

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of the undersigned residents and citizens of the Township of Summerhill, in said County, respectfully represents:

That a road was laid out in said Township of Summerhill extending from the white schoolhouse (or Weaver's schoolhouse) to King's farm (or King's cabin), on the Bedford County line, pursuant to a decree of your Honorable Court dated the 11th of December, 1852.

That that portion of the said road running from King's farm or cabin on the Bedford County line, to the point along said above mentioned road where the same is intersected by a road running from the Borough of Portage to the Village of Beaverdale, is no longer used by the public for travelling, and is a detriment and a source of expense to the Township.

Your petitioners, therefore, pray that that portion of the above mentioned road starting at the Bedford County line at King's farm or cabin to a point in said road where it is intersected by a road leading from the Borough of Portage to the Village of Beaverdale, at or near Berkey's blacksmith shop, be vacated.

They, therefore, pray your Honorable Court to appoint viewers for this purpose.

And they will ever pray, &c.

Owen J. Jones

Nick Lamm

H. S. Boucher

G. G. Mulhollen

O. C. Mulhollen

William Himes

W. J. Buskey

J. H. Buskey

Henry Lamm

J. D. Allenbaugh

Wheeler MD
Elmer Plummer
John Brown
A.W. Coleman
Herbert Coleman
J. J. Weaver
James H. Kelly
John W. Smith
Valentine Enderline

CAMBRIA COUNTY, SS:

Before me, the subscriber, a Justice of the Peace in and for said County, personally came Nick Lorus who being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me
this 26 day of February
A. D., 1919.

A. J. Kelly
Justice of the Peace.

My commission expires first
Monday of January 1922

Nick Lorus

In the Court of Quarter Ses-
sions of Cambria County,
No. 3 March Sess., 1919.

PETITION of residents and
citizens of Summershill Town-
ship, Cambria County, to va-
cate that portion of the
road starting at the Bedford
County line at King's farm
or cabin to a point in said
road where it is intersected
by a road leading from the
Borough of Portage to the
Village of Beaverdale, at or
near Berkey's blacksmith shop.

Filed 10 March 1919.

AND NOW, March 10, 1919,

A. M. Shoemaker, C. E.

Adam Sherman

and *Johnathan Horrocks*

appointed viewers.

By the Court

EVANS & EVANS

EBENSBURG, PA.

JOHN E. EVANS, CHAS. S. EVANS

KNOW ALL MEN BY THESE PRESENTS, That we, _____

and _____

all residents and citizens of the Township of Summerhill, County of Cambria and Commonwealth of Pennsylvania, are held and firmly bound unto the said Commonwealth of Pennsylvania in the sum of ONE HUNDRED (\$100.00) DOLLARS, lawful money of the United States of America, to which payment well and truly to be made and done, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals and dated the _____ day of _____, A. D., 1919.

WHEREAS, the petition of certain of the inhabitants of the Township of Summerhill, Cambria County, Pennsylvania, has this day been presented to the Court of Quarter Sessions of said County of Cambria, setting forth that the portion of the road running from King's farm or cabin, on the Bedford County line, to the point along said road where the same is intersected by a road running from the Borough of Portage to the Village of Beaverdale, at or near Berkey's blacksmith shop, is no longer used by the public for travelling, and is a detriment and source of expense to the Township, which portion of said road they desire to vacate, and praying for the appointment of viewers.

Now, the condition of this obligation is such, that if the petitioners for the said view, if called upon by the Court, shall make payment of the costs of said view into the Treasury of Cambria County, as provided by law, then by obligation shall be null and void, otherwise to be and remain in full force and virtue.

Sealed and delivered in the presence of

J. G. Mulhollen
Simon Bodenshatz
John O. Brown

A. W. Coleman (SEAL)
William Harris (SEAL)
L. P. Wright (SEAL)

In the Court of Quarter Sessions of Cambria County.
No. 3 March Sess., 1919.

In the matter of the petition of residents and citizens of Summerhill Twp., Cambria Co., to vacate that portion of the road starting at the Bedford County line at King's farm or cabin to a point in said road where it is intersected by a road leading from the Borough of Portage to the Village of Beaverdale, at or near Berkey's blacksmith shop.

B O N D:

Filed 10 March 1919

*March 10th 1919
Bond approved
By the Court*

EVANS & EVANS

EBENSBURG, PA.

JOHN E. EVANS . . . CHAS. S. EVANS

TO THE TOWNSHIP SUPERVISORS OF SUMMERHILL TOWNSHIP AND THE COUNTY COMMISSIONERS OF CAMBRIA COUNTY, PENNSYLVANIA.

GENTLEMEN:

You are hereby notified that an application will be made to the Court of Quarter Sessions of said County of Cambria, on Monday, the tenth day of March, 1919, at ten o'clock A. M., for the appointment of viewers to view the premises and report to the Court the expediency of vacating that portion of the public road in Summerhill Township running from King's farm or cabin, on the Bedford County line, to the point along said road where the same is intersected by a road leading from the Borough of Portage to the Village of Beaverdale, at or near Berkey's blacksmith shop.

February 28, 1919.

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Edward Lewis
Attorneys for Petitioners.

March 5th, 1919, I hereby accept service of the above notice for the Commissioners of Cambria County.

James McLeane
Clerk

March _____, 1919, we hereby accept service of the above notice.

H. D. Bonebrake
Nick Lamm
Owen J. Jones
Township Supervisors for Summerhill Township.

Filed 10 March 1919

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

R E P O R T O F V I E W E R S .

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

We, the undersigned members of the board of viewers of Cambria County, appointed by your honorable Court upon the attached order and therein directed to view and determine as to the propriety of vacating a certain piece of public road in Summerhill Township, Cambria county, Pa., between the points of beginning and ending therein specified, 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 Summerhill township by having them accept service of notices hereto attached, and to the traveling public by printed hand bills posted in public and conspicuous places ^{at the termini and} along the route of the piece of road proposed to be viewed; and having been first duly qualified according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability: All of us met at the time and place appointed in accordance with the notices given and having viewed the premises we are of the opinion that the piece of road in question should be vacated.

The piece of road proposed to be vacated; so far as we were able to obtain any evidence of its having ever been opened; a plot or draft of which is hereto attached and made a part of this report, takes the following courses and distances, viz: Beginning at the old Blacksmiths shop near the farm of William Hines, late of _____ Roberts, on the road leading from the Frankstown road to Kings Cabin near where the road leading from the Frankstown ~~road~~ - Portage road leaves the road leading from the Frankstown road to Beaverdale and running thence through improved land of said William Hines S. 31° E. 534 ft., S. 74° E. 669 ft., S. 72° E. 320 ft., N. 87° E., 228 ft., S. 72½° E. 276 ft., and S. 82° E. 145 ft., and continuing thence through and over unimproved land as follows, S. 56½° E. 156 ft., S. 34° E 100 ft., S. 57° E. 382 ft., S. 71° E. 292 f t.,

S. 54° E. 172 ft., S. 64° E. 258 ft., S. 59° E. 254 ft., S. 45° E.,
124 ft., S. 76° E. 128 ft., S. 58° E. 184 ft., S. 76° E. 181 ft.,
S. 51½° E. 445 ft., S. 63° E. 196 ft., S. 64° E. 405 ft., S. 68° E.
500 ft., East 485 ft., S. 67½° E. 261 ft., S. 55° E. 514 ft., S. 50°
E. 392 ft., S. 46½° E. 342 ft., S. 51° E. 156 ft., S. 42° E. 182 ft.,
S. 32° E. 341 ft., S. 20° E. 200 ft., S. 41° E. 185 ft., S. 28° E.
306 ft., S. 17° E. 231 ft., S. 16° E. 196 ft., S. 19° E. 168 ft.,
S. 4½° E. 175 ft., S. 10° E. 461 ft., S. 14° E. 202 ft., S. 28½° E.
160 ft., S. 27° E. 269 ft., S. 27° E. 909 ft., S. 4° E. 281 ft.,
S. 45° E. 262 ft., S. 4½° E. 200 ft., S. 55° E. 780 ft., crossing
Beaverdale Run and S. 12° W. 140 ft., to the old Pearley tram road
and from this point continuing S. 12° W. for some 320 ft. whence
all trace of the old road vanishes and from the information obtain-
able the same was never opened or used beyond this point.

From all indications on the ground it is very evident that the
piece of road in question has not been used by the traveling public
for forty years or more and from its location it is very doubtful
if it would ever be used or useful as a public highway.

Witness our hands this 31st. day of May, A.D., 1919.

A. M. Shoemaker

John H. Horrocks

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 township road in Summerhill township, said county and state; From a point on the Bedford and Cambria County line, known as King's Farm or King's Cabin, to a point at the intersection of the road, a portion of which is proposed to be vacated, with the public road leading from Portage to Beaverdale, all in said township:

will meet at the point noted on the Portage-Beaverdale road, in the township of Summerhill aforesaid, on the 21st. day of May 1919, at 9:45 o'clock a.m. for the purpose of performing the duties of their appointment.

A. M. Shoemaker,
Adam Shuman and
John H. Horrocks, Viewers.

Ebensburg, Pa. 5 / 8 / 1919.

Now, May 12 1919, service of the within notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.

James M. Deane Clerk

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 township road in Summerhill township, said county and state; From a point on the Bedford and Cambria County line, known as King's Farm or King's Cabin, to a point at the intersection of the road, a portion of which is proposed to be vacated, with the public road leading from Portage to Beaverdale, all in said township:

will meet at the point above noted on the Portage-Beaverdale road in the township of Summerhill aforesaid, on the 21st. day of May 1919, at 9:45 o'clock a.m. for the purpose of performing the duties of their appointment.

A. M. Shoemaker,
Adam Shuman and
John H. Horrocks, Viewers.

Ebensburg, Pa. May 8th 1919.

Now, May ~~26~~ 1919, service of the within notice is hereby accepted by the undersigned Supervisors of the township of Summerhill, Cambria County, Pennsylvania.

H. S. Boucher
Owen J. Jones
Nicholas Crum

Supervisors.

Mar 3 Mar 1919

Cost of View

John H. Horrocks

1/2 Day \$7.50

42 mi 2.10

9.60

Adam Thurman

1/2 Days \$7.50

88 miles 4.40

11.90

A. M. Showmaker

Lifting Order \$.90

5 Days 25.00

Survey 12.00

Drafting & tracing 10.00

69 miles 34.50

51.30

~~PAID TO THE ORDER OF
E. B. Bausgard
E. B. Bausgard~~

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."

[Faint, mostly illegible text, likely bleed-through from the reverse side of the page.]

NO. <u>3</u>	March	SESSION, 1919
Order to view	Petition of residents and citizens of Summerhill Township to vacate that portion of the road starting at the Bedford County line to a point in said road where it is intersected by a road leading from the Borough of Portage to the Village of Beaverdale. A. M. Shoemaker, C.E.	
Viewers:	Adam Shuman Johnathan Horrocks	
Clerk	Robb.	90 cts.

Filed 4 June 1919

21st May 1919 9.45

5 June 1919 Approved
1 Sept 1919 Confirmed
By the Court
Frank B. Robb, Clerk