

House
Barn
J. Bauman

Olshott House

Banner Bridge Hall

H. A. Selig

Alex. Strittmatter

F. J. Strittmatter

Alex. Strittmatter

Plot or draft showing courses and distances of a road laid out in East Carroll Twp., Cambria Co., Penna. in accordance with an order of the Court dated Sept. 10th, 1914, and upon which the review has now had and herewith report upon a review of same; said road having been laid out through and over lands of Alex. Strittmatter, the Pennsylvania Railroad Co. and J. Dimminger; showing also the public road whereon the road now re-revised begins and ends; and which now accommodates the traffic a portion of which would be accommodated by the road herewith reported upon, if opened for public use, also indicating changes or alterations in line of road now in use, which have been made in recent years where by the extremely heavy grades of said old public road were eliminated & referred to in the attached report.

Review made upon an order of the Court of Quarter Sessions of Cambria County, Pennsylvania, dated August 31st, 1925.
A. M. Shoemaker, J. D. Ritter by Adam Shuman, Viewers.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.
TO THE HONORABLE THE JUDGES OF THE SAID COURT.

The petition of the undersigned inhabitants and citizens of the Township of East Carroll, in said County and State, respectfully represents:

That they labor under great inconvenience for want of a public road beginning at a point in the connecting Township road which leads from the Loretto and Carrolltown Road to the Old Ebensburg and Carrolltown Road, where said connecting road crosses the Cambria and Clearfield Branch of the Pennsylvania Railroad at Bradley Junction Station, and ending at a point in said connecting road near a maple tree on lands of Sylvester Bradley, which point is found by starting at the intersection of the said connecting road with the old Ebensburg and Carrolltown Road between lands of Mrs. John Zorn and lands of the heirs of John Bennett, and running thence along said connecting road South 84° 30' East two hundred and eighty-five feet to a post; South 82° East two hundred feet to a post; South 85° 30' East seven hundred and nine feet to a post; South 88° East four hundred and forty-two feet to a post; South 84° East five hundred eighty-one feet to a post; South 83° East five hundred thirty-eight feet to a post in said road opposite a maple in lands of Sylvester Bradley, which said last mentioned post is the western terminal of the proposed road and is located two thousand seven hundred and fifty-five feet from the point of intersection of said connecting road with the Old Ebensburg and Carrolltown Road as above set forth by courses and distances.

Your petitioners further aver that a road laid out between the proposed points as aforesaid, will be practically level and will be the chief travelled road between Bradley Junction and said Carrolltown Road, and will be of great benefit not only to the people of the section through which the road passes but also to the travelling public.

Wherefore, your petitioners pray your Honorable Court to appoint viewers to view the grounds proposed for such road and report to next term of Court.

<u>W. H. Sumner</u>	<u>John J. Barron</u>
① <u>Louis E. Taylor</u>	<u>Joseph W. Wron</u>
<u>Harmon Illig</u>	<u>James Baker</u>
<u>W. W. Baker</u>	<u>Thomas Wron</u>
<u>H. J. Beck</u>	<u>Bonifac. Stuttmatter</u>
<u>Edward Springer</u>	<u>Colmer J. Bradley</u>
<u>Wm A. Forabough</u>	<u>Oscar A. Bradley</u>
<u>H. G. Co. Cully</u>	<u>Edwin J. Huber</u>
<u>H. J. Buck</u>	<u>F. J. Stuttmatter</u>
② <u>Thad. Jones</u>	<u>Carl A. Sumner</u>
③ <u>Ernest Jones</u>	
<u>J. C. Burley</u>	
<u>Wm R. Burley</u>	
<u>F. J. Schellig</u>	
<u>Francis Illig</u>	
<u>J. B. Bennett</u>	
<u>P. C. Harbough</u>	

STATE OF PENNSYLVANIA |

COUNTY OF CAMBRIA |

SS:

F. J. Strittmatter, having been duly sworn, according to law, deposes and says that the matters set forth in the above and foregoing petition are true and correct.

Sworn and subscribed before me this

7th day of ~~August~~ ^{Sept}, 1917.

Wm. J. ... Notary Public

F. J. Strittmatter

My com. expires

Feb. 21st 1919.

DECREE.

And now, to wit, September 10th, 1917, the within petition read and considered by the Court, and the Court appoint A. M. Shewell ^{esq.} Adam Morrison and J. W. Peters Viewers to view the site of the proposed road as described in the within petition and report to the next Term of Court.

By the Court

Sept. Sessions, 1917

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

Petition of the inhabitants of
East Carroll Township for a Public
Road.

*Filed 10 September 1917
Frank H. Robb, Clerk
vs.*

JOHN H. McCANN

M. J. McCANN

LAW OFFICES OF
McCANN & McCANN
EBENSBURG, PA.
TRUST COMPANY BLDG.

REPORT OF VIEWERS .

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 and therein directed to view and determine as to the propriety of vacating a certain piece of public road; in East Carroll Township, Cambria County, Pennsylvania; laid out in persuance to an order of Court dated the tenth day of September, 1917, but which has not yet been opened, 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 East Carroll and having them accept service of same, 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 road to be viewed; and having first been 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 in accord with the notices so given and after having gone over the premises and the other road upon which the road in question begins and ends we adjourned to a day fixed, of which all parties had notice, to take such testimony as the parties in interest had to offer relative to the matter in question at which time the parties appeared, together with their attorneys and were heard.

In the course of the view and hearing the viewers found the following to be the facts relative to the matter of our enquiry:

That all parties interested already have a public road which (road. from end to end, is approximately the same length, as the unopened new

That the present existing road does become heavy in wet weather.

That there are three families living on the North side of the present road and two families living on the South side of the present road all of whom can reach same from a reasonable distance over their own premises.

That the new road as laid out, if opened, would be a decided advantage to the two families living on the Southerly side of the present

road and some advantage to the public generally, particularly as the grade of the road as laid out, but not opened, is better than the grade ~~of the unopened road is better than the grade~~ of the old road.

That if the new road as laid out were opened it would for a portion of the distance practically parallel the present road.

That a majority of those who signed the original petition for the new road have now signed the petition to vacate same.

That the cost of opening, constructing and maintaining the new road would be considerable and at the present time the township is not in shape financially to expend the amount necessary to build the road.

Considering every phase of the proposition the viewers are unanimous in their conclusion that the necessity for the new road is not commensurate with the cost of constructing and maintaining the yet unopened road and therefore we recommend that it should be vacated.

A plot or draft is hereto attached and made a part of this report showing the line or lay out of the road as viewed in 1917; and which is not yet opened; and also the relative lay out and approximate location of the road now in use by those living in the vicinity and the public.

The courses and distances of the road viewed, between the termini indicated on the attached order of the Court, beginning at the Westerly termini are as follows, viz:- N. 82° E. 122 ft., N. 43° 15' E. 185 ft., N. 29° 45' E. 102 ft., S. 86° 45' E. 80 ft., S. 46° E. 314 ft., S. 19° E. 132 ft., S. 26° 30' E. 106 ft., S. 33° E. 118.5 ft., S. 57° 40' E. 133 ft., S. 63° 30' E. 352 ft., S. 56° E. 336 ft., S. 59° 45' E. 289 ft., S. 50° 30' E. 275 ft., S. 32° E. 429 ft., S. 37° E. 119 ft., S. 69° 30' E. 118 ft., S. 66° 50' E. 144 ft., S. 81° 15' E. 179 ft., S. 80° 15' E. 495 ft., S. 56° E. 392 ft., S. 63° E. 334 ft., S. 69° 52' E. 452 ft., S. 69° 55' E. 398 ft., N. 79° 30' E. 268.5 ft., N. 87° E. 119 ft., N. 51° E. 168 ft., N. 80° 05' E. 547.5 ft., N. 41° 18' E. 136 ft., N. 58° 50' E. 204.5 ft., N. 59° E. 203 ft., N. 80° 35' E. 219 ft., N. 69° E. 181 ft., N. 17° 10' E. 674 ft., N.

86° 50' E. 144 ft. and S. 79° 45' E. 173 ft. to the Easterly termini
noted on the attached order of the Court.

Witness our hands this 1st. day of April, A. D., 1925.

A. M. Shoemaker.

J. D. Ritts

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 propriety of vacating a certain piece of public road in East
.. Carroll Twp., Cambria Co., Pa., which has been laid out but not yet
.. opened: Beginning at the intersection of the Cambria & Clearfield
.. Branch of the P. R. R. with the public road leading from the old
.. Ebensburg-Carrolltown road to Bradley Junction and ending on said
.. road leading from Bradley Junction to the old Ebensburg-Carrolltown
.. road at a point 2755 ft. Eastward, along said road, from its junc-
.. ture with said old Ebensburg-Carrolltown road, at a point near a
.. Maple tree on land of Sylvester Bradley:

will meet at the place of beginning, above noted, in the
..... Township of East Carroll aforesaid,
on the .. 28th. .. day of ... March 1925, at .. 10:30 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. 3 / 17 / 1925.

Now, March 20, 1925, service of the within notice is hereby
accepted for the Commissioners of Cambria County, Pennsylvania.

A. S. Hiestand

Clerk,

Now, Mar. 18, 1925, service of the
within notice is hereby accepted
for the supervisors of East Carroll
Township, Cambria Co., Pa.

John S. Springer
Secretary for the
Board of Supervisors.

Cost of View

J. D. Ritter

3 Days	\$22.50
Auto hire	5.00
50 miles	2.50
	<u>\$30.00</u>

John M. ...
COUNTY CONTROLLER

Adair Shuman

3 Days	\$22.50
Auto hire	3.50
63 miles	3.15
	<u>\$29.15</u>

John M. ...
COUNTY CONTROLLER

A. M. Shoemaker

6 1/2 Days	\$48.75
Auto hire (two trips)	7.00
15 miles	.75
Engineering Work	120.00
Lifting order	.90
	<u>\$177.40</u>

John M. ...
COUNTY CONTROLLER

John M. ...
George ...
Shoemaker

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

No 2 September Sessions, 1917.

In re Petition for the Appointment of Viewers to lay out a road
in East Carroll Township.

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

The petition of the undersigned respectfully represents:

That on the 10th day of September, 1917, a petition was presented to this Honorable Court by sundry inhabitants of the Township of East Carroll, Cambria County, Pennsylvania, setting forth that they labored under great inconvenience for want of a public road beginning at a point in the connecting Township road which leads from the Loretto and Carrolltown Road to the Old Ebensburg and Carrolltown Road, where said connecting road crosses the Cambria and Clearfield Branch of the Pennsylvania Railroad at Bradley Junction Station, and ending at a point in said connecting road near a maple tree on lands of Sylvester Bradley, which point is found by starting at the intersection of the said connecting road with the old Ebensburg and Carrolltown Road between lands of Mrs. John Zorn and lands of the heirs of John Bennett, and running thence along said connecting road south eighty-four degrees thirty minutes east two hundred and eighty-five feet to a post; south eighty-two degrees east two hundred feet to a post; south eighty-five degrees thirty minutes east seven hundred and nine feet to a post; south eighty-eight degrees east four hundred and forty-two feet to a post; south eighty-four degrees east five hundred eighty-one feet to a post; south eighty-three degrees east five hundred thirty-eight feet to a post in said road opposite a maple in lands of Sylvester Bradley, which said last mentioned post is the western

terminal of the proposed road and is located two thousand seven hundred and fifty-five feet from the point of intersection of said connecting road with the Old Ebensburg and Carrolltown Road as above set forth by courses and distances.

Whereupon the Court appointed A. M. Shoemaker, Adam Shuman, and J. D. Ritter viewers to view the site of the proposed road as described in said petition and to report to the next term of court.

The said matter was so proceeded in that on the 20th day of October 1924, the report of the viewers appointed as above set forth, in favor of said proposed road was confirmed, and on the 21st day of October, 1924, by order to open the said road as laid out and located by the viewers was issued to the supervisors of East Carroll Township, in said County.

That said order to open has not been executed by said supervisors by reason of the fact that on the 7th day of November, 1924, said supervisors presented their petition to this Court praying for a rule to show cause why the order to open issued should not be vacated, which said rule to show cause is still pending and undetermined in this court.

Your petitioners therefore aver that this petition is a petition under the 19th Section of the Act of June 13th, P. L. 551, 1836 for the purpose of vacating and annulling the road aforesaid, by reason of the fact that the same has been laid out and confirmed, but not opened, and your petitioners constitute a majority of said original petition.

Wherefore your petitioners pray the court that the aforesaid road described as aforesaid, laid out and confirmed as aforesaid, but not opened, may be vacated and annulled, and for this purpose that the court do appoint viewers from the Board of permanent viewers of said County of Cambria.

And they will ever pray.

D E C R E E .

And now, to wit, March 2, 1925, the within petition read and considered by the Court, and the Court appoint A. M. Shoemaker, C. E., Adam Shuman and J. D. Ritter, viewers to view the site of the road described in the within petition and report to the next term of court.

By the Court,

Mo

Extract from the Record.

Certified this 3rd day
of March, A. D. 1925.

Franklin B. Ralph

Clerk/

W.2 Sept. Dec. 1917.

Order to View Road
East Carroll Twp.
Columbia Co. Pa. as
land out but not
opened —
any
Report of Viewers

CERTIFIED

James H. Hoffman

COUNTY CONTROLLER

1 April 1925

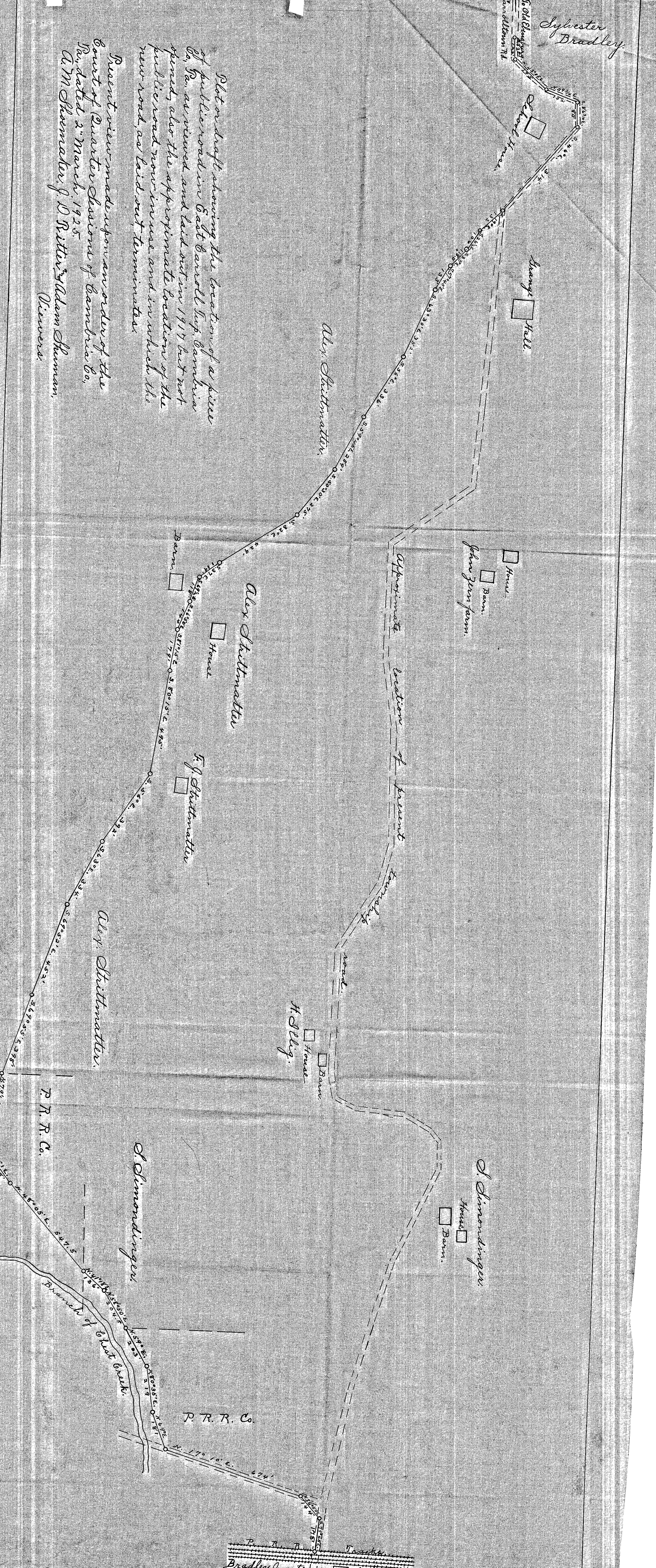
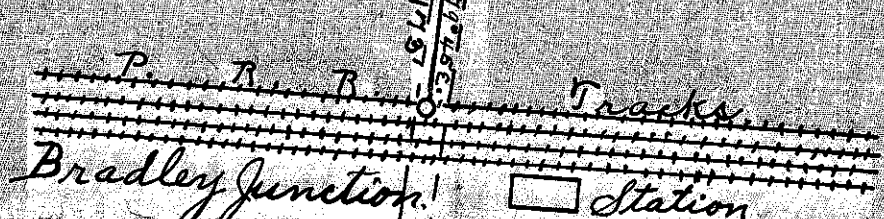
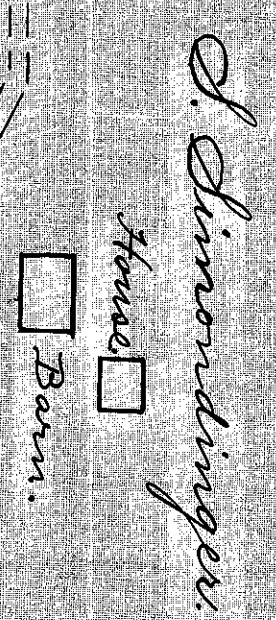
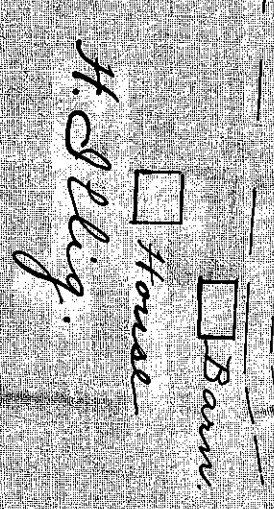
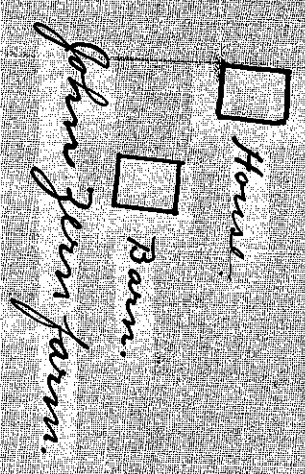
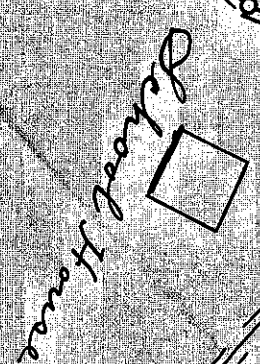
P. M.

8 April 1925 *Approved*

STATE

Sylvester Bradley

W. M. Blum
Carrollton Rd.



Plot on draft showing the location of a piece of public road in East Carroll Twp. Cambria Co., Pa., as surveyed and laid out in 1919 but not opened, also the appropriate location of the public road now in use and in which the new road, as laid out terminates.

Recent views made upon an order of the Court of Quarter Sessions of Cambria Co., Pa., dated 2nd March 1925
A. M. Shoemaker & D. Ritter
Adam Shuman,
Receivers.

Approximate location of present township road.

Alex. Shuttmatter

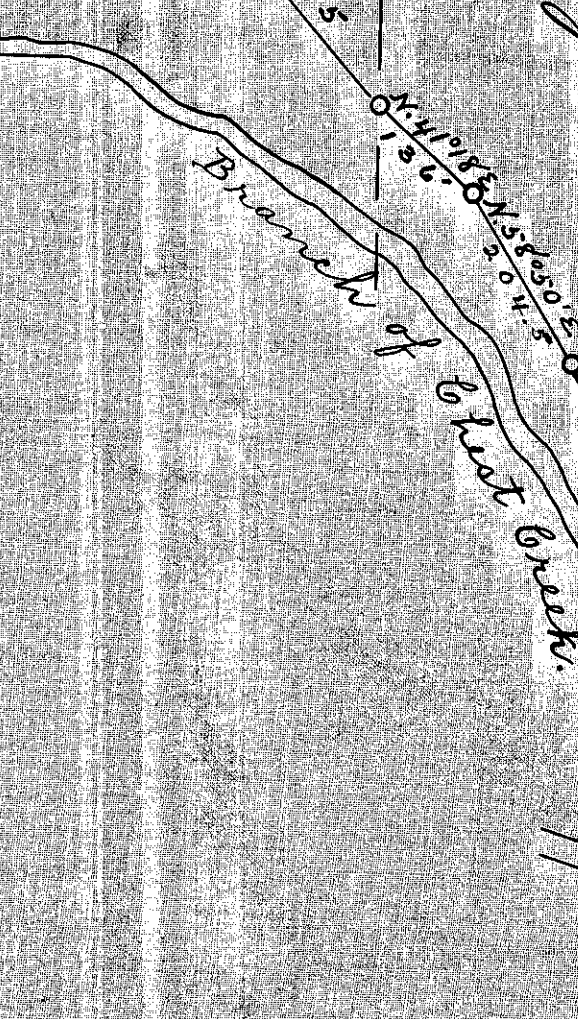
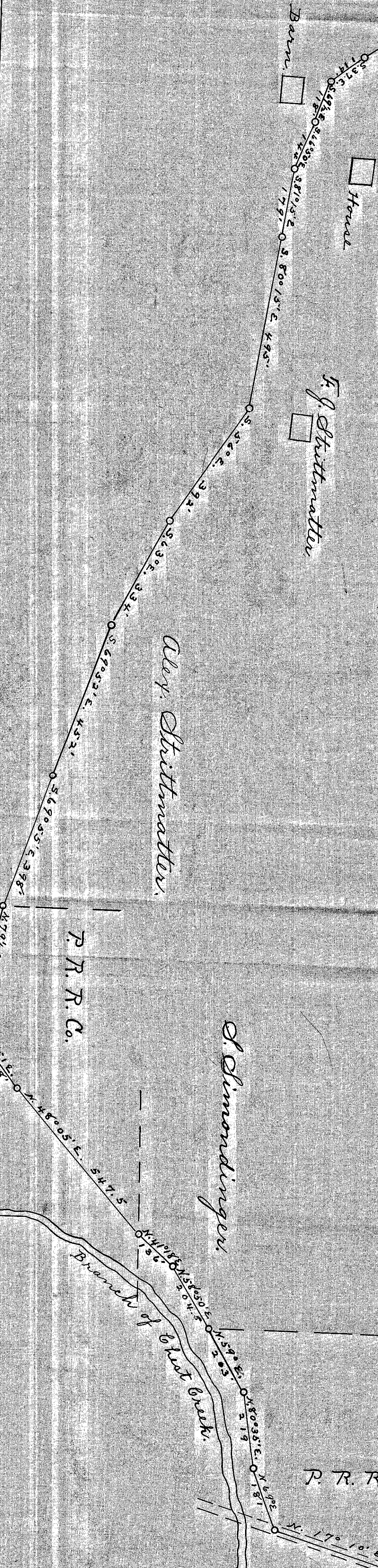
F. J. Shuttmatter

Alex. Shuttmatter

D. Dimondinger

P. R. R. Co.

P. R. R. Co.



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

In re: Application for public
road in East Carroll Township,
in said County.

No. 2, September Sessions, 1917.

Rule to Show Cause.

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

In answer to the petition of F. E. Farabaugh, John S. Springer, and H. P. Dishart, for a rule to show cause, &c., the respondents make answer as follows:-

1. It is admitted that the above named petitioners are the duly elected, qualified and acting Supervisors of the Township of East Carroll, in the County of Cambria, and State of Pennsylvania.
2. It is admitted that on or about the twenty-first day of October, 1924, the petitioners were served with an order to open a certain public road, as stated.
3. It is denied that the said order to open said public road was the first notice or knowledge which the petitioners had of the said proceeding to open said road.
4. Respondents aver that at all times during the above stated proceeding up to and until the issuing of the said order to open, the petitioners and citizens of East Carroll Township interested in opposing the opening of said road, were duly represented by counsel, and that counsel representing those interested in opposing the said road were familiar with the entire situation and had knowledge of the fact that the Court had dismissed the exceptions to the Report of the Viewers, and approved the same.

5. It is denied that the petitioners for the rule to show cause granted in the above stated case, had no knowledge of the proceeding in the said case.

6. It is denied that during the period whilst these proceedings were in progress, "a new road has been built in the Township of East Carroll, which supplies the needs alleged to have existed in the year 1917 by the petition presented in this proceeding. It is not true that the public road as laid out by the viewers and approved by this Honorable Court will serve but two persons.

7. It is denied that this proceeding is an attempt to have the Township of East Carroll provide and maintain as a public road what is in effect a mere private way.

8. Respondents are not advised and can neither affirm nor deny the statements made in the ninth paragraph of the petition for a rule granted in the above stated matter, and demand proof of the same.

9. Respondents deny that the expense of building the road described in said order to open would amount to several thousands of dollars which would have to be expended by the Supervisors out of funds of the Township of East Carroll, without any public benefit or return therefrom, and aver that the action of the viewers, after having gone upon the ground and viewed the same, and reported in favor of the granting of the prayer of the petitioners, was right and fully warranted under all the facts in the case.

75 F. J. Strithmatter

STATE OF PENNSYLVANIA
COUNTY OF CAMBRIA

SS:

F. J. Strittmatter, being duly sworn according to law, deposes and says that the matters and facts set forth in the foregoing Answer are true and correct, to the best of his knowledge, information and belief.

75 F. J. Strittmatter

Sworn and subscribed to before
me, this 15 day of November,
A. D. 1924.

W. J. Bick J. P.
Jury Commission 24, 15 Jan 180

No. 2 Sept. Sess. 1917.

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

In re: Application
for public road in East
Carroll Township, in
said County.

ANSWER OF RESPONDENTS.

Filed 1 December 1924.

LEECH & LEECH
ATTORNEYS-AT-LAW
EBENSBURG, PA.

In the Matter of the Order to
View Road in East Carroll Town-
ship, Cambria County, as laid
out but not opened, and Report
of Viewers.

In the Court of Quarter Sess-
ions of Cambria County,
Penna.

No. 2 Sept. Sess. 1917.

F. J. Strittmatter, one of the petitioners for the new road in controversy, for himself and others interested in the said new road, files the following exceptions to the Report of the Viewers to view and determine as to the propriety of vacating a certain piece of public road in East Carroll Township, Cambria County, Pennsylvania, laid out in pursuance of an order of Court dated the 10th day of September, 1917, but not yet opened, and set forth in their Findings of Fact in said Report as follows:-

"1. That all parties interested already have a public road which from end to end is approximately the same length as the unopened new road."

"2. That the present existing road does become heavy in wet weather."

"3. That there are three families living on the North side of the present road, and two families living on the South side of the present road, all of whom can reach same from a reasonable distance over their own premises."

"4. That the new road as laid out, if opened, would be a decided advantage to the two families living on the Southerly side of the present road, and some advantage to the public generally, particularly as the grade of the road as laid out, but not opened, is better than the grade of the old road."

"5. That if the new road as laid out were opened, it would have a portion of the distance practically parallel the present road."

"6. That a majority of those who signed the original petition for the new road have now signed the petition to vacate the same."

"7. That the cost of opening, constructing and maintaining the new road would be considerable, and at the present time the Township is not in shape financially to expend the amount necessary to build the road."

"8. Considering every phase of the proposition, the Viewers are unanimous in their conclusion that the necessity for the new road is not commensurate with the cost of constructing and maintaining the yet unopened road, and therefore would recommend that it should be vacated."

The exceptants, believing that the Board of Viewers has erred in its conclusions and findings of fact, as set forth in the said Report, ask leave to file these exceptions that the matter may be heard and decided by the Court upon its merits.

J. J. Struthmatter

STATE OF PENNSYLVANIA

COUNTY OF CALBRIA

SS:

Personally appeared before me, the subscriber, a Jus -
Vice of the Peace in and for said County and State, F. J.
Strittmatter, who being duly sworn according to law, deposes
and says that the matters and things set forth in the foregoing
petition are true and correct.

F. J. Strittmatter

Sworn and subscribed to before

me, this 18 day of April,

A. D. 1925.

W. J. Buck, J. P.
My Commission Exp. Jan 1/30

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

In the Matter of the
Order to View Road in
East Carroll Township,
Cambria County, as laid
out but not opened, and
Report of Viewers.

EXCEPTIONS TO REPORT
OF VIEWERS.

Filed 23 April 1925
4 30 PM
Frank C. Roth
clerk

LEECH & LEECH
ATTORNEYS-AT-LAW
EBENSBURG, PA.

KNOW ALL MEN BY THESE PRESENTS:

That F. J. Strittmatter and Thad Jones and T. S. Bennett, all of the County of Cambria and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of One hundred Dollars, lawful money of the United States, to which payment well and truly to be made and done, we bind ourselves, jointly and severally, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

WHEREAS, Application has been made to the Court of Quarter Sessions of said County of Cambria for the appointment of viewers to view and report to the Court upon the expediency of opening a road for public use in the Township of East Carroll, in said County of Cambria, as appears by the proceedings on file in said Court to No. , December Term, 1917. Road Docket.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if the petitioners for the appointment of viewers will pay into the County Treasury of said County of Cambria the pay of the viewers and the pay of the re-viewers on said road, if any, if directed by order of Court so to do, then this obligation to be void; otherwise to be and remain in full force and virtue.

Witness our hands and seals this 8th day of September, 1917.

Signed, sealed and delivered
in the presence of

M. J. McClain
Ernest Jones
M. J. McClain

F. J. Strittmatter (SEAL)
Thad Jones (SEAL)
T. S. Bennett (SEAL)

In Re: Petition of the Inhabitants
of East Carroll Township for a
Public Road.

Filed 10 Sept 1917
Frank C. Robb Clerk
in

BOND.

Sept 10 1917
Bond affixed
Ralph C. Cady

JOHN H. McCANN

M. J. McCANN

LAW OFFICES OF
McCANN & McCANN
EBENSBURG, PA.
TRUST COMPANY BLDG.

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

No. 2 September Sessions, 1917, Road Docket

EXCEPTIONS.

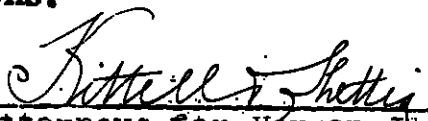
1. The proceedings are irregular and void for the reason that there is a road for public use laid out, opened and in use by the traveling public between the termini described in the petition for appointment of viewers, and between the termini set forth in the report of viewers.

2. There was not filed among the records of the Court a properly attested copy of the written notice to the Supervisors of East Carroll Township, giving them information as to the time and place of the presentation of the application for appointment of viewers, in compliance with the requirements of the Act of Assembly, approved March 29th, 1905, P. L. 69.

3. There was not filed among the records of the Court a properly attested copy of the written notice to the Supervisors of East Carroll Township, giving them information as to the time and place of the meeting of viewers, in compliance with the requirements of the Act of Assembly approved March 29th, 1905, P. L. 69.

4. The notice to the Supervisors of the time and place of the application for appointment of viewers, filed among the records of the Court shows that service was made upon but two of the Supervisors of said township.

5. The Bond filed in said proceedings does not comply with the law relating thereto because it refers to proceedings for opening a road for public use in East Carroll Township, on file at December Sessions of the Court, whereas the proceedings in this present case are a part of the record of the September Sessions.


Attorneys for Herman Illig et al
Exceptants

Cambria County ,SS.

Herman Illig being duly sworn according to law
says that the matters contained in the foregoing petition are true,
as he verily believes.

Herman Illig

Sworn and subscribed before me this 11th day of February

A.D. 1918.

Frank C. Robt.

No. 2 Sept. Sessions, 1917

Road Docket

Exceptions..

Filed 12 February 1918
Frank C. Robb, Clerk
in

Kittell & Shettig

To Frank O. Luther,
and Jerome Aerhart, Supervisors of East Carroll Town-
ship.

Gentlemen:

You are hereby notified that on Monday, the 10th day of
September, 1917, at ten o'clock A. M. there will be presented to the
Court of Quarter Sessions of Cambria County the petition of divers in-
habitants of the Township of East Carroll praying for the appointment of
viewers to view and lay out a new road in East Carroll Township beginning
at Bradley Junction Station on the Cambria and Clearfield Branch of the
Pennsylvania Railroad and ending at a point opposite a maple tree on
lands of Sylvester Bradley as the western terminal of said road, which
terminal is located two thousand seven hundred and fifty five feet in a
southerly direction from the point where the Old Ebsenburg and Carroll-
town Road intersects with a connecting road which leads from it to the
Old Loretto and Carrolltown Road.

McCann & McCann,
Attorneys for Petitioners..

State of Pennsylvania |
County of Cambria | SS:

Louis E. Kaylor, having been duly sworn according to
law deposes and says that he served a copy of the above notice upon
Frank O Luther & Jerome Aerhart, Supervisor of East Carroll Township, on
the 30th day of August, 1917; and upon Jerome Aerhart,
Supervisor of East Carroll township, on the 30th day of August, 1917,
and upon _____, Supervisor of East Carroll Township
on the _____ day of _____ 1917, by handing him a copy of said
petition and making known to him the contents thereof.

Sworn and subscribed before me
this 6th day of September, 1917

Louis E. Kaylor

Notary Public
1914 Com. Expires Feb. 21st 1919

No. 20. Sept Sessions, 1917

In Re: Petition of the Inhabitants of East Carroll Township for a Public Road.

Proof of Notice to Supervisors of East Carroll Township.

*Filed 10 September 1917
Frank C. Robt. Clerk
ms.*

JOHN H. MCCANN
M. J. MCCANN

LAW OFFICES OF
MCCANN & MCCANN
EBENSBURG, PA.
TRUST COMPANY BLDG.


*And now Oct 20th 1917 - ex certiorari
dismissed at Court of ex certiorari
width of road ~~from~~ By the Court
at Hagerstown
Samuel Leamon*

**PRESIDENT JUDGE OF THE ORPHANS' COURT
SPECIALLY PRESIDING**

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

No. 2 September Term 1917,
Road Docket.

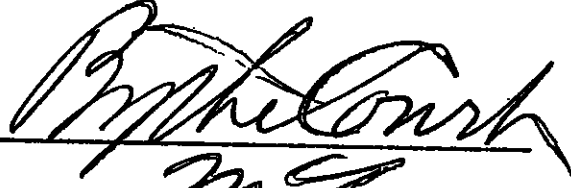
And now, October 20th, 1924, F. J. Hartmann, Attorney for The Pennsylvania Railroad Company, one of the exceptants excepting to the report of viewers, now moves the Court for leave to withdraw the exceptions filed by him on behalf of said The Pennsylvania Railroad, Company, exceptant.



Attorney for The Pennsyl-
vania Railroad Company, exceptant.

- : O R D E R : -

And now, October 20th, 1924, upon motion of F. J. Hartmann, attorney for The Pennsylvania Railroad Company, leave is granted to withdraw the exceptions filed on behalf of said railroad company, and said exceptions are therefore withdrawn.





No. 2 Sept, Term 1917, Road
Docket.

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

Withdrawal of exceptions filed
by
The Pennsylvania Railroad Company.

Filed 20 October 1924

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

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNA.
TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of the undersigned citizens of East Carroll Township, Cambria County, respectfully represents:-

That on the 10th day of September, 1917, a petition was presented to your Honorable Court by the citizens of said Township, stating that they labored under inconvenience for want of a public road beginning at a point in the connecting township road which leads from the Loretto and Carrolltown road to the old Ebensburg and Carrolltown road where said connecting road crosses the Cambria and Clearfield Branch of the Pennsylvania Railroad at Bradley Junction Station, and ending at a point in said connecting road at a maple tree on lands of Sylvester Bradley, which point is found by starting at the intersection of said connecting road with the old Ebensburg and Carrolltown road between lands of Mrs. John Zern and lands of the heirs of John Bennett; and asking that viewers be appointed to view the ground and make a report to the said Court. On the same day the viewers were appointed, and the said viewers, on the 5th day of October, 1917, made report to the said Court that the said road prayed for was necessary for public use, and recommending that the same be opened.

That a petition for review, alleged to have been signed by a majority of the signers to the original petition was on the 2nd day of March, 1925, presented to your Honorable Court, and

on the same day re-viewers, (being the persons originally appointed as viewers), were appointed, who filed their report on the 1st day of April, 1925, reporting that the road prayed for in the petition for a view was not necessary for a public road, and recommending that the same be not opened, or vacated.

Your petitioners, therefore, pray your Honorable Court to appoint re-reviewers, who shall view the ground for the proposed new road and adjacent ground, and make report according to law.

And they will ever pray, &c.

Frank J. Strittmatter

Alex Strittmatter

J. S. Bennett

Lewis Jones

Joseph McCoon

Thad Jones
 My Jones was just across
 the line in Cambria Twp
 but says takes on some lines
 in East Carroll Twp and will
 be a user of proposed road

Joseph Farabaugh

Ralph C. McCoy

H. J. Buck

G. H. Lumm

H. M. Goddard

E. H. Kartheiser

W. J. Haines

J. F. Thomas

A. J. Edwards

Andrew Illig

James Phelan

George G. Buck

A. M. Schettig

John A. Schettig

Two columns of horizontal lines for text entry.

STATE OF PENNSYLVANIA |
COUNTY OF CAMBRIA | SS:

F. J. Strittmatter being duly sworn according to law, deposes and says that the matters and facts set forth in the foregoing petition are true and correct.

F. J. Strittmatter

Sworn and subscribed to before me, this 3rd day of August, A. D. 1925.

Gertrude Wilson
Notary Public

My com. expires Apr. 23, 1927.

D E C R E E

AND NOW, August 31st, 1925, the within
petition read and presented to Court, and Adam Shuman
J. D. Kitch and Alm Shuman appointed
viewers, as within prayed for.

By the Court
L

No. 2 Sept. Sess. 1917.

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

In the Matter of the Order
to View Road in East Carroll
Township, Cambria County,
as laid out but not opened.

PETITION FOR RE-REVIEW.

Filed 31 August 1925.

LEECH AND LEECH
ATTORNEYS AT LAW
EBENSBURG, PENNSYLVANIA

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

No. 2 SEPTEMBER SESSIONS, 1917, ROAD DOCKET

EXCEPTIONS.

1. The proceedings are irregular and void for the reason that there is a road for public use laid out opened and in use by the traveling public between the termini described in the petition for appointment of viewers, and between the termini set forth in the report of viewers.

2. There was not filed among the records of the Court a properly attested copy of the written notice to the Supervisors of East Carroll Township, giving them information as to the time and place of the presentation of the application for appointment of viewers, in compliance with the requirements of the Act of Assembly, approved March 29th 1905, P. L. 69.

3. There was not filed among the records of the Court a properly attested copy of the written notice to the Supervisors of East Carroll Township, giving them information as to the time and place of the meeting of Viewers, in compliance with the requirements of the Act of Assembly, approved March 29th, 1905, P. L. 69.

4. The notice to the Supervisors of the time and place of the application for appointment of viewers, filed among the records of the Court, shows that service was made upon but two of the Supervisors of said Township.

5. The Bond filed in said proceedings does not comply with the law relating thereto, because it refers to proceedings for opening a road for public use in East Carroll Twonship, on file at December Sessions of the Court, whereas the proceedings in this present case are a part of the record of the September Sessions.

6. The viewers had no authority to assess The Pennsylvania Railroad Company in these proceedings and the following contained in the report of viewers is specifically excepted to, viz;

" Not having secured releases of damages from the Pennsylvania Railroad Company, we have assessed them forty dollars damages ---- "

J. Kaufmann

Attorney for the Pennsylvania Railroad Company.

No. 2. Sept. Sessions, 1917.
Road Docket.

In re road in East Carroll
Township.

Exceptions to Report of
Viewers

Filed 23 February 1918

A. A. Stinson

In re RE-REVIEW of road in East
Carroll Township, Cambria Co., Pa.

From point in public road at
Bradley Junction Sta. to point
in road leading to old Ebensburg-
Carrolltown road at land of Syl-
veste Bradley's.

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

No. 2 September Sessions 1927

Whereas the Order to View the above referred to road was issued
August 31st 1925 and it has not been possible to have gotten out
the notice required and to have had them posted for ten days as re-
quired by the act of the General Assembly, the Viewers appointed by
your honorable Court respectfully pray that a continuance of the
order referred to may be granted.

And they will ever pray, &c.

A. M. Shoemaker
For the Viewers appointed by
the Court in said order.

Now, September 7th. 1925, the foregoing petition being read and
considered and a contiuance of said referred to order of the Court is
hereby granted as prayed for.

Samuel Benmore Reed
PRESIDENT JUDGE OF THE ORPHANS' COURT
SPECIALLY PRESIDING

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

In re Petition for the appointment)
of Viewers to lay out a road in (No. 2 September Sessions, 1917.
East Carroll Township, in said)
County.

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

The petition of the undersigned respectfully represents:

That on the 10th day of September, 1917, a petition was presented to this Honorable Court by sundry inhabitants of the Township of East Carroll, Cambria County, Pennsylvania, setting forth that they labored under great inconvenience for want of a public road beginning at a point in the connecting Township road which leads from the Loretto and Carrolltown Road to the Old Ebensburg and Carrolltown Road, where said connecting road crosses the Cambria and Clearfield Branch of the Pennsylvania Railroad at Bradley Junction Station, and ending at a point in said connecting road near a maple tree on lands of Sylvester Bradley, which point is found by starting at the intersection of the said connecting road with the old Ebensburg and Carrolltown Road between lands of Mrs. John Zorn and lands of the heirs of John Bennett, and running thence along said connecting road south eighty-four degrees thirty minutes east two hundred and eighty-five feet to a post; south eighty-two degrees east two hundred feet to a post; south eighty-five degrees thirty minutes east seven hundred and nine feet to a post; south eighty-eight degrees east four hundred and forty-two feet to a post; south eighty-four degrees east five hundred eighty-one feet to a post; south eighty-three degrees east five hundred thirty-eight feet to a post in said road opposite a maple in lands of Sylvester Bradley, which said last mentioned post is the western terminal of the proposed road and is located two thousand seven hundred and fifty-five feet from the point of intersection of said connecting road with the Old Ebensburg and Carrolltown Road as above set forth by courses and distances.

Whereupon the Court appointed A. M. Shoemaker, Adam Shuman and J. D. Ritter viewers to view the site of the proposed road as described in said petition and to report to the next term of court.

That said matter was so proceeded in that on the 20th day of October 1924, the report of the viewers appointed as above set forth, in favor of said proposed road was confirmed, and on the 21st day of October, 1924, an order to open the said road as laid out and located by the viewers was issued to the supervisors of East Carroll Township, in said County.

That said order to open has not been executed by said supervisors by reason of the fact that on the 7th day of November, 1924, said supervisors presented their petition to this Court praying for a rule to show cause why the order to open issued as aforesaid should not be vacated, which said rule to show cause is still pending and undetermined in this court.

Your petitioners therefore aver that this petition is a petition under the 19th Section of the Act of June 13th, 1836, P. L. 551, for the purpose of vacating and annulling the road aforesaid, by reason of the fact that the same has been laid out and confirmed, but not opened, and your petitioners constitute a majority of the original petitioners for the said road, as appears by an examination of said original petition.

Wherefore your petitioners pray the court that the aforesaid road described as aforesaid, laid out and confirmed as aforesaid, but not opened, may be vacated and annulled, and for this purpose that the court do appoint viewers from the Board of permanent viewers of said County of Cambria. And they will ever pray.

G. H. Osburn

John J. Bauman

Herman Ellis

A. W. Baker

H. J. Buck

George Buck

Joseph P. Burley

Edward Springer

Francis Illig
Edwin J. Huber
P. G. Kelly
W. A. Farabough
Lebron J. Brundley
W. A. Farabough

State of Pennsylvania)
) SS.
County of Cambria)

John S. Springer being duly sworn according to law deposes and says that the matters set forth in the foregoing petition are true and correct.

Sworn and subscribed before me
this 23rd day of February,
1925.

Helen E. McClune
Notary Public
My com. expires at end of
next session of Senate.

John S. Springer

DECREE

And now, to wit March 2 1925, the within petition read and considered by the Court, and the Court appoint A. M. Prosser ~~Adair Shuman~~, C. E., Adair Shuman and J. D. Riser, viewers to view the site of the road described in the within petition and report to the next term of court.

Pythel Bush
M.

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

In re petition for the appointment)
of Viewers to lay out a road in (No. 2 September Sessions, 1917.
East Carroll Township, in said)
County.)

To the Supervisors of the Township of East Carroll, in the County of Cambria
and State of Pennsylvania:

You are hereby notified that application will be made to the Court
of Quarter Sessions of the County of Cambria on Monday, the 2nd day of
March 1925, at 10:00 o'clock A. M., for the appointment of viewers
to view the premises and to report to the court the expediency of vacating a
public road laid out, but not opened, beginning at a point in the connecting
township road which leads from Loretto and Carrolltown road to the Old
Ebensburg and Carrolltown road where said connecting road crosses the Cambria
& Clearfield branch of the Pennsylvania Railroad at Bradley Junction Station,
and ending at a point in said connecting road near a maple tree on lands of
Sylvester Bradley, said proceedings being entered to the above number and term.

Shettig Nelson
Attorneys for Petitioners.

Now, February 26th, 1925, service of the above notice accepted.

J. E. Farabaugh
H. P. Dishart
J. S. Springer
Supervisors of East Carroll Town-
ship, Cambria County, Pennsylvania.

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

In re petition for the appointment)
of Viewers to lay out a road in (No. 2 September Sessions, 1917.
East Carroll Township, in said)
County. (

To the County Commissioners of the County of Cambria in the State of Penn-
sylvania:

You are hereby notified that application will be made to the Court
of Quarter Sessions of the County of Cambria on Monday, the 2nd day of
March 1925, at 10:00 o'clock A. M., for the appointment of
viewers to view the premises and to report to the court the expediency of
vacating a public road laid out, but not opened, beginning at a point in the
connecting township road which leads from the Loretto and Carrolltown road to
the Old Ebensburg and Carrolltown road where said connecting road crosses the
Cambria & Clearfield branch of the Pennsylvania Railroad at Bradley Junction
Station, and ending at a point in said connecting road near a maple tree on
lands of Sylvester Bradley, said proceedings being entered to the above number
and term.

Shettig & Nelson
Attorneys for Petitioners.

Now March 2, 1925, service of the above notice accepted.

COMMISSIONERS OF CAMBRIA COUNTY

BY A. S. Hunsaker

Chief Clerk.

No. 2 September Sessions, 1917.

In the Court of Quarter Sessions of Cam-
bria County, Pennsylvania.

In re Petition for the Appointment of
Viewers to lay out a road in East
Carroll Township, in said County.

PETITION TO VACATE ROAD.

Filed 2 March 1925

11:30 A.M.

SHETTIG & NELSON
ATTORNEYS AT LAW
EBENSBURG, PA.

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

In re: Application for public road)
in East Carroll Township, in said (No. 2 September Sessions, 1917.
County.)

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

The petition of F. E. Farabaugh, John S. Springer and H. P. Dishart
respectfully represents:

That your petitioners are the duly elected, qualified and acting road supervisors of the Township of East Carroll, in the County of Cambria and State of Pennsylvania.

That on or about the 21st day of October, 1924, your petitioners were served with an order to open a certain public road in the Township of East Carroll, in the County of Cambria and State aforesaid, which your petitioners learned from said order had been opened under proceedings entered to the above number and sessions of this court.

That the service of said order to open said public road was the first notice or knowledge given to your petitioners of such proceedings.

Upon service of said order to open your petitioners sought counsel in the matter and learned that the proceedings, which resulted in the issuing of said order to open by the court, were instituted by a petition presented to this Honorable Court on the 10th day of September, 1917, by divers inhabitants of the Township of East Carroll setting forth that they labored under inconvenience for want of a public road beginning at a point in the connecting township road which leads from the Loretto and Carrolltown road to the old Ebensburg and Carrolltown road where said connecting road crosses the Cambria and Clearfield Branch of the Pennsylvania Railroad at Bradley Junction Station, and ending at a point in said connecting road at a maple tree on lands of Sylvester Bradley, which point is found by starting at the intersection of said connecting road with the old Ebensburg and Carrolltown road between lands of Mrs. John Zorn and lands of the heirs of John Bernett.

Your petitioners learned further that on the 6th day of December, 1917, viewers reported to the court in favor of the opening of the road as petitioned for by the inhabitants of said township, and on the 12th day of February, 1918, exceptions to the report of the viewers were filed. That the exceptions which were filed to said report remained open and undisposed of for a period of six and one-half years during which time the petitioners for the road did not press the matter to a determination.

That none of your petitioners occupied the office of road supervisor in the Township of East Carroll at the time of the presentation of the petition aforesaid, the report of viewers, and the filing of exceptions as above recited, and the existence of the proceeding was a matter of which your petitioners had no notice or knowledge until the service of the order to open said public road was had upon them within the past few days.

Your petitioners further represent that during the period which has elapsed since the presentation of the petition and the report of viewers in this matter, a new road has been built in the Township of East Carroll which supplies the needs alleged to have existed in the year 1917 by the petition presented in this proceeding, and the public road as laid out by the court in this long delayed matter will be a public road only in name as the same will serve but two persons.

That the attempt at this time on the part of the petitioners for the road aforesaid to have the court declare the road so prayed for to be a public road, constitutes an effort to have the Township of East Carroll provide and maintain as a public road what is in effect a mere private way.

Your petitioners further represent that they have been informed by counsel that the exceptions which were filed to the approval of the report of the viewers in said proceeding were not pressed before the court by reason of the fact that the attorneys who filed the same were not advised that it was the wish of the persons at whose instance the same were filed to continue objection to the declaring of the road aforesaid to be a public highway, and are further

informed that the said exceptions are meritorious and if pressed may result in a decision by the court setting aside the aforesaid report of viewers.

Your petitioners further represent that the expense of building the road which is described in the said order to open would amount to several thousands of dollars which would have to be expended by your petitioners out of funds of the Township of East Carroll without any public benefit or return therefrom, and that it would be highly unjust and injurious to the right of the people of said township if your petitioners should be required to proceed at this time with the opening of said road.

WHEREFORE your petitioners pray the court that the order to open in the above stated proceedings be vacated, that the exceptions heretofore filed on behalf of persons objecting to the opening of said public road be re-instated and that your petitioners be permitted to file exceptions on behalf of the Township of East Carroll to said report of viewers, and be permitted to take testimony to establish the truth of the matters alleged in this petition.

F. C. Farabaugh
J. Adkins
H. P. Dishart
Supervisors of East Carroll Township.

State of Pennsylvania)
) SS.
County of Cambria)

John S. Springer being duly sworn according to law says that he is one of the Supervisors of the Township of East Carroll, and that the matters set forth in the foregoing petition are true and correct as he verily believes.

Sworn and subscribed before me)

this 3rd day of November 1924.)

Philip N. Shetty
Notary Public)

Com. expires Jan. 22, 1925.

John S. Springer

ORDER.

Now, November 3, 1924, the within petition having been read and considered, the court do thereupon grant a rule upon the petitioners for the road in the above mentioned proceedings to show cause why the order to open the road as described therein should not be vacated, the exceptions heretofore filed thereto be re-instated and the road supervisors of the Township of East Carroll permitted to file exceptions on behalf of said township to the report of the viewers heretofore filed in the above stated proceeding. Returnable on the first Monday of December next.

By the Court
E

No. 2 September Sessions, 1917.

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

In re Application for public road
in East Carroll Township, in said County.

PETITION FOR RULE TO SHOW CAUSE.

Filed 7 November 1924.

SHETTIG & NELSON
ATTORNEYS-AT-LAW
EBENSBURG, - PENNA.

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 upon the attached order and therein directed to re-review a certain piece of public road; as laid out but not yet opened; in East Carroll Township, Cambria County, Pennsylvania, between the termini as particularly set forth 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 East Carroll, and having had 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 terminal points of the road to be viewed; and having each been first duly sworn according to law to perform the duties of our appointment faithfully, impartially and according to the best of our judgment and ability: All of us met in accord with the notices so served and posted, as aforesaid, and having gone carefully over the road which at present serves to accommodate those living in the immediate neighborhood and such of the traveling public as have occasion to use it; and old portions thereof as were legally vacated and supplied by order of Court dated 1914, and the new portions actually opened to the public about 1917 or 1918; as well as the new road, which we were appointed to re-review, and which was laid out in 1917: we then adjourned to meet again at the Court House in Ebensburg at a time then fixed; of which time and place of meeting all parties interested had due notice and appeared together with their Attorneys and witnesses and were heard.

The piece of road viewed by the re-reviewers and as indicated on the plot or draft hereto attached and made a part of this report, follows the direction "D" "N" "O" "P" "J", and takes the following courses and distances, viz: Beginning at the Westerly termini particu-

larly described in the attached order of the Court and extending thence S. 19° East 112^{ft.} S. 26° 30' E. 106 ft., S. 33° E. 118.5 ft., S. 57°40' E. 233 ft., S. 63° 30' E. 352 ft., S. 66° E. 272 ft., S. 59°50' E. 255 ft., S. 51° 15' E. 274 ft., S. 32° E. 704 ft., S. 68° 20' E. 121 ft., S. 82° 10' E. 159 ft., S. 81° 45' E. 201 ft., S. 77° E. 258 ft., S. 61° E. 108 ft., S. 49° 50' E. 121 ft., S. 57° E. 297 ft., S. 63° E. 334 ft., S. 69° 25' E. 452 ft., S. 69° 55' E. 398 ft., over land of Alex. Strittmatter and S. 79° 30' E. 268.5 ft., N. 87° E. 119 ft., N. 51° E. 168 ft., and N. 48°05' E. 547.5 ft. over land of the P. R. R. Co., and N. 41° 18' E. 136 ft., N. 58° 50' E. 204.5 ft over land of J. Simondinger, and N. 59° E. 203 ft., N. 80°53' E. 219 ft., and N. 69° E. 181 ft. again over land of the P. R. R. Co. to the public road leading to Ebensburg by way of Allegheny Township, thence along said road N. 17° 10' E. 337 ft., N. 48° 55' E. 144 ft. and N. 79° 45' E. 173 ft. to the point of ending indicated on the attached order of Court as the place of ending at the Bradley Junction Station.

And although the new road in question can scarcely be regarded as a parallel road yet if opened it would accommodate the same local and through traffic and to our minds is such a road as the law does not contemplate should be laid out by viewers where the road already opened for public use is reasonably practical and sufficient with reference to grade, location &c. as to accommodate such traffic as may reasonably be expected over the whole or portions of the road.

Prior to the actual opening of the portion of the present road which takes the direction "F" "L" "H" "K" "J" and abandonment of the portion of said old road taking the direction of "F" "G" "H" "I" "J" (a portion of which covered a grade of about twenty three per cent) some other way was; in the minds of the viewers; reasonably necessary for the accommodation of such as might have occasion to travel between points "A" and "J"; but with said change actually being made, with the expenditure of about three hundred dollars the grade of the steepest portions of the present road can be reduced to approximately seven per cent and the dangerous turn in the road just East of the H. A .

Illig buildings can be made safe for such ordinary traffic as is probable over this road and other portions of the present road, where it is badly needed, can be drained and thereby be wonderfull improved.

The new road, if opened, would be of very great advantage to the two families living along same and greatly reduce their distance to Bradley Junction, where they have frequent occasion to travel, but even these parties, at a very moderate expense, by constructing a piece of road over their own premises approximately nine hundred fifty feet long could reduce their distance about four fifths of a mile.

The witnesses at the hearing variously estimated the cost of construction of a reasonably good dirt road on the course laid out at from three to thirty thousand dollars; and although the viewers are of the opinion that the road could be opened and put in reasonable condition to withstand ordinary traffic for from nine to twelve thousand dollars; yet we are of the further opinion that the public necessity for the road is not commensurate with the cost of construction even the work could be done for less money.

All in all the viewers are of the opinion that the road in question and as laid out in 1917 is not necessary for public use and should be vacated.

Witness our hands this 9th. day of October, A. D., 1925.

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers.

ROAD NOTICE

Re-re
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 new public road; which has been laid out; in East Carroll Twp., Cambria Co., Pa., to begin at the intersection of the Cambria and Clearfield Branch of the P. H. R.; at Bradley Junction Station; with the cross road leading from the Loretto-Carrolltown road to the old Ebensburg-Carrolltown road; at line of lands of Mrs. John Zern and the Heirs of John Bennett, and to end on said Cross road at a Maple Tree; on land of Sylvester Bradley; will meet at Bradley Junction Station in the Township of East Carroll aforesaid, on the 22nd day of September 1925 at 9:00 o'clock A. M. for the purpose of performing the duties of their appointment.

A. M. Shoemaker,
Adam Shuman and
J. D. Ritter,

Viewers.

Ebensburg, Pa. 9/11/1925.

ROAD NOTICE

Re-re

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 new public road; which has been laid out; in East Carroll Twp., Cambria Co., Pa., To begin at the intersection of the Cambria and Clearfield Branch of the P. R. R.; at Bradley Junction Station; with the cross road leading from the Loretto- Carrolltown road to the old Ebensburg-Carrolltown road; at line of lands of Mrs. John Zern and the heirs of John Bennett, and to end on said Cross road at a Maple Tree, on land of Sylvester Bradley:

will meet at Bradley Junction Station in the Township of East Carroll aforesaid, on the 22nd day of September 1925, at 9:00 o'clock A. M., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritterand

Adam Shuman

Viewers.

Ebensburg, Pa., 9/11/19. 25.

Now, Sept., 1925, service of the within notice is hereby
accepted/~~for~~^{by} the undersigned Supervisors of the Township of East
Carroll, Cambria Co., Pa.

J. E. Farabaugh
H. P. Dishart

Supervisors.

Service accepted for the County Commission
9/19/25
D. S. Kirkland
Chairman

Costs of View

A. M. Shoemaker

Listing Order	\$1.50
Petition to Court for Continuance	7.50
Preparing Notices	7.50
Stenographer	5.00
Posting Notices	7.50
Auto hire	3.50
Serving Notices	3.75
2 Days on View @ 7.50	15.00
Auto Hire (two trips)	7.00
Examining records, looking up law on parallel roads & notices of hearing	7.50
Hearing, 1 day	7.50
Going over testimony with viewers and reaching decision	7.50
Preparing report	7.50
Stenographer	5.00
Going over report with viewers, having signed, assembling & filing	7.50
Engineering work in field 8 days at 7.50	60.00
3 helpers & da at \$2.00	48.00
Plotting & drafting & da at 7.50	60.00
Tracing cloth	1.80
	<hr/>
	\$270.55

J. D. Ritter

4 Days at 7.50	30.00
Auto hire (two trips)	7.00
92 miles @ 5¢	4.60
	<hr/>
	\$41.60

Adam Shuman

4 Days	30.00
Auto hire (2 trips, 1 Eby)	7.00
88 mi (Home to Eby & return trips)	4.40
	<hr/>
	\$41.40

APPROVED FOR FINANCE

John D. Ritter

Adam Shuman

CERTIFIED

COUNTY CONTROLLER

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 31st day of August A. D. 1925, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of East Carroll, in the said County, setting forth that ~~the said road was necessary~~

~~vacated for public use~~ on the 10th day of September, 1917, a petition was presented to your Honorable Court by the citizens of said Township, stating that they labored under inconvenience for want of a public road beginning at a point in the connecting township road which leads from the Loretto and Carrolltown road to the old Ebensburg and Carrolltown road where said connecting road crosses the Cambria and Clearfield Branch of the Pennsylvania Railroad at Bradley Junction Station, and ending at a point in said connecting road at maple tree on lands of Sylvester Bradley, which point is found by starting at the intersection of said connecting road with the old Ebensburg and Carrolltown road between lands of Mrs. John Zern and lands of the heirs of John Bennett; and asking that viewers be appointed to view the ground and make a report to the said Court. On the same day the viewers were appointed, and the said viewers, on the 5th day of October, 1917, made report to the said Court that the said road prayed for was necessary for public use, and recommending that the same be opened. That a petition for review, alleged to have been signed by a majority of the signers to the original petition was on the 2nd day of March, 1925, presented to your Honorable Court, and on the same day re-viewers, (being the persons originally appointed as viewers), were appointed, who filed their report on the 1st day of April, 1925, reporting that the road prayed for in the petition for a view was not necessary for a public road, and recommending that the same be not opened, or vacated.

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

A. M. Shoemaker

surveyor, and

Adam Shuman and J. D. Ritter

re-

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:

Frankie C. Roth, 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. 2, September Sessions, 1925

Order to view new road in East Carroll

Township any

Robert P. Williams

CERTIFIED

Jacob M. Hoffman

COUNTY CLERK

Subd. of Orleans

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers

\$1.50

Clerk Robb

XOXO

COUNTY CONTROLLER

Jacob M. Hoffman

CERTIFIED

By the Court

14 December 1925 Appended