

IN THE COURT OF QUARTER SESSIONS OF THE PEACE

No. 3 March Term, 1919.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned Commissioners of the Township of Stonycreek in said County of Cambria respectfully represents:

That on the 11th day of March, 1918 a petition of the Commissioners of the Township of Stonycreek was presented to this Honorable Court praying for the appointment of viewers to view a certain main traveled or trunk township road and to make report thereof; and to direct the Commissioners of Cambria County to give necessary assistance to the Township of Stonycreek for the purpose of improving said road, upon the facts set forth in said petition and in accordance with the Act of Assembly in such case made and provided. Said petition and the subsequent proceeding hereinafter referred to are filed to No. 3 of March Term of Court of Quarter Sessions of Cambria County.

That pursuant to the prayer of said petition on the said 11th day of March, 1918, this Honorable Court appointed Lewis R. Owen, Philip E. Caulfield and Adam Shuman as viewers to meet and view the said road and report to the Court.

That pursuant to said order and notice the viewers met on the premises on the 20th day of April, 1918 at ten o'clock A.M. and viewed the premises and made report to this Court recommending that the Commissioners of Cambria County should give to the Commissioners of Stonycreek Township the sum of Thirty-Two Thousand (\$32,000.00) Dollars for the purpose of reconstructing said road.

And that on the 6th day of August, 1918 after hearing in open court, the Court found upon a consideration and examination of the facts set forth in the report of the viewers filed on the 8th

day of May, 1918, that that certain section of main traveled township road in the Township of Stonycreek, Cambria County beginning at a point on the Bedford Road on the division line between the City of Johnstown and Stonycreek Township, thence continuing along and parallel to Solomon Run in an easterly direction through Stonycreek Township to a point on the said Bedford Road on the division line between Stonycreek Township and Richland Township for approximately 6000 feet, and commonly known as the Bedford Road, is in a dangerous condition and in need of reconstruction, improvement and repair and that the revenue of the Township of Stonycreek is insufficient to pay the costs of doing said work in a substantial manner and hereby orders and directs the County Commissioners of Cambria County to give assistance to the said Township of Stonycreek in doing of the said work in the amount of Thirty-Two Thousand Dollars (\$32,000.00) or so much thereof as may be necessary. That relying upon said order of Court the Commissioners of Stonycreek Township proceeded to advertise for bids for the reconstruction of said road in accordance with the plans and specifications of said Township which had prior thereto been approved by the State Highway Department of the State of Pennsylvania; that because of the increase in cost of materials and labor as well as the unsettled condition of the country, the lowest and best bid received by the Commissioners of said Township for the reconstruction of said road was Nine Thousand Five Hundred Dollars (\$9,500.00) in excess of the amount awarded by the Court together with all available assets of said Township.

That your petitioners again advertised for bids for the reconstruction of said Road and that the lowest and best bid received for the same was Twenty Thousand Dollars (\$20,000.00) in excess of the amount awarded by the Court together with all available assets of said Township.

Your petitioners are informed and believe that a majority of Commissioners of Cambria County have signified their willingness to make an additional appropriation for the reconstruction of said

road in the sum of Twenty Thousand Dollars (\$20,000.00), provided this Honorable Court will make an order amending the order under date of August 6th, 1918 and including in the amount of said amended order Twenty Thousand Dollars (\$20,000.00) additional.

The petitioners therefore pray the Court to amend the said order of August 6th, 1918 in so far as the amount of assistance to be given by the County of Cambria to the Township of Stonycreek, so that the same will read Fifty-Two Thousand Dollars (\$52,000.00) or so much thereof as may be necessary.

J. A. McQuate Commissioner
E. E. Constable Commissioner
Daniel L. Wisinger Commissioner
F. A. Griffith Commissioner
J. P. Berkebile Commissioner

State of Pennsylvania)
County of Cambria) SS.

On this 31st day of May, A. D. 1919, personally appeared before me, a Notary Public in and for said County and State, the undersigned Commissioners of Stonycreek Township, who being duly sworn according to law depose and say that they are the Township Commissioners of the Township of Stonycreek in Cambria County, Pennsylvania and that the facts set forth in the foregoing petition are true and correct as they verily believe.

J. A. McQuate Commissioner
E. E. Constable Commissioner
Daniel L. Wisinger Commissioner
F. A. Griffith Commissioner
J. P. Berkebile Commissioner

Sworn and subscribed before me this 31st day of May 1919.

MY COMMISSION EXPIRES
April 1, 1923

George C. Keim
Notary Public

D E C R E E

Now June 2nd, 1919, the foregoing petition having been presented and read, upon due consideration of the same, and it appearing that notice of the presentation of this petition had been made to the County Commissioners of Cambria County, the Court taking into consideration, the facts heretofore found in this proceeding, as well as the matters set forth in the petition, find that the revenue of the Township of Stonycreek, together with the amount heretofore awarded from the County of Cambria, is insufficient for doing said work in a substantial manner, and hereby orders and directs the County Commissioners of Cambria County to give financial aid and assistance to the said Township of Stonycreek in the doing of said work in the amount of Fifty-Two Thousand Dollars (\$52,000.00) or so much thereof as may be necessary. The work to be done as recommended by the viewers and to be carried on and completed in all respects in the manner provided by law.

It is further ordered and decreed that the width of that part of said road to be improved by and the same is hereby fixed at twenty feet between the curb line and that a clay driveway shall be provided on the southerly side of said road of not less than eight feet in width.

Payments by the County Commissioners under this order to be made out of the funds provided for the fiscal year, 1919.

*By the Court
Merrill B. Stephens
Judge*

For the Court & Quarter
Sessions of Cambridge
County.

No 3 March Term 1918
Annexed petition
of Commissioners
of Stonycreek Township
for County aid in
Reconstrucing road.

Filed 2 June 1919.

D. Q. Newman

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

No. _____ Sessions, 1918

To the Honorable, the Judges of the above-named Court:-

The petition of the undersigned Commissioners of the Township of Stony Creek in said County of Cambria, joined in by owners of property in said Township and County whose names are also signed hereto, respectfully represents:-

First. That the Township of Stony Creek is a Township of the first class located within the County of Cambria which County has a population less than eight hundred thousand.

Second. That the section of that certain main traveled or trunk township Road, (known as the Bedford Road), leading from the city of Johnstown, along and parallel to Solomon's Run by way of Elton in Cambria County to the town of Bedford in Bedford County, within the limits of Stony Creek township, is in a dangerous condition and in need of reconstruction, improvement or repair, and that the revenue of said township of Stony Creek is insufficient to pay the cost of reconstructing, improving or repairing said road in a substantial and permanent manner.

Third. That the said section of the above mentioned main traveled or trunk township road is entirely situated within the limits of Stony Creek township, Cambria County, Pa. and is more particularly described as follows:- Beginning at a point on said Bedford Road on the division line between the city of Johnstown and Stony Creek township, thence continuing along and parallel to Solomon's Run in an easterly direction through Stony Creek township to a point on said road on the division line between Stony Creek township and Richland township, for a distance of approximately six thousand (6,000) feet, or 1.2 miles

Fourth. That in order to properly reconstruct, improve or repair the said (dangerous) section of the said main traveled or trunk township road, it is necessary that the

said County of Cambria render financial assistance to the said township of Stony Creek.

Fifth. Your petitioners further represent:-

(1) That the approximate cost of this improvement will be \$ 40,000.00, and according to the following statement of the financial condition of the township; the township will have available only \$ 15,000.00 for this improvement.

Financial Statement.

| | | |
|---------------------------|---|----------------|
| Assessed Valuation | - | \$ 929920.00 |
| 2 % of \$ 929920.00 | - | 18598.40 |
| Outstanding Bonds | - | <u>8000.00</u> |
| Balance | | \$ 10598.40 |
| Due from Lorain Boro. | | 1382.86 |
| Cash in Treasury | | 1520.00 |
| Due from Taxes | | <u>47.00</u> |
| | | \$ 13548.26 |
| Available from 1918 Taxes | | <u>1500.00</u> |
| Available for improvement | | \$ 15048.26 |

(2) The reason for the statement given above, that the township will have available only \$ 15,000.00 for this improvement, is that Stony Creek township is a first class township and as such comes under the jurisdiction of the State Health Department in regard to its sanitary proposition, the same as boroughs and first class cities. It adjoins the city of Johnstown with an extensive boundary on its western edge. The city of Johnstown has been compelled by decrees of the State Department of Health to construct a comprehensive sanitary sewer system which will accomodate the sewage from all outlying districts. These outlying districts have been advised by the State Health Department that they will be required to construct adequate sanitary sewers within their entire district and establish connections with the Johnstown City sewer system as soon as such city sewers have been constructed, at such points as will receive the sewage from the said outlying districts. On account of the nature of the topography of Stony Creek township, the construction of sanitary sewers to adequately take care of the population residing therein, will call for a very

heavy expenditure by the township, for this purpose alone. For this reason the township dare not, at this time, assume an indebtedness of over two (2) per cent of the assessed valuation, for the reason that they are compelled to hold in reserve, the additional five (5) per cent of the assessed valuation, permitted by law, to meet this sanitary and other unforeseen abnormal expenditure.

(3) This section of main traveled or trunk highway is one of the most heavily traveled highways in this district. It occupies a position unique in itself. Seventy-five (75) per cent of the coal used as fuel by the people of Johnstown and vicinity is mined from the hillsides along this highway, not only within the limits of Stony Creek township, but also for several miles in Richland township beyond. All this coal is hauled by wagon and automobile trucks over this highway to the city, and the bulk of taxes available for road purposes in Stony Creek township must be expended on the upkeep of this road, so that the township is not able to accumulate any surplus from the taxes assessed for road purposes to assist in making the repairs to this highway, of a permanent nature.

(4) Very little of the traffic on this highway originates from the inhabitants of the township itself. The township authorities feel that on account of the fact that this highway is in a remote section of the township, and not available for direct communication from the built-up section, they should be accorded adequate relief under this petition. They are willing to go as far as possible with the funds at their command, but as heretofore shown these funds are in no wise sufficient for an improvement of this kind. On account of the nature of the traffic, a permanent construction on this highway must not be less than twenty (20) feet in width.

(5) There are 7.75 miles of highway in Stony Creek township, of which 1.2 miles are improved, which leaves a balance

of 6.55 miles of unimproved highway in the township of which this is a part. That the assessed valuation in said township is \$ 929,920.00. That a total millage levied for all purposes is five and one-half ($5\frac{1}{2}$) of which one and one-half ($1\frac{1}{2}$) mills are necessary for sinking fund and other expenditures provided by ordinance, leaving a balance of four (4) mills for road purposes. That the number of taxables in the said township is 177. That the approximate cost of the above improvement, on account of its width is \$ 40,000.00, which is \$ 25,000.00 more than the township is able, under existing conditions to provide.

Your petitioners therefore pray your Honors (1) to appoint three viewers from the County board of viewers to meet and view said section of said main traveled or trunk township road and make report to the Court and to make such order on the subject as is required by the Act of General Assembly of Pennsylvania in such case made and provided and (2) to direct the Commissioners of Cambria County to give necessary assistance to the Township of Stony Creek in the matter, specifying the amount to be expended by the County and the purposes for which said money is to be expended.

And they will ever pray.

John A. McGrath Commissioner
E. W. & Constable Commissioner
Daniel G. Whipple Commissioner
F. A. Griffith Commissioner
Fredrick Heedman Commissioner

Charles J. [unclear]
M. H. [unclear]
C. A. Griffith
Melvin R. Strong
W. G. Griffith
Louis [unclear]

State of Pennsylvania, }
County of Cambria } SS:

On this _____ day of March 1918, personally appeared before me the undersigned, _____, in and for the County and State aforesaid, John A. McGrath, Fred Heilman, Frank Griffith, Daniel Wissinger and Elmer E. Constable, five of the above-named petitioners, who being duly sworn according to law, do depose and say that they are the Township Commissioners of the Township of Stony Creek in Cambria County, Pennsylvania, and that the facts set forth in the foregoing petition are true and correct.

John A. McGrath
Elmer E. Constable
Daniel L. Wissinger
F. A. Griffith
Frederick Heilman

Subscribed and sworn to before me, this day of March, 1918

Oliver J. Laubert
My Commission Expires Jan. 1920. Alderman

State of Pennsylvania, }
County of Cambria } SS:

Before me, the subscriber, an Alderman in and for the County and State aforesaid, personally appeared John A. McGrath who being duly sworn according to law does depose and say that all of the persons whose names are signed to the foregoing petition are owners of property in the Township of Stony Creek in Cambria County and that their respective signatures thereto are each in their own proper handwriting and that the facts herein set forth are true and correct.

John A. McGrath
Sworn and subscribed before me this 9 day of March, 1918.
Oliver J. Laubert
My Commission Expires & January 1920

ORDER.

And now, March 11, 1918, on due consideration, the Court do order and appoint J. R. Owen and Philip B. Canfield to meet and view that certain section of that certain main traveled or trunk township road described and referred to in the foregoing petition and report to the Court.

Said viewers shall give notice of the time and place of meeting by publication, at least once a week for three successive weeks in at least one newspaper of general circulation published in Cambria County and shall also give notice thereof by handbills posted in at least ten conspicuous places along the line or in the vicinity of the road proposed to be constructed, improved or repaired.


By the Court

TO THE COMMISSIONERS OF CAMBRIA COUNTY, PENNSYLVANIA

GENTLEMEN:

Please take notice, that on Monday, March 11, 1918, at 10 o'clock, A. M. in pursuance of the provisions of an Act of Assembly of Pennsylvania, approved the 29th day of May A. D. 1917 the Commissioners of Stonycreek Township, Cambria County, and others, will present a petition to the Judges of the Court of Quarter Sessions in and for Cambria County, praying for the appointment of viewers and for County assistance to said Township, in re-constructing, improving and repairing that certain section (known as the old Bedford Road) and that certain main travelled or trunk Township Road in said Township of Stonycreek, and which begins at a point where the said Bedford Road intersects with the line dividing the City of Johnstown and Stonycreek Township; thence in an easterly direction along and parallel to Solomon's Run, for a distance of approximately 6000 feet to a point on said Bedford Road, where it intersects with a line dividing Stonycreek and Richland Townships. To be paved with brick on a concrete base 22 feet wide, according to plans and specifications, approved by the State Highway Department.

D. J. Meier
Atty for Stony-
creek Township.

 *July 28-1918 Service accepted for*
Calumet les. bonds.

William
Chief Clerk



Frankie Roth

No 3 March Term 1918
In the County Quarter
Sessions of Cambria Co.

Petition of Commissioners
of Stonycreek Twp for app-
ointment of viewers

Filed 11 March 1918

D. P. WEIMER,
ATTORNEY AT LAW,
JOHNSTOWN, PA.

STATE OF PENNSYLVANIA, } SS.
County of Cambria,

NOTICE—In the Court of Quarter Sessions of Cambria County. No. 1918.
In the matter of the petition of the Commissioners of Stonycreek Township, Cambria County, et al., for Viewers and county assistance in reconstructing, improving and repairing that certain section of main travel or trunk township road in said township, leading from the City of Johnstown, along and parallel to Solomon's Run, by way of Elton, in Cambria County, to the town of Bedford, in Bedford County, within the limits of Stonycreek Township, notice is hereby given that on June 14, 1918, at the Courthouse at Ebensburg, Pa., the above named Court will examine the report of the Viewers in said proceedings, as heretofore filed by them on the 8th day of May, 1918, and hear objections thereto, if any. All persons interested may appear at the time and place above mentioned and be heard.
D. P. WEIMBER,
Attorney for Petitioners.

Before me, a Notary Public in and for said County, appeared J. Michael Merry, who, being duly sworn according to law, doth depose and say that he is Asst. Bus. Mgr. of "THE JOHNSTOWN TRIBUNE," a daily newspaper published in Johnstown, Pennsylvania, and that the advertisement, of which the hereto attached is a copy, was published in the regular advertising columns of said newspaper on the following dates:

June 4th 1918
and the bill made out at the regular rate charged advertisers for similar advertising.

J. Michael Merry

Sworn and subscribed before me, this

12th day of June 1918

P. C. Walters
Notary Public
Commission Expires

My commission expires with the close of the next session of the Senate.

Filed 15 June 1918



RECORDED & INDEXED
JUN 15 1918

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

In the Matter of the Petition of the Commissioners of Stonycreek Township, Cambria County, et al, for viewers and County Assistants in re constructing, improving and repairing that certain section of main travel or Trunk Township Road in said Township, leading from the City of Johnstown, along and parallel to Solomon's Run, by way of Elton in Cambria County to the town of Bedford in Bedford, within the limits of Stonycreek Township.

NOW, June 3rd, 1918, on motion of D. P. Weimer, Attorney for petitioners, the Court directs notice to be given by advertisement once in the Cambria County Legal Journal and once in the Johnstown Tribune, that the Court will examine and hear the report of the viewers in said proceeding, on the ~~14~~^{14th} day of June A. D 1918, at the Court House in Ebensburg, and hear any objection thereto. That all persons interested may appear at the time and place above mentioned and be heard.

By the Court

No. 3 March Term 1918
Bismarck and open
a section of Public road
leading from Hutchinson
along and parallel to the
Merris Run by way of Ellen
to Bedford.

Order of Notice

Filed 3 June 1918

In the Court of Quarter Sessions of the Peace
No. 3 March Session, 1919.

To the Honorable of the Judges of the above
named Court.

A petition of the undersigned Commissioners of the Township of Stonycreek in the said County of Cambria, respectfully represents that on the 2nd day of June, 1919 this Court made an order in the matter of the application of the Commissioners of Stonycreek Township for County aid and assistance in the reconstruction of the old Bedford Road in Stonycreek Township and that the width of said road to be fixed at 20 feet between the curb lines and that a clay drive way should be provided on the Southerly side of said road of not less than 8 feet in width.

That the advertisements and the bids submitted in pursuance thereof provide for an 18 feet drive way between the curb line and that the contract has been let in accordance therewith.

Your petitioners therefore pray the court to amend said order of June 2nd, 1919 as to the width of said road so that the width shall be fixed at 18 feet between the curb line and that a clay drive way shall be provided on the Southerly side of said road of not less than 8 feet in width.

J. M. G. G. G.
COMMISSIONER

J. P. Berkebile
COMMISSIONER

Edwin E. Constance
COMMISSIONER

Daniel L. Missinger
COMMISSIONER

F. A. Griffith
COMMISSIONER

State of Pennsylvania |
County of Cambria | SS

On this day of July, 1919 personally appeared
before me a Notary Public in and for said County and State the
undersigned Commissioners of Stonycreek Township who being duly
sworn according to law deposes and says that the matters contained
in the foregoing petition are true and correct.

J. A. M. Grath

J. P. Berkebile

Edmen & Co. Stone

Daniel L. Wisinger

F. A. Griffith

Sworn and described before me this 31st day of July 1919.

by the above named J. A. M. Grath

George C. Keiser

Notary Public

My Commission Expires *April 1, 1923*



Now this *1st* day of *September*, 1919 the forgoing petition having been presented and read, the prayer of the petition is granted and the order entered on the 2nd day of June, 1919, to No. 3 March Term, 1919 in the above proceedings is amended as to the width of said road as follows:

It is further ordered and decreed that the width of that part of said road to be improved be and the same is hereby fixed at 18 feet between the curb lines and that a clay drive way shall be provided on the Southerly side of said road of not less than 8 feet in width.

By the Court

A. LLOYD ADAMS
ATTORNEY-AT-LAW
801-802 FIRST NATIONAL BANK BLDG.
JOHNSTOWN PENN'A

June 24, 1919.

Re Road Stonycreek Township.

James McClune, Esq.,
Clerk of County Commissioners,
Ebensburg,
Pennsylvania,

Dear Sir:-

On June 2, 1919, the Court of Quarter Sessions of Cambria County made an order directing the County Commissioners to give financial aid to Stonycreek Township to an amount not to exceed the sum of \$ 52,000.00 in the construction of a certain road in said Township, said order being filed to No. 3 March Term, 1918. In said decree the width of the road was fixed at twenty feet, while in the advertisements and specifications the width was fixed at eighteen feet. I have talked with Judge Stephens concerning an amendment to the aforesaid decree and he is willing to have this decree amended from twenty to eighteen feet as soon as the Court sits. Will the County Commissioners interpose any objection to such an amendment?

An early reply will be appreciated as the Township and William Gindelsperger, the contractor, are now ready to execute the contract for the work.

Very truly yours,

A. Lloyd Adams
Approved 6/25/19 -
E. W. Baumgardner
H. B. Haffley

attest
James McClune
Clerk.

No 3 March, Dec 1918.

Road in Stonycreek

Supp.

Filed 1 Sept. 1919.

R. F. Mullen

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

IN THE MATTER OF THE PETITION OF THE COMMISSIONERS OF STONY-
CREEK TOWNSHIP FOR AID FROM THE COUNTY OF CAMBRIA IN THE CONSTRUC-
TION OF A MAIN TRAVELED OR TRUNK ROAD IN STONYCREEK TOWNSHIP.

No. 3, MARCH TERM, 1918.

APPEARANCES:

For the Petitioners, D. P. Weimer, Esq.

For the County of Cambria, Walter S. Jones, Esq.

J. A. McGrath called, sworn.

EXAMINATION by Mr. Weimer:

Q-- You are one of the commissioners of Stonycreek Township?

A-- I am.

Q-- Are you acquainted with the road known as the Solomon
Run Road for the improvement of which the commissioners of Stony-
creek Township have asked for County aid? A-- Yes.

Q-- Approximately, what is the length of the road through
Stonyereek Township? A-- About six thousand feet.

Q-- Do you know what road that is part of, what main-travel-
ed road? A-- Part of what is known as the Bedford Pike.

Q-- Leading from Johnstown--? A-- From Johnstown to Bedford,
yes.

Q-- What is the nature of the traffic of the road we are
talking about, so far as you know? A-- Nearly all hauling of coal.

Q-- To where? A-- To the City of Johnstown.

Q-- State what proportion of the traffic of that road originates in Stonycreek Township or is for the use of the Stonycreek residents? A-- Very little.

Q-- Could you give an estimate of the proportion of it from what you know of it? A-- Probably there might be six wagons going over it in a day for the township.

Q-- About how many other vehicles, if you have any idea? A-- There are seventeen mines along the road from the city line up and it would be all coal hauling.

Q-- From these seventeen mines? A-- Yes.

Q-- Are these all in operation? A-- All in operation now.

Q-- All this coal is hauled by wagon over this road? A-- By wagon and truck.

Q-- About how much mileage of highway do you have in Stonycreek Township? A-- About six miles.

Q-- Do you know how much of it is improved? A-- About half of that probably.

Q-- Do you know how much money the township would have available for this road after deducting two percent of the assessed valuation? A-- About fifteen thousand dollars.

By Mr. Jones.

Q-- How many vehicles do you estimate travel this road each day? A-- I estimate or would say about fifty.

Q-- Counting what goes both ways? A-- Well, about a hundred; on the double trip or fifty each way.

Q-- Is there as much traffic on Sunday as on other days? A-- Very little traffic on Sunday.

Counsel offer in evidence the assessment, as returned to the commissioners office, showing the assessed valuation of the Stonycreek Township to be nine hundred twenty nine thousand nine hundred and twenty (\$929,920.00) dollars.

O. P. Thomas, sworn.

EXAMINATION by Mr. Weimer.

Q-- You are the engineer for Stonycreek Township? A-- Yes.

Q-- State whether or not you have calculated the mileage of the roads in that township? A-- I did.

Q - What is it? A-- I don't have my figures with me but it is all in that computation which I compiled showing something over seven miles, I believe, and it's set forth in there how many miles are improved.

(Exhibits petition to witness.)

Q-- What is the mileage of roads in Stonycreek Township?

A-- Seven and seventy-five hundredths (7.75) miles

Q-- Of that mileage how much is improved? A-- One and two tenths (1.2) miles.

Q-- Leaving a balance of ^{un} improved mileage of how much? A-- Six and fifty-five hundredths (6.55) miles.

Q-- Have you surveyed this proposed highway, the improvement of which county aid is asked? A-- Yes, we have made a detailed survey with plans and specifications and have had them approved by the State Highway Department.

Q-- What is the length of that highway which is proposed to be improved? A-- One and two tenths (1.2) miles.

Q-- State whether or not you have made an estimate of the cost of this improvement? A-- I have.

Q-- What is your estimate? A-- In the preliminary petition; the estimate was made in the winter time when conditions could not be supplied; and the approximate cost of it was Forty-two thousand dollars. After a detailed survey it was found that retaining walls were necessary to prevent erosion and this brought the cost up to fifty four thousand three hundred fifty-six dollars and thirty cents.

Q-- What is the necessity for these retaining walls? A-- In order to reclaim the road from the stream, where the stream has cut into the road-way. There are a couple of long stretches of it, in one place about eleven hundred feet and in another place about eight hundred feet. This is made necessary by reason of the Shaffer ice dam.

Q-- Solomon Run parallels the road? A-- Yes, sir.

By the Court:

Q-- Is that road out by Shaffer's ice dam and is that where it always interferes? A-- Approximately along the Shaffer ice dam the road where it exists is in it's proper location; but we have several places where the road has been shifted but this survey takes the road back and puts it in it's original location. We have to depend upon the property lines up along there and the fences also.

Q-- You say this preliminary survey has been approved by the State Highway Department? A-- Yes, sir; we have a copy of it with the approval on it.

Q-- From your observations did you observe the character of the traffic and the extent of it? A-- Yes, I am very familiar with it. There are seventeen different operations or companies operating mines up there from which at least seventy five percent of the house coal for the City of Johnstown is mined and it is hauled out of there in wagons and trucks. In addition to that a great deal of the tonnage up there is hauled down and loaded on mine cars and railroad cars and shipped. On the three days in which we made the survey up there we counted two hundred and fifty loaded vehicles going one way in one day and, I think, two hundred and forty seven on another day and two hundred and thirty six on another day.

Q-- Can you give an estimate of the average tonnage per vehicle? A-- On the wagons there are four tons and on the trucks five and six tons. The Solomon Run Coal Company have two five ton trucks. Then there are also two six ton trucks and Sheelslys have two five ton trucks and then there are about five contractors who are hauling coal out in trucks and these trucks will carry about five or six tons each, on the wagons there are three and four tons, according to the locality.

Q-- From an engineer's standpoint you say that the permanent improvement of this road is necessary? A-- The conditions up there at the present time are bad. Stonycreek Township has been spending about twenty five hundred dollars a year on part of this road and the City of Johnstown is in the same condition. They are spending a lot of money up there trying to get their end of it fixed up.

Q-- What kind of a road do you say will be necessary to hold that up? A-- Brick on a concrete base. That is what the plans are based on and the cost estimated on.

Q-- What is the width of the road? A-- Twenty feet wide.

Q-- The road in the adjoining districts, is it improved or district
unimproved? A-- The road in Richland Township, is not improved. A
little portion of it in the city is not improved, but the balance
of it is improved.

Q-- Are the mines all located in Stonycreek Township? A--
The principal mine, just about one hundred and fifty feet above
where the improvement will end in Stonycreek Township, is in Rich-
land Township. That is practically the only opening in Richland
Township. On this side of the improvement in the city, there are
three mines. They would ^{not} come out on this road but they are in
excess of the seventeen reported as having been in Stonycreek
Township.

Q-- Will there be any necessity for continuing the improve-
ment in Richland Township to the county line? A-- I don't know at
this time, because there is not sufficient mines opened up above
in Richland Township at this time to call for that necessity at
this time.

Q-- Does the road lead to any particular highway? A-- Oh,
yes, it's the old Bedford Pike.

Q-- Is this the old Bedford Pike? A-- Yes, the other pike.
is know as the Johnstown and Scalp Level Turn Pike, which was built
afterwards.

Q-- This is the road which we call the Jacoby Hollow road
or Solomon's Run road? A-- That is the old Bedford Pike which runs
out through Geistown in back of Elton and on through to Bedford.

Q-- Any necessity or occasion for a continuation of this
road toward Bedford would devolve upon future developments? A--
Yes, on the attitude of the governing officials of the adjoining
Township.

By Mr. Jones.

Q-- This is the State Highway? A-- No, sir; that is in on the Sproul Route.

By Mr. Weimer:

We offer in evidence copy of the plans and specifications of the improvement as approved by the State Highway Department of the State of Pennsylvania.

Q-- Mr. Thomas, you say the condition of this road is bad now? A-- Very bad.

Q-- What do you know, if anything, of the plans of the commissioners for the repairing of this road? A-- The commissioners face this proposition, that if they can be assured of assistance on the proposition, not this year but out of next years funds, that they can locally, in Johnstown, finance the proposition and start work on the improvement, and save this enormous up-keep which would cost this year about twenty-five hundred dollars, and have that money to apply to further construction.

Q-- That is the Township Commissioners? A-- Yes. They are absolutely unable themselves to finance the entire proposition. If assistance cannot be secured they must spend their money to put the road in shape that it can be hauled over the same as it was in years past.

Offers Notice of Service (see notice among papers filed).

The testimony closes.

Certificate of Official Stenographer.

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me at the hearing of the above cause and that this copy is a correct transcription of the same.


Official Stenographer.

Certificate of President Judge.

The forgoing record of the proceedings upon the hearing of the above cause is hereby approved and directed to be filed.

President Judge.

No. 3, March Term, 1918.

In the Court of Quarter
Sessions of Cambria County

IN THE MATTER OF THE PETI-
TION OF THE COMMISSIONERS
OF STONYCREEK TOWNSHIP FOR
AID FROM THE COUNTY OF CAMBRIA
IN THE CONSTRUCTION OF A
MAIN TRAVELED OR TRUNK ROAD
IN STONYCREEK TOWNSHIP.

TESTIMONY.

Filed 18 June 1918

J. C. Sharbaugh
Official Stenographer
For the
Forty-Seventh Judicial District
Pennsylvania

L. R. Owen.

IN RE: Construct, Improve and Repair a certain Section of the Main Traveled or Trunk Road known as the "Bedford Pike", leading from the City of Johnstown to the Town of Bedford, in Bedford County, all in the Township of Stonycreek.

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

No. 3 March Term, 1918.

Report of Viewers.

Bill of Services of Views.

| | | | |
|-------|----|--------------------|------|
| April | 26 | Notices | 3.40 |
| " | 27 | Posting | 5.00 |
| " | 20 | Expenses | 1.10 |
| " | " | Views | 5.00 |
| " | " | Expenses | .40 |
| " | 23 | Notices of Hearing | 2.40 |
| " | 26 | Hearing | 5.00 |
| " | " | Notices | 1.50 |
| May | 2 | Hearing | 5.00 |
| " | 3 | Writing Report | 5.70 |

Dve L. R. Owen — 34.50

Philip Caulfield

IN RE Construct, Improve and
Repair a certain Section of
the Main Traveled ~~Sp~~ Trunk of
Road known as the "Bedford
Pike," leading from the City
of Johnstown to the Town of
Bedford, in Bedford County,
all in the Township of Ston-
eycreek.

In the Court of Quarter Ses-
sions of Cambria County,
Pennsylvania.

No. 3 March Term, 1918.

Report of Viewers. —

Report of Services of Views. —

| | | |
|----------|----------|------|
| April 20 | Views | 5.00 |
| " " | Expenses | .40 |
| May 2 | Hearing | 5.00 |

Dve Philip Caulfield — 10.40

Adam Shuman.

IN RE: Construct, Improve and Repair a certain Section of the Main Traveled or Trunk Road known as the "Bedford Pike," leading from the City of Johnstown to the Town of Bedford, in Bedford County, all in the Township of Stony-creek.

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

No. 3 March Term, 1918.

Report of Viewers.

Bill of Services of Views.

| | | |
|----------|----------|------|
| April 20 | Views | 5.00 |
| | Expenses | 2.00 |
| " 26 | Hearing | 5.00 |
| | Expenses | 2.00 |
| May 2 | Hearing | 5.00 |
| | Expenses | 2.00 |

Dve Adam Shuman — 22.00

IN RE: Construct, Improve and Repair a certain Section of the Main Traveled or Trunk Road known as the "Bedford Pike," leading from the City of Johnstown to the Town of Bedford, in Bedford County, all in the Township of Stonycreek.

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

No. 3 March Term, 1918.

--REPORT OF VIEWERS--

To the Honorable Judges of the above mentioned Court:

We, the undersigned Viewers, appointed by the above Court to view the said section of said main traveled or trunk township road, and to make report to the Court, respectfully report:

That we were duly sworn or affirmed as members of the permanent Board of Viewers as shown by the records of the Court, that due public notice of the time and place of meeting of the Viewers was given all interested parties by publication in the Johnstown TRIBUNE and by hand-bills posted on the premises, at least, ten days' prior to the time of making said view; that we met upon the premises according to the notice, on the 20th day of April, 1918, at ten o'clock, A.M. and proceeded with the duties of our appointment; that all parties interested were notified of the time and place of meeting of the Viewers for the purpose of hearing evidence; that we met in accordance with the notices on the 26th day of April, 1918, at ten o'clock, and on the 2d day of May, 1918 at ten o'clock at the Judges Chambers, 1004 Johnstown Trust Building, Main Street, Johnstown, Pa. where all persons interested appeared and all evidence was heard.

That after hearing the evidence offered and giving all matters before us due consideration, we were of the opinion that

the section of main traveled or said trunk township road is in need of reconstruction, said reconstruction to be of permanent construction; that in order to properly reconstruct the said section of the said township road it is necessary that the said County of Cambria render financial assistance to the said township.

Since the estimated cost of this section of road is \$54,356.30, and all the available money the township has for all improvements is \$15,048.36, and since this section of road is used very little by the inhabitants of the township, but is used to haul 75 % of the coal used as fuel by the people of Johnstown and vicinity, we are of the opinion that the Commissioners of Cambria County should give \$32,000 to the township of Stonycreek for the purpose of reconstructing the said section of the township road, the said reconstruction to be in accordance with the plans which are filed by the township of Stonycreek.

Witness our hands this Second Day of May A. D. 1918.

Lewis R Owen (Seal)
Philip E Campbell (Seal)
Adam Sumner (Seal)

28
IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA.

No. 3 March Term, 1918.

--REPORT OF VIEWERS--

In the Matter of Constructing,
Improving and Repairing a
certain Section of the Main
Traveled or Trunk Road known
as the "Bedford Pike," lead-
ing from the City of Johns-
town to the Town of Bedford,
in Bedford County, all in the
Township of Stonycreek.

Filed May 8-1918

JUL 23 1918 CERTIFIED

ER

*8/10/18
The road is in the Township of Bedford
County, Pennsylvania*

IN THE COURT OF QUARTER SESSIONS OF THE PEACE

No. 3 March Term, 1919.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned Commissioners of the Township of Stonycreek in said County of Cambria respectfully represents:

That on the 11th day of March, 1918 a petition of the Commissioners of the Township of Stonycreek was presented to this Honorable Court praying for the appointment of viewers to view a certain main traveled or trunk township road and to make report thereof; and to direct the Commissioners of Cambria County to give necessary assistance to the Township of Stonycreek for the purpose of improving said road, upon the facts set forth in said petition and in accordance with the Act of Assembly in such case made and provided. Said petition and the subsequent proceeding hereinafter referred to are filed to No. 3 of March Term of Court of Quarter Sessions of Cambria County.

That pursuant to the prayer of said petition on the said 11th day of March, 1918, this Honorable Court appointed Lewis R. Owen, Philip E. Caulfield and Adam Shuman as viewers to meet and view the said road and report to the Court.

That pursuant to said order and notice the viewers met on the premises on the 20th day of April, 1918 at ten o'clock A. M. and viewed the premises and made report to this Court recommending that the Commissioners of Cambria County should give to the Commissioners of Stonycreek Township the sum of Thirty-two Thousand Dollars (\$32,000.00) for the purpose of reconstructing said road.

And that on the 6th day of August, 1918 after hearing in open court, the Court found upon a consideration and examination of the facts set forth in the report of the viewers filed on the 8th

1

day of May, 1918, that ^{that} certain section of main traveled township road in the Township of Stonycreek, Cambria County beginning at a point on the Bedford Road on the division line between the City of Johnstown and Stonycreek Township, thence continuing along and parallel to Solomon Run in an easterly direction through Stonycreek Township to a point on the said Bedford road on the division line between Stonycreek Township and Richland Township for approximately 6000 feet, and commonly known as the Bedford Road, is in a dangerous condition and in need of reconstruction, improvement and repair and that the revenue of the Township of Stonycreek is insufficient to pay the costs of doing said work in a substantial manner and hereby orders and directs the County Commissioners of Cambria County to give assistance to the said Township of Stonycreek in doing of the said work in the amount of Thirty-Two Thousand Dollars (\$32,000.00) or so much thereof as may be necessary. That relying upon said order of Court the Commissioners of Stonycreek Township proceeded to advertise for bids for the reconstruction of said road in accordance with the plans and specifications of said Township which had prior thereto been approved by the State Highway Department of the State of Pennsylvania; that because of the increase in cost of materials and labor as well as the unsettled condition of the country, the lowest and best bid received by the Commissioners of said Township for the reconstruction of said road ^{was} is Nine Thousand Five Hundred Dollars (\$9,500.00) in excess of the amount awarded by the Court together with all available assets of said Township.

Your petitioners are informed and believe that a majority of Commissioners of Cambria County have signified their willingness to make an additional appropriation for the reconstruction of said road in the sum of Nine Thousand and Five Hundred Dollars, (\$9,500.00), provided this Honorable Court will make an order amending the order under date of August 6th, 1918 and in-

cluding in the amount of said amended order Nine Thousand Five Hundred Dollars (\$9,500.00) additional.

The petitioners therefore pray the Court to amend the said order of August 6th, 1918 in so far as the amount of assistance to be given by the County of Cambria to the Township of Stonycreek, so that the same will read Forty-one Thousand Five Hundred Dollars (\$41,500.00) or so much thereof as may be necessary.

+ J. A. McGrath Commissioner
J. P. Berkebile Commissioner
F. A. Griffith Commissioner
Daniel L. Wisinger Commissioner
Elmer E. Bonstall Commissioner

State of Pennsylvania)
County of Cambria) SS:

On this day of April, A. D. 1919, personally appeared before me, a Notary Public in and for said County and State, the undersigned Commissioners of Stonycreek Township, who being duly sworn according to law depose and say that they are the Township Commissioners of the Township of Stonycreek in Cambria County, Pennsylvania and that the facts set forth in the foregoing petition are true and correct as they verily believe.

J. A. McGrath Commissioners
J. P. Berkebile Commissioners
F. A. Griffith Commissioners
Daniel L. Wisinger Commissioners
Elmer E. Bonstall Commissioners

Sworn to and subscribed by J. A. McGrath, Daniel L. Wisinger and Elmer E. Bonstall before me this 19th day of April A. D. 1919.
-3-
George E. Steiner Notary Public
McCormick, Pa. April 1, 1923

D E C R E E

Now April 22nd, 1919 the foregoing petition having been presented and read, upon due consideration of the same, and it appearing that notice of the presentation of this petition had been made to the County Commissioners of Cambria County, the Court taking into consideration, the facts heretofore found in this proceeding, as well as the matters set forth in the petition, find that the revenue of the Township of Stonycreek, together with the amount heretofore awarded from the County of Cambria, is insufficient for doing said work in a substantial manner, and hereby orders and directs the County Commissioners of Cambria County to give financial aid and assistance to the said Township of Stonycreek in the doing of said work in the amount of Forty-one Thousand Five Hundred Dollars (\$41,500.00) or so much thereof as may be necessary. The said work to be done as recommended by the viewers and to be carried on and completed in all respects in the manner provided by law.

It is further ordered and decree that the width of that part of said road to be improved by and the same is hereby fixed at twenty feet between the curb line and that a clay driveway shall be provided on the southerly side of said road of not less than eight feet in width.

Payments by the County Commissioners under this order to be made out of the funds provided for the fiscal year, 1919.

In the Court of Quarter
Sessions of Cambria
County.

Filed 22 April 1919.

D. P. WEIMER.
ATTORNEY AT LAW
JOHNSTOWN, PA.

T. STANTON DAVIS
E. W. BAUMGARDNER
H. B. HEFFLEY
COMMISSIONERS

OFFICE OF THE

Cambria County Commissioners

JAMES McCLUNE
CHIEF CLERK
J. B. LEHMAN
ASST. CLERK
WALTER JONES
SOLICITOR

EBENSBURG, PA., May 28, 1919.

D. P. Weimer, Esq.,

Johnstown, Pa.

Dear Sir:-

Since writing you this morning the matter of an additional appropriation for the Solomon Run Road was taken up with the County Commissioners, Walter Jones, Solicitor, also being present, and they have instructed me to say to you that they will file no objections to the Petition asking for an order to increase this amount. This is purely a matter for the Court to decide.

Yours truly,

James McClune
Chief Clerk.

JMc/EE.

IN THE COURT OF QUARTER SESSIONS IN AND FOR THE COUNTY
OF CAMBRIA PENNSYLVANIA.

In re proceedings for view and County assistance in re constructing, improving and repairing of a main traveled Township road in the Township of Stonycreek, Cambria County, Pa.

And now, the *6* day of *Aug* 1918, this cause coming on to be heard, upon due consideration and examination of the facts set forth in the report of viewers heretofore filed herein, and it appearing that ten days notice of hearing thereon has been given the County Commissioners of Cambria County and to the public by due publication, the Court is of the opinion that that certain section or main traveled Township Road in the Township of Stonycreek, Cambria County, Beginning at a point on the Bedford Road on the division line between the City of Johnstown and Stonycreek Township, thence continuing along and parallel to Solomon's Run in an Easterly direction through Stonycreek Township to a point on said Bedfore Road on the division line between Stonycreek Township and Richland Township, for approximately six thousand (6000) feet, and commonly known as the Bedford Road, is in a dangerous condition and in need of reconstruction, improvement and repair and that the revenue of Township of Stonycreek is insufficient to pay the cost of doing said work in a substantial manner, and hereby orders and directs the County Commissioners of Cambria County to give assistance to the said Township of Stonycreek in the doing of the said work in the amount of \$ ³²⁰⁰⁰ ~~32000~~ *32000* or so much thereof as may be necessary. The said work to be done as recommended by the Viewers and to be carried on and completed in all respects in manner provided by law.

It is further ordered and decreed that the width of that part of the said Road to be improved be and the same is hereby fixed at *70* feet, between the curb lines, *and that a clay driver way shall be provided on the southerly side of said road of not less than 8 feet.* Payments by the County Commissioners under this order to be made out of the funds provided for the fiscal year 1919.

By the Court
William S. Stephens
Francis J. Conroy
Judge

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

In re proceedings for view and county assistance in re constructing, improving and repairing of a main traveled Township Road in the Township of Stonycreek, Cambria County, Pennsylvania.

State of Pennsylvania)
(SS
County of Cambria)

D. P. Weimer being duly sworn according to law deposes and says that he is attorney for the petitioners in the above mentioned proceeding; that the following notice was published in the Cambria County Legal Journal on the 7th day of June 1918 and in the Johnstown Tribune, a newspaper of general circulation in Cambria County on the 4th day of June 1918; and that notice that the above named Court would examine and hear the report of viewers in said proceeding at the Court House at Ebensburg on the 14th day of June 1918, was given to the County Commissioners of Cambria County more than ten days prior thereto and that the County Solicitor, Walter Jones Esq., appeared and took part in said proceedings.

D. P. Weimer

Sworn and subscribed before me
this ^{6th} day of August 1918.

G. W. Williams, Pro.

NOTICE—In the Court of Quarter Sessions of Cambria County. No. 1918.
In the matter of the petition of the Commissioners of Stonycreek Township, Cambria County, et al., for Viewers and county assistance in reconstructing, improving and repairing that certain section of main travel or trunk township road in said township, leading from the City of Johnstown, along and parallel to Solomon's Run, by way of Elton, in Cambria County, to the town of Bedford, in Bedford County, within the limits of Stonycreek Township, notice is hereby given that on June 14, 1918, at the Courthouse at Ebensburg, Pa., the above named Court will examine the report of the Viewers in said proceedings, as heretofore filed by them on the 8th day of May, 1918, and hear objections thereto, if any. All persons interested may appear at the time and place above mentioned and be heard.
D. P. WEIMER,
Attorney for Petitioners.

IN THE COURT OF QUARTER SESSIONS

OF CAMBRIA COUNTY,

No 3 March Term 1918

In re proceedings for view and
County assistance in re construc-
tion, improving and repairing of
a main traveled Township Road in
the Township of Stonycreek, Cam-
bria County, Pennsylvania.

Proof of Publication

and

D E C R E E.

Filed 9 August 1918.

D. P. Hoimer.