conspicuous places near the termini, and along the route of the suggested new road, as required by the Act of Assembly and the rules of Court, 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 accordance with the notices given and posted as aforesaid, and having gone over and determined there was occasion and necessity for a public road between the termini specified on the attached Order of Court, proceeded to lay out the same, as follows:

Beginning at a point, at the northerly side of the aforementioned High Bridge, located North thirty (30) degrees ten (10) minutes East two hundred seven and four tenths (207.4) feet from the Northwest corner of said Bridge on the Westerly side of the Township Road leading from said Cresson-Gallitzin Road to Syberton; thence through and over land of the Taylor & McCoy Coal Company, as follows: North thirty-three (33) degrees forty (40) minutes West eighty-one and five tenths (81.5) feet; thence <sup>North</sup> sixty-seven

(67) degrees West one hundred eighty-three and six tenths (183.6) feet; thence North eighty-two (82) degrees West eighty-six and five tenths (86.5) feet; thence North eighty-seven (87) degrees thirty-two (32) minutes West eight hundred seventeen (817) feet; thence South eighty-three (83) degrees fifteen (15) minutes West four hundred nine (409) feet; thence South sixty-eight (68) degrees forty (40) minutes West eight hundred fifty-seven (857) feet to the village known as No. 9 Shaft; thence South thirty-eight (38) degrees fifteen (15) minutes West (two hundred four (204) feet to the line dividing the Townships of Cresson and Gallitzin, as marked on attached draft) seven hundred nineteen (719) feet through said Village; thence through and over land of the Cresson Coal and Coke Company in Cresson Township, South sixteen (16) degrees West one hundred ninety-seven (197) feet; South seventeen (17) degrees forty-five (45) minutes West (passing the Scale House at No. 9 Shaft to a point opposite the Tipple) five hundred fifteen (515) feet; thence South thirty-nine (39) degrees West nine hundred sixty-six (966) feet; thence South fifty-one (51) degrees West one hundred fifty (150) feet; South fifty-nine (59) degrees West three hundred forty-two (342) feet; thence South seventy-four (74) degrees fifteen (15) minutes West two hundred fourteen (214) feet; thence North eighty-two (82) degrees West three hundred seventy-eight (378) feet; thence South thirty-one (31) degrees thirty (30) minutes West one hundred ninety-three (193) feet; and South eighteen (18) degrees West two hundred sixty-three (263) feet to line of Sankertown Borough, at a point opposite the mill of said Fry Milling Company: the place of ending designated on attached Order of Court.

A plot or draft showing courses, distances and location of said proposed road is hereto attached and made a part of this report.

The above referred to piece of road is necessary for the

accommodation of persons traveling to work at No. 9 Shaft from Gallitzin, Coupon, Syberton and Ashville on the Northeast, and from Sankertown, Cresson, Lilly, and other points to the North and South; also for the accommodation of School Busses accommodating High School students from said Village as well as some ninety (90) families residing at and in the neighborhood of said No. 9 Shaft, where two grade schools, one in the Township of Cresson and one in the Township of Gallitzin, as shown on the attached draft, are maintained.

The land traversed by said suggested location in the Township of Gallitzin is over property of Taylor & McCoy Coal Company and is entirely unimproved, the section following through No. 9 Shaft is laid out over a dedicated street, and the remaining portion, through Cresson Township to the point of ending is along a private road and unimproved land of the ~~Pennant~~ Coal and Coke Company.

No damages having been claimed and the viewers being of the opinion none would be sustained by the property owners, through and over whose land said piece of road is laid out, we have assessed no damages.

Witness our hands and seals this 7th day of April, A. D., 1938.

A. M. Shoemaker

S. H. Jewers

William J. Baumgardner

VIEWERS.

## NOTICE OF VIEW

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the necessity for a public road. Beginning at a point in the Borough of Sankertown, at or near property of the Fry Milling Company, in Cresson Township, and extending thence in a general northeasterly direction approximately one and one-half ( $1\frac{1}{2}$ ) miles to the point of ending on State Highway Route No. 53, at or near what is known as the High Bridge, between Cresson and Gallitzin, said point of ending being in Gallitzin Township; both termini being in said County and State; passing, for the most part, through and over land of the Pennsylvania Coal & Coke Corporation.

Said Viewers will meet in the Borough of Sankertown, Cresson Township, Cambria County, Pennsylvania, at the point of beginning above indicated, Tuesday the twenty-ninth day of March, 1938, at 9:30 A. M., to perform the duties of their said appointment.

A. M. Shoemaker

S. H. Jencks

Mahlon Baumgardner

Viewers.

*Now, March 1938, service of above notice is hereby accepted for the Supervisors of the township of Cresson.*

*Raymond Dummer Pres*  
*Clyde Sutton*

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A. M. Shoemaker

S. H. Jencks

Mahlon Baumgardner

Viewers.

Now, *March 23* 1938, service of the above notice is hereby accepted for the Commissioners of Cambria County.

*H. F. Jones*  
clerk.

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A. M. Shoemaker

S. H. Jencks

Mahlon Baumgardner,

Viewers

*An exact copy of above notice posted to Henry Myers, Supervisor of Gallitzin Township, at Ambury, Pa. who together with Warren Delozier, another supervisor of the same township, attended the view.*

*A. M. Shoemaker*

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A. M. Shoemaker

S. H. Jencks

Mahlon Baumgardner,

Viewers

# Cost of View

CERTIFIED  
*Wm. J. Baumgardner*  
 COUNTY CONTROLLER

M. J. Baumgardner

day on view \_\_\_\_\_

\$12.00

68 miles \_\_\_\_\_

6.80

\$18.80

CERTIFIED  
*Wm. J. Baumgardner*  
 COUNTY CONTROLLER

H. S. Jencks

day on view \_\_\_\_\_

\$12.00

24 miles \_\_\_\_\_

2.40

\$14.40

CERTIFIED  
*Wm. J. Baumgardner*  
 COUNTY CONTROLLER

A. M. Shoemaker

Preparing and serving notices

\$12.00

24 miles @ 10¢ per mi -

2.40

stenographer & stationery

1.60

day on view \_\_\_\_\_

12.00

24 miles \_\_\_\_\_

2.40

survey \_\_\_\_\_

12.00

24 miles \_\_\_\_\_

2.40

Chainman - pd by a.m.s. -

1.50

Plotting & tracing \_\_\_\_\_

12.00

Tracing cloth & two prints \_\_\_\_\_

2.60

Preparing report &c \_\_\_\_\_

12.00

stenographer & stationery \_\_\_\_\_

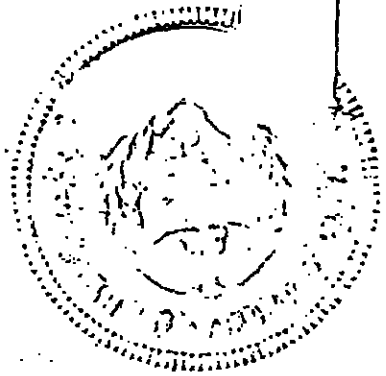
1.25

\$74.15

APPROVED FOR PAYMENT  
*John P. Nollern*

*Frank P. Nollern*  
 COMMISSIONER





NO. 2 March 1938 SESSIONS, 1938

Order to view Proposed Public Road  
in Cresson and Gallitzin Townships.

and

*Report of Viewers*

A. M. Shoemaker

S. H. Jencks

Mahlon Baumgardner

Clerk

90 etc.

**CERTIFIED**  
**COUNTY CLERK**

*Filed April 8, 1938*

*13 June 1938 Approved and breadth fixed at  
forty feet. By the Court  
McKenrick &  
12 Sept. 1938 Confirmed Absolutely  
J. J. J. 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 1st day of March A. D. 1928, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Townships of Cresson & Gallitzin, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from a point in Sankertown Borough known as Fry Milling Company, through a portion of Cresson Township, thence through a portion of Gallitzin Township to Route 53 at a point known as the High-bridge, a distance of approximately one and one-half miles, half of which lies in Cresson Township and half of which lies in Gallitzin Township, That the entire road is situate and passes over property owned by the Pennsylvania Coal and Coke Corporation, whose principal place of business is situate in the Borough of Cresson, Cambria County, Pennsylvania.

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

S. H. Jenicks and Mahlon Baumgardner

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.  
McKenrick, J.

Attest:

[Signature], Clerk.

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

No. 2 Michel Sen. 1938

IN RE: OPENING PUBLIC  
ROAD IN CRESSON AND  
GALLITZIN TOWNSHIPS.

*Filed: Mar. 14, 1938*

LAW OFFICES  
~~J. H. CONNELL, JR.~~  
~~POST OFFICE BLDG.~~  
CRESSON, PENNA.

IN RE: OPENING PUBLIC ROAD  
IN CRESSON AND GALLITZIN  
TOWNSHIP

( ) IN THE COURT OF QUARTER SESSIONS OF THE  
( ) PEACE, COUNTY OF CAMBRIA, STATE OF PENNSYLVANIA.  
( ) No. 2 MATCH TERM ~~1937~~ 1938  
Dec.

PETITION TO OPEN PUBLIC ROAD

To The Honorable, The Judges Of The Said Court:

The petition of the undersigned, inhabitants of the Township of Cresson, Township of Gallitzin and Sankertown Borough, County of Cambria and State of Pennsylvania, respectfully represents:

1. That your petitioners are duly qualified electors who reside in the vicinity of the proposed public road.
2. That the proposed public road has been used by the public for a period in excess of thirty (30) years, but same has never been dedicated to the public for public purposes nor have the political sub-divisions concerned ever incorporated said road into their system of roads.
3. That said road is 18 feet wide and extends from a point in Sankertown Borough known as Fry Milling Company, through a portion of Cresson Township, thence through a portion of Gallitzin Township to Route 53 at a point known as the High-bridge, a distance of approximately one and one-half miles, half of which lies in Cresson Township and half of which lies in Gallitzin Township.
4. That the entire road is situate and passes over property owned by the Pennsylvania Coal and Coke Corporation, whose principal place of business is situate in the Borough of Cresson, Cambria County, Pennsylvania.
5. That the Pennsylvania Coal and Coke Corporation is desirous of donating said roadway to the political sub-divisions concerned and is ready and willing to execute quit-claim deeds or any other papers necessary to effectuate the same.
6. That said political sub-divisions are ready and willing to accept said road as a part of their system of roads.
7. That there is no other means of ingress or regress to the Village known as the Shaft, Cresson Township, Cambria County, Pennsylvania, except over said road.
8. Therefore, your petitioners pray your Honorable Court to appoint viewers to assess the damages arising by opening said public road and to assess the benefits, if any, and to report the same to your Honorable Court in such case made and provided.

And your petitioners will ever pray, etc.

New York State Office  
 EXAMINATION BLANK  
 Gallitzin Township

No. \_\_\_\_\_ Pupil \_\_\_\_\_ Age \_\_\_\_\_ Grade 1938

Subject \_\_\_\_\_ Teacher \_\_\_\_\_

Date \_\_\_\_\_ Time used \_\_\_\_\_ Standing \_\_\_\_\_

Name Age Occupation Date

Geo. Gray	51	miner	Feb. 11th
Rebekah Fernandez	37	miner	Feb. 11th
Antonia Fernandez	35	house wife	Feb. 11th
George Miller	29	miner	Feb. 11th
Anna Miller	29	house wife	Feb. 11th
Walter Miller	28	miner	Feb. 11th
Buddy Sabash	41	miner	Feb. 11th
Anna Sabash	31	housewife	Feb. 11th
George Vermeulen	30	miner	Feb. 11
Sophia Vermeulen	26	housewife	Feb. 11
Alf Stanke	48	miner	Feb. 11
John K. Stanke	27	miner	Feb. 11
Mary K. Stanke	21	housewife	Feb. 11
Albert W. Stanke	42	miner	Feb. 11
Paul W. Stanke	42	housewife	Feb. 11
Andy Gless	24	miner	Feb. 11
Michael A. Gless	26	miner	Feb. 11
Walter G. Gless	29	miner	Feb. 11th
Anna G. Gless	24	housewife	Feb. 11th
James Reed	37	miner	Feb. 11

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*Business Men*

No. .... Pupil- .... Age. .... Grade. ....

Subject. .... Teacher. ....

Date. .... Time used. .... Standing. ....

Name	Age	Occupation	Date
Latterman, Wm. H.	24	Meat & Grocery	2/14/38
Sam. Callicioni	50	Grocery Store	2/14/38
Louis Callicioni	21	Truck Driver	2/14/38
Cresson Flour & Feed Mill			2-14-38
Jos. E. Hines		Truck Dealer	2-14-38
Cambria Mercantile Co.		General Mdr.	2-14-38
Yogues & Sons Store		Gen. Store	2-14-38
John J. Luthor		Salesman	2-14-38
Wilfred G. Seymour		Blatchford Truck Co	2-14-38
Chas. J. M. D.		Salesman	2-14-38
Chapman			2-14-38
Schethy Motor Sales		H. J. Schethy - Manager	2-14-38
Wm. J. Gennil		Crane & Iron Works	2-14-38

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## *Creson Township*

No. \_\_\_\_\_ Pupil \_\_\_\_\_ Age \_\_\_\_\_ Grade \_\_\_\_\_

Subject \_\_\_\_\_ Teacher \_\_\_\_\_

Date \_\_\_\_\_ Time used \_\_\_\_\_ Standing \_\_\_\_\_

Name	Age	Occupation	Date
Ann A. Spungis	33	Teacher	Feb. 11-38
Andy Piccola	44	Miner	Feb. 11
Mrs Andy Piccola	43	housekeeper	
Joe Spungis	39	miner	Feb. 11
Joe Zachesky	50	miner	Feb. 11
Sarah Zachesky	49	cook	Feb. 11
Mr Robert Chiriac	55	house wife	
Mrs H. J. Harner	39	miner	Feb. 11
Mrs. H. J. Harner	36	Housewife	Feb. 11
Kenneth Myers	34	Miner	Feb. 11
Mrs. Mary Myers	28	Housewife	Feb. 11
Mrs Anna Ball	31	Housewife	Feb. 11
Mr Charles Ball	69	Miner	Feb. 11
Mrs Anna Dominis	26	Housewife	Feb. 11
Maurice Dominis	33	Miner	Feb. 11
Thos. Dieman	62	miner	Feb. 11
James McChesney	31	miner	Feb. 11
Mrs James McChesney	30	Housekeeper	Feb. 11
Mr Sanford Nagle	49	miner	Feb. 11
Mrs Elizabeth Nagle	47	housekeeper	Feb. 11

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## Cresson Township

No. \_\_\_\_\_ Pupil \_\_\_\_\_ Age \_\_\_\_\_ Grade \_\_\_\_\_

Subject \_\_\_\_\_ Teacher \_\_\_\_\_

Date \_\_\_\_\_ Time used \_\_\_\_\_ Standing \_\_\_\_\_

Name	Age	Occupation	Date
Emery Novak	45	miner	Feb. 11. th
Mary Novak	41	housewife	Feb. 11 th
Mike Gartin	46	miner	Feb 11 th
Mary Gartin	38	house wife	Feb. 11. th
John Prosser	44	miner	Feb 11
Rachael Prosser		house wif.	Feb 11
andy Gazdik	46	mine	Feb 11
Mrs Emma Hager	59	House keeper	Feb 11
Wm Zelenski	40	mine	Feb 11
Andy Lynn	27	miner	Feb 11
Pauline Lynn	25	House keeping	Feb. 11.
Tony Majur	27	House Keeping	Feb. 11.
Pauline Majur	35	Miner	Feb. 11.
Joe Pugh	31	miner	Feb 11
Anna Pugh	23	House wife	Feb 11
Alfred Surosky	32	miner	Feb. 11, 1938
Chimie Surosky	26	House Wife	Feb. 11, 1938
John Surobske	23	miner	Feb 11, 1938
Mike Mandichak	52	mine	Feb 11
Helen Mandichak	43	housewife	Feb 11



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*Cassion Township*

No. .... Pupil. .... Age. .... Grade. ....

Subject. .... Teacher. ....

Date. .... Time used. .... Standing. ....

Name	Age	Occupation	Date
Paroska	56	housewife	Feb 11
Ralph Truse	27	miner	Feb 11
Jake Danick	26	miner	Feb 11
Mr Paul Gallagher	25	miner	Feb 11
Mrs Paul Gallagher	22	housewife	Feb 11
Melvin Grose	25		Feb 11
Andy Adamson	59	miner	11
Anny Adamson	56	housewife	11
Andy Adamson	23	miner	11
Grady Muriceap	27	miner	Feb 11 1938
Stella Muriceap	28	housewife	Feb 11 1938
Paul P Dorley	29	miner	Feb 11 1938
Frank Krawick	35	miner	Feb 11 - 1938
Stella Krawick	29	Housewife	Feb 11 - 1938
William Skebeck	26	miner	Feb 11 - 1938
Joe Skebeck	64	miner	Feb 11 - 1938
Victoria Skebeck	54	House Wife	11 - 1938
Mike Billy	45	miner	Feb 11
Mary Billy	34	housewife	Feb 11

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No. \_\_\_\_\_ Pupil \_\_\_\_\_ Age \_\_\_\_\_ Grade \_\_\_\_\_

Subject \_\_\_\_\_ Teacher \_\_\_\_\_

Date \_\_\_\_\_ Time used \_\_\_\_\_ Standing \_\_\_\_\_

Name	Age	Occupation	Date
Mike Popelich	55	miner	Feb. 11
Anna Popelich	39	Housewife	Feb. 11
John Prokop	60	miner	Feb. 11
Steve Prokop	26	miner	Feb. 11
Joe Szymala	22	Blacksmith	Feb. 11
W. August Szymala	46	Blacksmith	Feb. 11
Mrs. Stella Szymala	44	Housewife	Feb. 11
Mrs. Walter Blahuti	56	miner	Feb. 11
Lie Kolok	40	housewife	Feb. 11
Mike Koloka	24	miner	Feb. 11
John Koloka	48	miner	Feb. 11
John Haldsworth	51	miner	Feb. 11
Ellen Haldsworth	36	housewife	Feb. 11
Harry Prosser	39	miner	Feb. 12
Ladie Prosser	25	housewife	Feb. 12
Mike Dumbin	25	miner	Feb. 13
Mike Dumbin Jr	55	miner	Feb. 13
Anna Dumbin	46	housewife	Feb. 13

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## Cresson Township

No. .... Pupil ..... Age ..... Grade .....

Subject ..... Teacher .....

Date ..... Time used ..... Standing .....

<u>Name</u>	<u>Age</u>	<u>Occupation</u>	<u>Date</u>
Carl Urban	23	miner	Feb. 11
Frank Blunt	24	miner	Feb. 11
Julie Misch	55	housewife	Feb. 11
John Misch	60	miner	Feb. 11
Joseph Hoover	36	miner	Feb. 11
Klara Hoover	32	housewife	Feb. 11
Bete Jiriglia	50	miner	Feb. 11
Bernice	47	housewife	Feb. 11
Julia Funglass	38	housewife	Feb. 11
Joe Funglass	48	miner	Feb. 11
Leo McGinnis	39	miner	Feb. 11
Laura Mc Ginnis	27	housewife	Feb. 11
Walter Cooper	29	miner	Feb. 11
Leo Misko	30	miner	Feb. 11
Loretta Misko	25	housewife	Feb. 11
Frank Post	28	miner	Feb. 11
Wm Post	25	labor	Feb. 11
Andy Litchus		miner	Feb. 11
Anna Litchus	27	housewife	Feb. 11
Valentine Klentz	56	miner	11

# EXAMINATION BLANK

*Gallitzin Township*

No. \_\_\_\_\_ Pupil \_\_\_\_\_ Age \_\_\_\_\_ Grade \_\_\_\_\_

Subject \_\_\_\_\_ Teacher \_\_\_\_\_

Date \_\_\_\_\_ Time used \_\_\_\_\_ Standing \_\_\_\_\_

<u>Name</u>	<u>Age</u>	<u>Occupation</u>	<u>Date</u>
Soretha Reed	31	house wife	Feb 11
John Kline	29-	miner	Feb 11
Steve Smith	25	miner	Feb 11
Joe Bluecher	24	Miner	Feb 11
Naomi Leonard	23	Teacher	Feb 11
John Mishock	23	Miner -	Feb 11
Andy Makoty	63-	Miner	Feb 11
Frank Lichwell		Miner	Feb 11
Andy Chonko	57	miner	Feb 12
Mary Chonko	53	housewife	Feb 12

State of Pennsylvania ( )  
( ) SS  
County of Cambria ( )

Joe Blucher, being duly sworn according to law, deposes and says that he is one of the petitioners above named, and that the facts set forth in the foregoing petition are true to the best of his knowledge and belief.

Joe Blucher

Sworn and subscribed to before me  
this 25 day of Feb A.D. 1938.

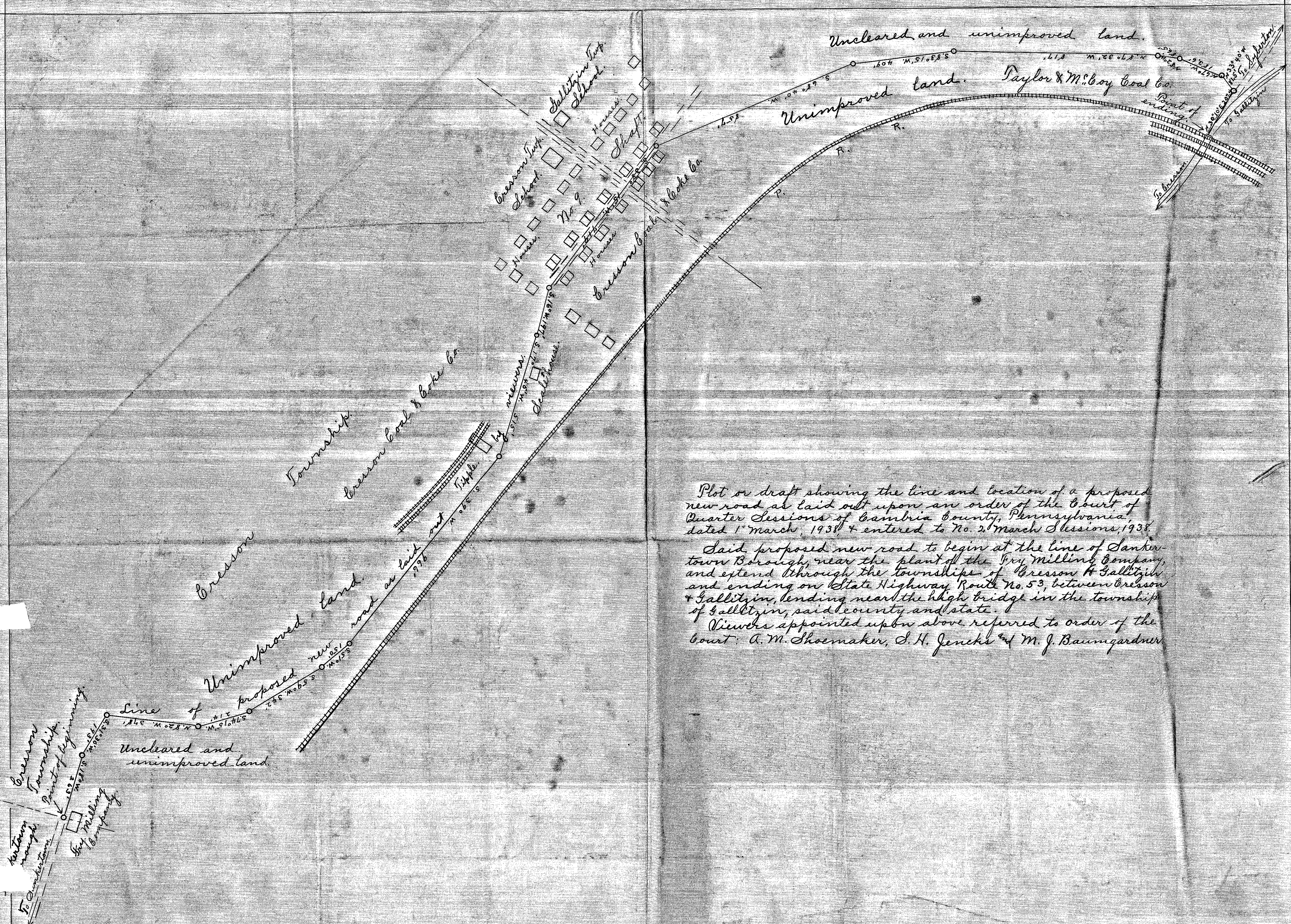
A. J. Powers J.P.  
My Commission Expires  
1 Mon Jan 1940

DECREE

AND NOW, to wit this 1st day of March A.D. 1938, the Court  
appoint A. H. Shewmaker, A. H. Jones, William Baumgardner  
as a Board of View upon the foregoing petition, and further orders that  
said Board of View shall perform their duties according to the laws of  
the Act of Assembly in such case made and provided and report before or  
during the June term of Court, 1938.

By the Court  
McRae  
Judge





Plot or draft showing the line and location of a proposed new road as laid out upon an order of the Court of Quarter Sessions of Cambria County, Pennsylvania, dated 1<sup>st</sup> March, 1938, & entered to No. 2<sup>nd</sup> March Sessions, 1938.

Said proposed new road to begin at the line of Sankertown Borough, near the plant of the Fry Milling Company, and extend through the townships of Gresson & Gallitzin and ending on State Highway Route No. 53, between Gresson & Gallitzin, ending near the high bridge in the township of Gallitzin, said county and state.

Viewers appointed upon above referred to order of the Court: A. M. Shoemaker, J. H. Jencks and M. J. Baumgardner.