

Not microfilmed

RD#5

June 1919

Draft showing the location of a piece of public road, proposed to be vacated and a piece of road proposed to be supplied in Adams Twp, Cambria Co., Pa., as reviewed and laid out upon an Order of the Court of Quarter Sessions of said county dated A. D. 1919. G. M. Shoemaker, John A. Horvath & Adam Shuman Viewers.

G. C. FELIX

Cleared Land

Cleared Land

Uncleared Land

IN KING

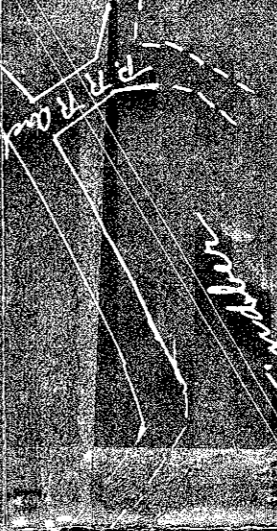
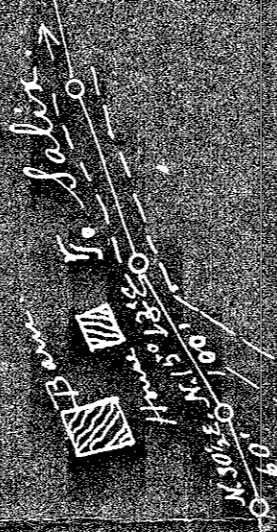


20.75' 20.75'

recomm^d for location of new road -
593
42° 20' E
1797

Pick of road
N 33° 35' E

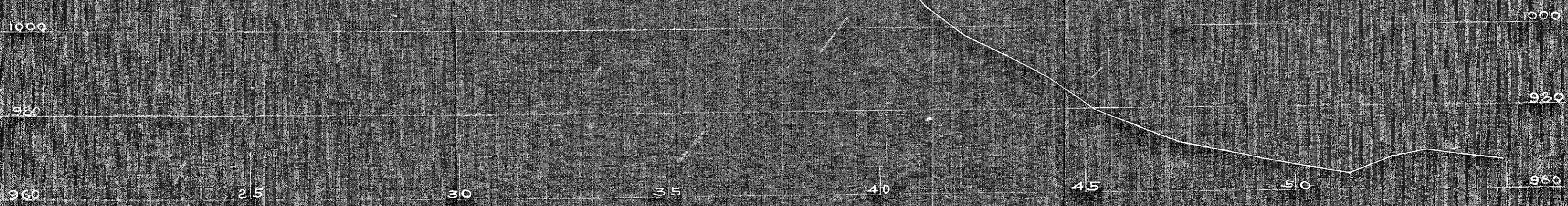
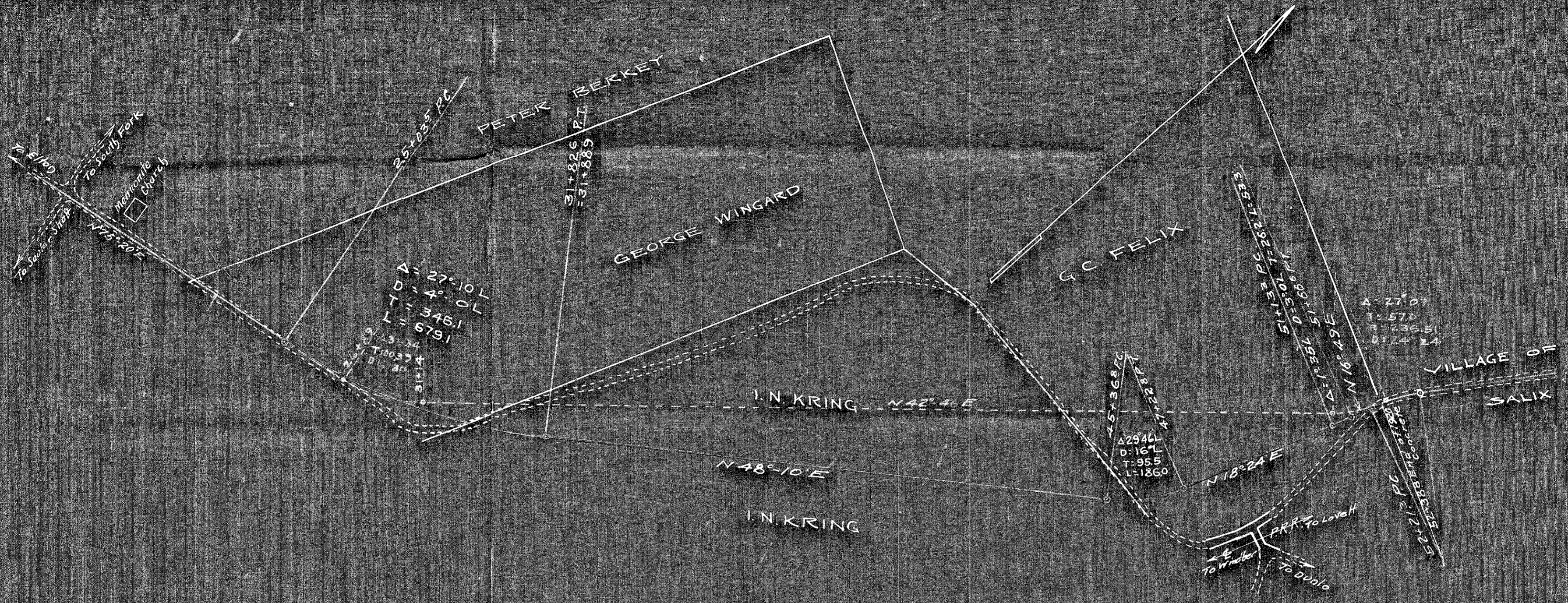
N 57° 15' E 170'
N 43° 45' E 196'
N 70° 15' E 74'
N 30° E 30'



Bate Microfilm

RD# 5

June 1919



PLAN & PROFILE
 SHOWING
 PROPOSED CHANGE OF ALIGNMENT
 FROM
 MENNONITE CHURCH TO SALIX
 ADAMS TOWNSHIP, CAMBRIA CO. PA.
 SCALES HOR 1" = 200'
 VER 1" = 20'
 O. P. THOMAS ENGR JOHNSTOWN, PA.
 APRIL 25TH '21

LINE AS ESTABLISHED BY VIEWERS COMPROMISE

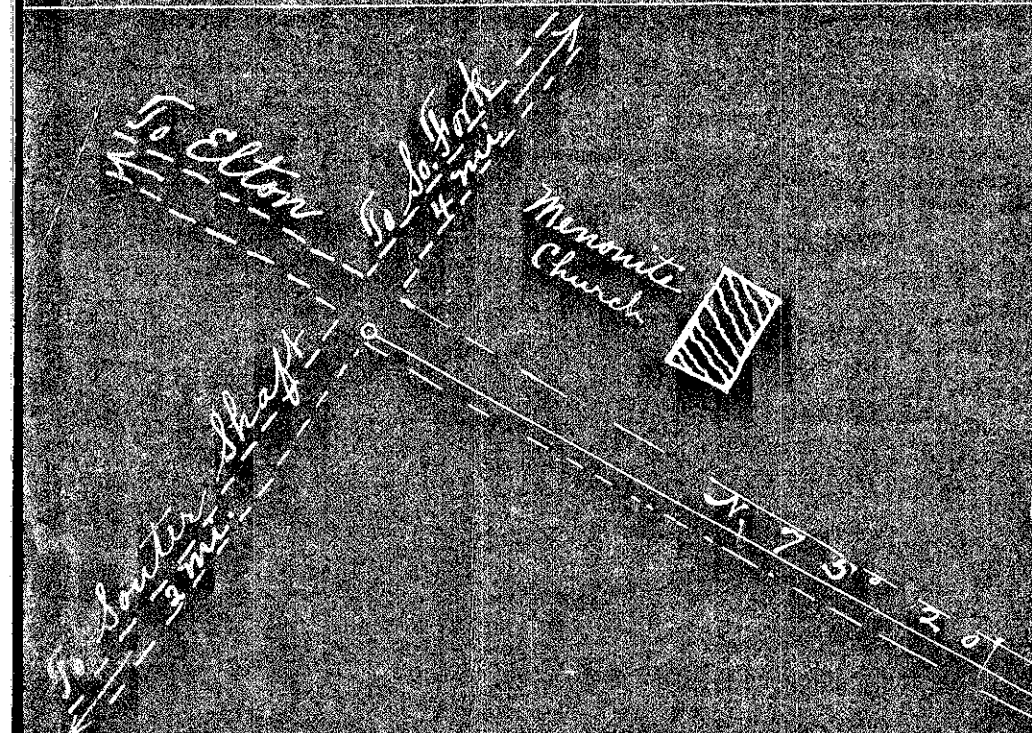
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RO# 5

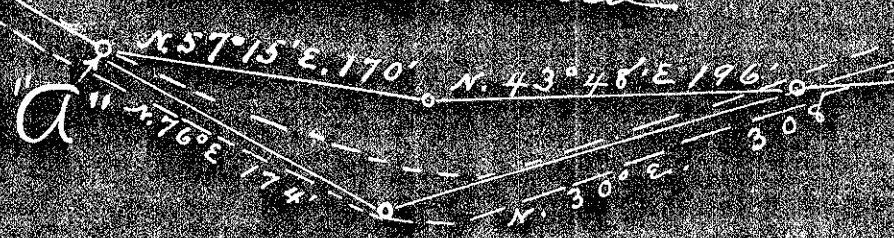
June 1929

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Draft showing the location of a piece of public road proposed to be vacated and a piece of road proposed to be supplied, in Adams Twp, Cambria Co., Pa., as viewed and laid out upon an Order of the Court of Quarter Sessions of said county, dated A. D. 1919. A. M. Shoemaker, John H. Horrocks & Adam Shuman, Viewers



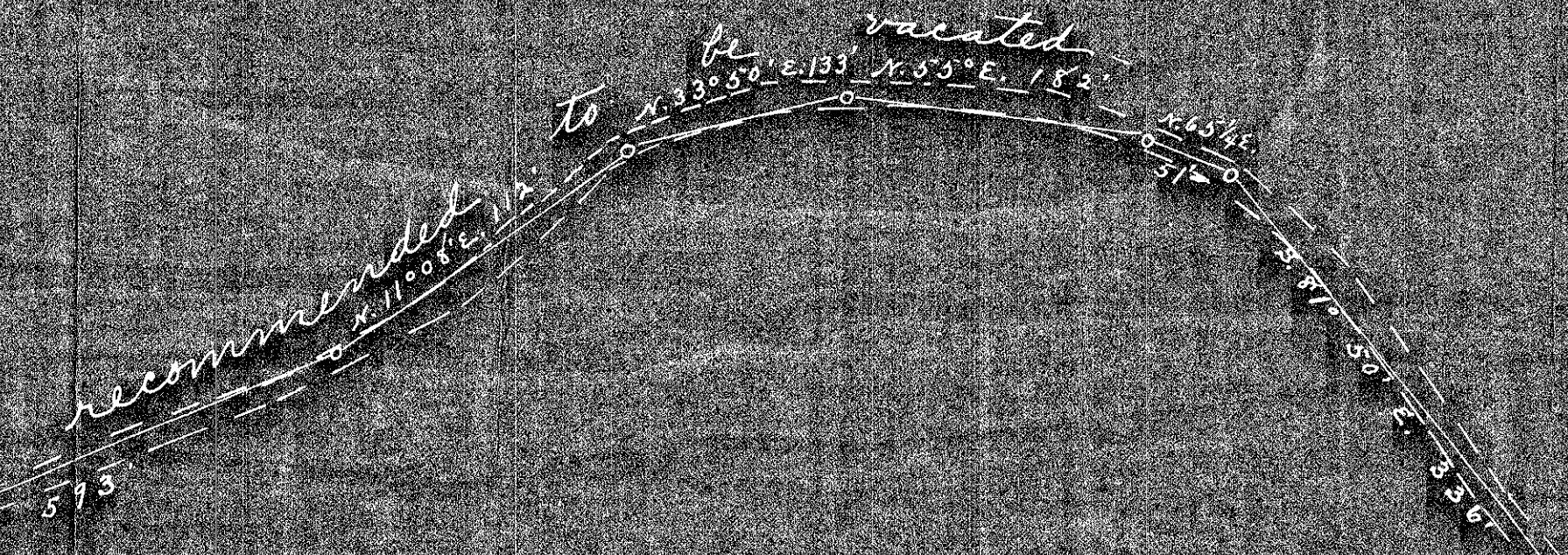
Uncleared Land



Piece of road
N 23° 35' E

Line recommended for location of new road -
Cleared Land.

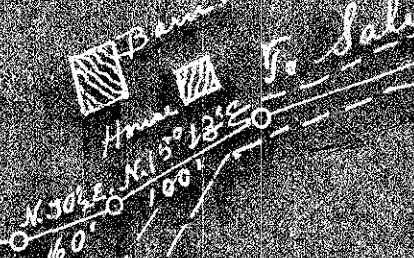
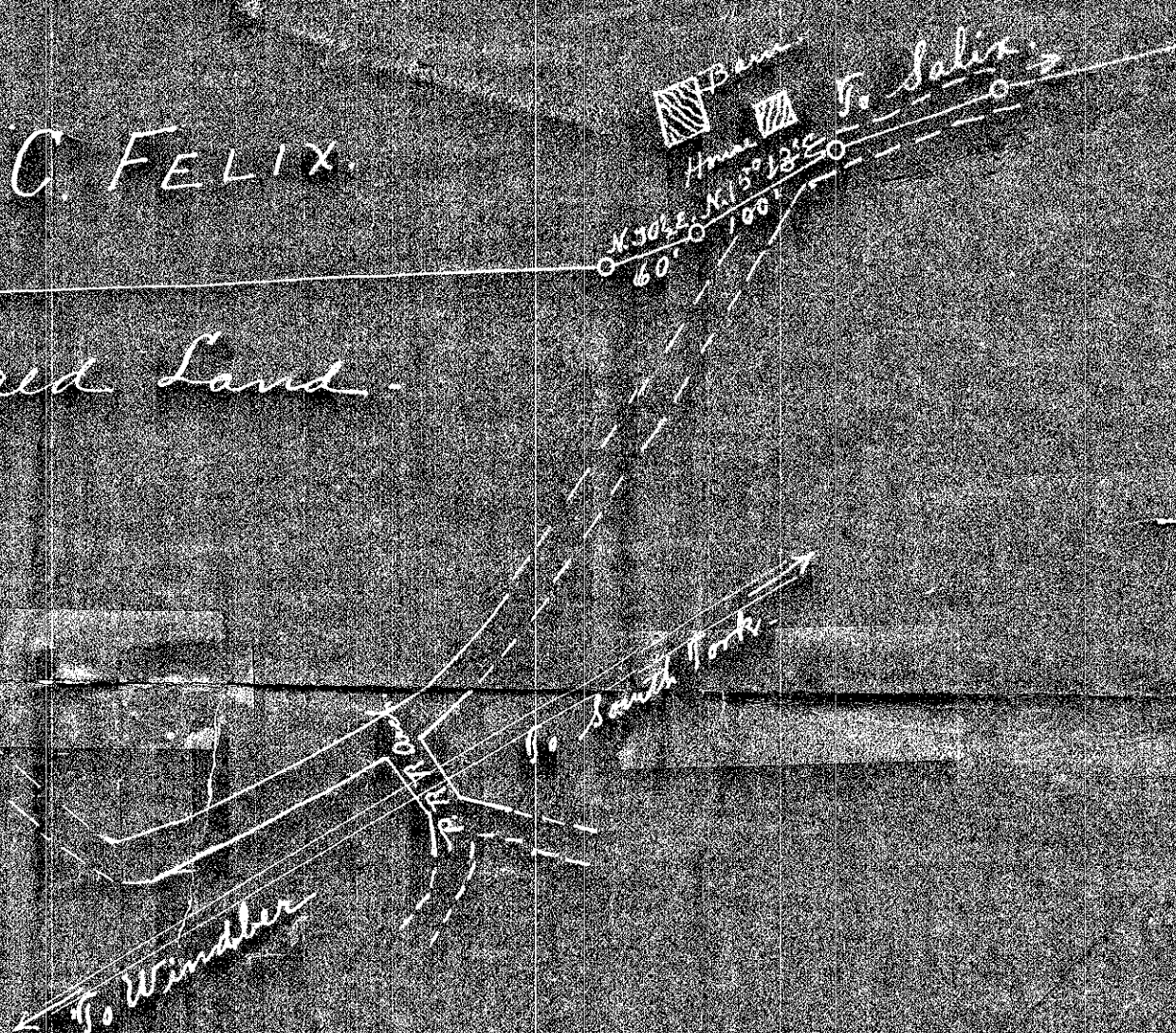
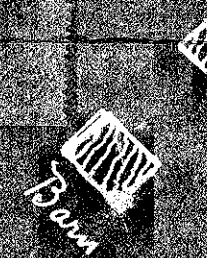
N 42° 20' E 1897'



G. C. FELIX

Cleared Land

I. N. KRING



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 and supplying a certain piece of public road in Adams twp., said county and state: Beginning at the intersection of the Elton-Salix road with the road leading from Sauter Shaft to South Fork, at the Menonite Church, and to end at the intersection of the Elton-Salix road with the road leading from Salix to Dunlow, at land of G. C. Felix:

will meet at the place of beginning, above noted, in the township of Adams aforesaid, on the 22nd. day of July 1919, at 11:00 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. 7/1/1919.

Now, July 1919, service of the within notice is hereby accepted by the undersigned Supervisors of the township of Adams, Cambria County, Pa.

J. S. Harsberger

Ed Cortlow

P. P. Miller

Supervisors.

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 and supplying a certain piece of township road in Adams township, said county and state: Beginning at the intersection of the Elton - Salix road with the road leading from Sauter Shaft to South Fork, at the Menonite Church, and to end at the intersection of the Elton-Salix road with the road leading from Salix to Dunlow, at land of G. C. Felix:

will meet at the place of beginning, above noted, in the township of Adams aforesaid, on the 22nd day of July 1919, at 11:00 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. 7/1/ 1919.

Now, July 8 1919, service of the within notice is hereby accepted for the Commissioners of Cambria County, Pa.

James McNamee
Chief Clerk

Cost of View

John H. Horrocks
2 Days \$15⁰⁰
82 miles
4⁴⁰ 1910

Adam Shuman
2 Days 15⁰⁰
166 miles 3³⁰

A. M. Shoemaker
5 1/2 Days 41²⁵
146 miles 7³⁰
Lifting Order 9⁰⁰
Engineering work 25⁰⁰

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. 5, June SESSION, 1919

Order to view
 In re road in Adams Township,
 to vacate and supply part of
 the Public road in said
 Township leading from Elton
 to Salix.

Viewers.

A. M. Shoemaker, C.E.

Adam Shuman

Johnathan Horrocks,

Clerk Robb. 90 cts.

Filed 4 Sept 1919

8 Sept 1919 Approved and breadth fixed as follows.

Reple Court

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 of court and therein directed to view and determine as to the propriety or necessity for vacating and supplying a portion of the township road between the terminal points designated in said order, in Adams township, Cambria county, Pennsylvania, 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 Adams 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 and near the terminal points of the piece of road 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 accord with the notices so given and having carefully viewed the premises are of the opinion that the piece of road designated on the attached draft as between points "A" and "B"; which piece of road takes the following courses and distances, viz: N. 76° E. 174 ft., N. 30° E. 308 ft., N. 23° 35' E. 593 ft., N. 11° 08' E. 112 ft., N. 33° 50' E. 133 ft., N. 55° E. 182 ft., N. 65° 15' E. 51 ft. and S. 81° 50' E. 386 ft.; should be vacated, and instead thereof the piece of road designated on draft as lying between points "A" and "C"; which takes the following courses and distances, viz: N. 57° 15' E. 170 ft., N. 43° 48' E. 196 ft., N. 42° 20' E. 1897 ft., N. 30° 30' E. 60 ft. and N. 15° 13' E. 100 ft.; should be supplied.

A Plot or draft showing the location of the piece of road between the terminal points indicated on the attached order with the portion thereof recommended to be vacated and the portion recommended to be supplied indicated between the letters above noted by courses and distances.

Having failed to obtain releases of damages from I. N. Kring and George C. Felix, through and over ~~the~~ whose lands the new portion of road as laid out passes, we have assessed the damages to be paid to I. N. Kring at eight hundred fifty dollars and the damages sustained by George C. Felix at one thousand dollars.

Witness our hands this thirtieth day of August, A.D., 1919.

A. M. Shoemaker

John H. Horrocks

Adam Shuman

Viewers.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY

IN RE VIEW TO VACATE AND
SUPPLY A PUBLIC ROAD IN
ADAMS TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

) Entered to #5 June Term, 1919

↓ Road Docket 6 page 29

EXCEPTIONS BY ISAAC N. KRING

Isaac N. Kring, an owner of land vacated by said proceedings hereby files exceptions to the report of viewers in the above stated proceeding as follows:

(1) The affidavit of George Wingard to the original petition for viewers does not state that he is one of the petitioners and hence is not qualified to make such affidavit.

(2) The width of the road as supplied is fixed at forty (40) feet while the original width of the road is thirty (30) feet.

(3) Service of notice of the view was accepted by the Supervisors under date of "July ___ 1919", hence such notice is irregular and not according to law, and was not accepted by resolution as a Board but individually.


(4) The report of the viewers shows no plot or draft attached nor "blue-print" of the map or plot of the road filed, as required by Rule 23 of this Court under "Roads and Bridges.

(5) Said Report of viewers fails also to have annexed thereto and returned to the Court, a plot or draft of the said road stating the courses and distances and noting briefly the improvements through which it may pass, as required by the Act of June, 13, 1836, Section 3 and its supplements.

(6) The report of viewers is defective in not complying with the requirements of the aforesaid Act of Assembly both in respect to failure to attach proper plot or draft and also with respect to notice.

(7) The Court having fixed a greater width than that upon which the viewers based their assessment of damages, the fixing of a greater width is inequitable and improper and the report should therefore not be confirmed.

November 11, 1919



Attorney for Exceptant

STATE OF PENNSYLVANIA

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SS.

COUNTY OF CAMBRIA

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Personally appeared before me, the undersigned authority, Isaac N. Kring exceptant above named who having been duly sworn according to law says that the statements made in the foregoing exceptions are true and that the said exceptions are not taken for delay but because he verily believes an injustice has been done.

Sworn to and subscribed
before me this 11th day
of November 1919.

Cecilia A. Malzi

Notary Public

Isaac N. Kring

My commission expires Feb. 19, 1921

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY

IN RE VIEW TO VACATE AND
SUPPLY A PUBLIC ROAD IN
ADAMS TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

EXCEPTIONS

Filed 17 November 1919.

CHARLES C. GREER
LAWYER
JOHNSTOWN, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY

IN RE RE-VIEW TO VACATE AND
SUPPLY A PUBLIC ROAD IN ADAMS
TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA

Entered to No. 5 June Term 1919
Road Docket 6 page 29

EXCEPTIONS TO REPORT OF REVIEWERS

George C. Delix, the owner of land vacated by said proceeding and also the owner of land proposed to be taken by the review aforesaid hereby files exceptions, by his Attorney Charles C. Greer to the report of reviewers in the above stated proceeding as follows:

- (1) The said report does not state whether the viewers were sworn or affirmed nor how their oaths or affirmations were administered.
- (2) The said report does not state whether the proposed new road is necessary for a public road.
- (3) Said report does not define the termini by fixing exact distances from the intersection of public highways as required by law.
- (4) Said petition for review does not define the termini by fixing exact distances from the intersection of public highways.
- (5) The report of review fails to disclose whether or not they viewed the ground in the petition mentioned.
- (6) Notice of the said review was not given to all the Supervisors and not to any of them within the time prescribed by law.

Charles C. Greer

Attorney for Exceptant

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

IN RE RE-VIEW TO VACATE
AND SUPPLY A PUBLIC ROAD IN
ADAMS TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

EXCEPTIONS TO
REPORT OF REVIEWERS

Filed 17 May 1920

CHARLES C. GREER
LAWYER
JOHNSTOWN, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENN'A.

In re road in Adams
Township.

No. 5 June Term, 1920.

Exception to the report of review.

This is a proceeding on a review had for the purpose of determining the necessity of vacating and supplying part of a public road in Adams Township, Cambria County.

The report of the reviewers was filed the third of March, 1920, and exceptions thereto were filed on behalf of Issac N. Kring and George C. Felix on the seventeenth day of May, 1920.

The first exception reads as follows: "The said report does not state whether the viewers were sworn or affirmed, nor how their oaths or affirmations were administered."

As to this, the report of the viewers recites as follows:- "And having first been duly qualified according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability." Now does the phrase "qualified according to law" sufficiently aver the fact that the viewers were sworn or affirmed? Bouvier defines the word qualify "To become qualified or fit for any office or employment, etc, etc; as to take an oath to discharge the duties of an office,-----"

While the report of the viewers in this case does not say in the words of the Act of Assembly that the viewers were sworn or affirmed, yet the report does say that the viewers were

first duly qualified according to law to perform the duties of their appointment which can only mean that the requirements of the Act of Assembly, as to having been sworn or affirmed had been fully complied with, and in the absence of any evidence to the contrary, the report of the jury must be taken as a verity, and we are of the opinion that the language used in said report, as to their being properly qualified, sufficiently avers the requirements of the Act of Assembly were complied with in this respect.

The presumption is that the requirements of the statute have been complied with by the viewers, for it is not necessary to so state specifically in their report whether the viewers were sworn or affirmed, unless required by the Act of Assembly, regulating the subject to do so.

Petition to vacate a Public Road in Derry Township,
11 Penna. Sup. Ct. 232.

The second exception is as follows:- "The said report does not state whether the proposed new road is necessary for a public road." As to this exception, we are of the opinion that the requirements of the law have been fully met.

The report of the viewers specifically states that, "We, the undersigned, members of the Board of Viewers of Cambria County, appointed by your Honorable Court to review a certain piece of public road in Adams Township, Cambria County, Pennsylvania, and determine as to the necessity for vacating and supplying a certain portion of said road lying between the terminal points designated on the attached order of court, respectfully report. "

It will be observed that the viewers report that they met at the time and place directed by the order of court for the specific purpose of determining the question of the necessity for the vacation and supply of part of an established road in Adams Township, and they further report that, "*****having gone over and viewed and carefully considered the whole situation and are of the opinion that a portion of the road between the termini designated on the attached order of court indicated on the attached draft *****should be vacated and that the piece thus vacated should be supplied by a piece of road lying between , etc, etc,***** and which draft is attached to and made a part of this report."

Then they proceed and recommend the vacation of a designated portion of the old road and designate by their report and draft also the portion of new road to be supplied.

This report of the action of the viewers following the declared object of their appointment/^{and}meeting clearly amounts to an affirmative finding that the vacation and supply was necessary, and it would be useless to state the same thing in different words or by a prolonged recital.

The third exception relates to the termini. An examination of the record before us discloses that the petition for the review designates to an exactness the termini, and the report discloses that the road viewed and reported upon was that lying between the terminal points set forth in the petition for review and order to view which is attached to the report.

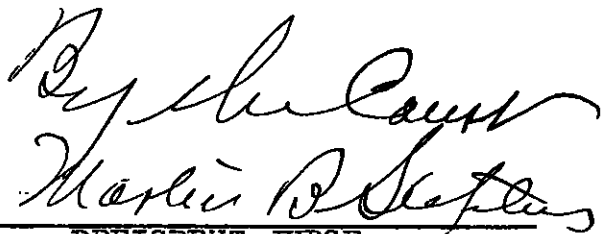
The fourth, fifth and sixth exception are likewise, in our opinions, fully met by the report of the viewers and the

references therein made to the order of court and the attached draft.

From this, we are of the opinion that the exceptions filed, which in both cases are the same, are fully met by the report and should be dismissed.

ORDER OF COURT:

Now, November 4th, 1920, after full argument, and upon due consideration, all exceptions filed to this report are dismissed.


Martin P. Stephens
PRESIDENT JUDGE.

Now, November 4th, 1920, counsel for exceptant excepts to the foregoing order and decree and prays that a bill be sealed to the exceptants, all of which is accordingly done the day and year aforesaid.


Martin P. Stephens (SEAL)
President Judge

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

No. 5 June Term, 1920.

IN RE ROAD IN
ADAMS TOWNSHIP.

EXCEPTIONS
TO THE REPORT OF REVIEWERS.

Filed 4 November 1920.

E. H. [unclear]

Martin W. Stephens,
President Judge 47th Judicial District of Penna.,
Intimstown, Pa.

IN THE COURT OF QUARTER SESSION OF CAMBRIA COUNTY

IN RE VIEW TO VACATE AND
SUPPLY A PUBLIC ROAD IN
ADAMS TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

Entered to #5 June Term, 1919
Road Docket 6 page 29

A P P E A L

And now comes Isaac Krug by his Attorney Charles C. Greer, and appeals from the decree of final confirmation in the above stated case to the Court of Common Pleas of the County of Cambria and prays for a trial of the question of damages by jury according to the course of the common law and avers that he is ~~agreed~~ ^{displeased} by the said decree in the matter of the damages allowed by the said reviewers, said damages being inadequate in amount.

Isaac N Krug
by his attorney
Charles C Greer

Commonwealth of Pennsylvania
County of Cambria

SS'

Personally appeared before me, the undersigned authority, Charles C. Greer, Attorney for Isaac Krug, who upon oath duly administered according to law, says that the foregoing appeal is not taken for the purpose of delay but because the affiant firmly believes that injustice has been done.

Charles C Greer

Sworn to and subscribed before me
this Third day of December, A. D.
1920.

Levonia G. Snare
Notary Public

COMMISSION EXPIRES
FEB 1st 1923

No. 5 June ~~24~~⁵, 1919

Road Docket 6, Page 29.
IN THE COURT OF QUARTER
SESSION OF CAMBRIA COUNTY, PA.

In re view to vacate and
supply a public road in
Adams Township, Cambria
County, Pennsylvania.

Appeal

Filed 4 Dec, 1920.

~~To George Walter Williams, Esq.,
Prothonotary of the Court of
Common Pleas of Cambria County,
Pennsylvania.~~

~~Please file the within
appeal in the Court of
Common Pleas of Cambria
County, Pa.~~

CHARLES C. GREER,
LAWYER
JOHNSTOWN, PA.

The undersigned Township Supervisors of the Township of Adams, Cambria County, Pa., in consideration of the release of damages by Isaac N. Kring due to a change in the line of a public highway leading from the Village of Elton to the Village of Salix, under proceedings in the Court of Quarter Sessions of Cambria County aforesaid, to No. June Sessions, 1921, said change being made without the formalty of a view as provided by law, they hereby agree to erect and complete a concrete culvert or passage way under the aforesaid highway connecting the fields of the said Isaac N. Kring, the said passage way to be not less than four (4) feet in width nor six (6) feet in height, then the same to be maintained by the aforesaid Township of Adams.

Board of Township Supervisors

P. P. Miller

R. M. McCann

A. J. Henschberger


Board of Township Supervisors
of the Township of Adams.

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

No. 5, June Term, 1919

Road Docket 6, Page 29.

And now, May 14th 1921, the exceptions to the report of
viewers and re-viewers filed in the above stated proceedings on
the part of Isaac N. Kring and George C. Felix, respectively,
are hereby withdrawn.


Attorney for Isaac N. Kring
and George C. Felix

No. 5 June Sessions, 1919

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

Road Docket #6, Page 29.

Withdrawn & allowed

by the Court

Filed 6 June 1921

gix

CHARLES C. GREER
LAWYER

SWANK BUILDING JOHNSTOWN, PA.

In the Court of Quarter Session of the Peace of Cambria
County, Pennsylvania.

To the Honorable, the Judges of the said Court:-

The petition of the undersigned Township Supervisors of the Township of Adams in the County of Cambria aforesaid, respectfully showeth:-

That a public Highway exists in said Township leading from the Village of Elton to the Village of Salix the exact situs of which road, as to the part hereby affected, being fixed by proceedings to vacate and supply a part of the said public road to No. 5 June Sessions 1919.

The said vacation and supply having been confirmed absolutely November 4, 1920 and an order to open having issued thereon.

That the said Supervisors deem it adviseable to construct, change and alter part of the said highway within said Township near the Village of Salix affecting only the lands of Isaac N. Kring and George C. Felix with which property owners they have agreed as to damages.

That the change or alteration contemplated does not exceed, including damages in costs and expenses, the sum of Three Hundred (\$300) Dollars.

That a map or draft of said proposed change is annexed to this petition and made part hereof and herewith presented to the Court for approval.

Your petitioners therefore pray that the new location be approved and that the same be taken and deemed to be a public road to all intents and purposes and that the old location be taken and deemed to be vacated. All without the formalty of a view as provided by law.

P. P. Miller

P. M. McCombs

as Starbarger

State of Pennsylvania |
County of Cambria | SS.

Personally appeared before me, the undersigned authority,
P. P. Miller, P. M. McLeon and *J. L. Hershberger*
the above named Supervisors who having been duly severally sworn
and affirmed according to law say the statements made in the fore-
going petition are true.

P. P. Miller
P. M. McLeon
J. L. Hershberger

Sworn, affirmed and subscribed
before me this *16* day of
May
April, A. D. 1921.

J. H. Fouch J. P.
Notary Public

My commission expires *Jan 1st 1926*

We the undersigned property owners
herby release damages and any claim
therefor by reason of the proposed change
of route under the foregoing petition

Witness:
C. C. Green

Isaac W. Kingman
George C. Kelly

D E C R E E

And now, the *31st* day of May, 1921, the within petition read and upon consideration the Court approves such change as indicated on the annexed map or draft and decree the new location to be a public road to all intents and purposes and the old location shall be taken and deemed to be vacated.

By the Court

E. Craig

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

W. J.

P E T I T I O N

Filed 31 May 1921

CHARLES C. GREER
LAWYER

SWANK BUILDING JOHNS TOWN, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBERIA COUNTY

To the Honorable, the Judges of said Court:-

The petition of the undersigned, inhabitants of the Township of Adams in the County aforesaid respectfully represents;

That on June, 11, 1919 viewers were appointed by the said Court to vacate and supply part of a public road in said Township leading from Elton to Salix in proceedings entered to No. 5 June Term, 1919, the Order to View being dated June 11, 1919;

That the Report of Viewers was made in favor of subh vacation and supply and same was approved on the _____ day of September, 1919 by the aforesaid Court:

That the said public road to be vacated extends from the intersection of the Elton to Salix road with the Township Road leading from Sauter Shaft to South Fork at the Menonite Church to the intersection of the Elton to Salix road with the public road leading from Salix to Dunlo at land of G. C. Felix at or near the place where the Pennsylvania Railroad to Windber crosses over the Salix to Dunlo road and that a new road to replace the road so to be vacated was laid out from the said place of intersection of said Elton to Salix road with the said Township road leading from Sauter Shaft to South Fork at the Menonite Church to a point on the said Elton to Salix road at land of G. C. Felix, distant 961.2 feet in a wouthwesterly direction from the intersection of the said Elton to Salix road with the public road leading from Salix to Geistown at Salix Post Office and 385 feet in a northwesterly direction from the aforesaid point of intersection of the said Elton to Salix road with the aforesaid road leading from Salix to Dunlo at said land of G. C. Felix at or near the said place where the Pennsylvania Railroad to Windber crosses over the said road to Dunlo; which said road, if vacated and supplied as prayed for and confirmed by the Court will be very injurious to your petitioners and burdensome to the inhabitants of the Township through which the same would pass.

Your petitioners therefore showing that they are persons interested respectfully pray your Honorable Court to appoint three persons properly qualified to review the ground proposed for said road and make report of their proceedings to the next term of Court.

A. V. King
James D. Ross
D. L. King
G. E. Turner

P. A. Berkey
J. H. Trotter
W. L. Missinger
J. E. H. Missinger

<u>Ed Bliss</u>	<u>Jacob Sherman</u>
<u>Dr. R. Frye</u>	<u>Sylvester Reynolds</u>
<u>Wes. Pender</u>	<u>Jacob M. Cash</u>
<u>W. J. Boyer</u>	<u>E. A. Jones</u>
<u>George W. Stille</u>	<u>B. J. Anderson</u>
<u>Loss Weaver</u>	<u>B. F. Varner</u>
<u>Clavin J. Parner</u>	
<u>J. P. Griffin</u>	
<u>W. M. Mangard</u>	
<u>H. W. King</u>	
<u>P. M. King</u>	
<u>W. E. King</u>	
<u>Charley Weaver</u>	
<u>Harry Crawford</u>	
<u>Ord J. Stull</u>	
<u>Floyd Felix</u>	
<u>James Hunter</u>	
<u>Joseph Wingard</u>	
<u>Daniel S. Frye</u>	
<u>Chas. Spring</u>	

November 22 1919

We hereby accept service of a copy of the within petition.

A. L. Harsberger

Edward Lattow

P. P. Wilber

Supervisors

Commissioners

No. 5 June Term, 1919

IN THE COURT OF QUARTER
SESSIONS OF CAMBERIA COUNTY

IN RE ROAD IN
ADAMS TOWNSHIP

PETITION FOR RE-VIEW

*Rec'd 1st Dec 1919
C. C. Greer
At City of Adams
Present at top
By the Court*

Filed 1 December 1919

CHARLES C. GREER
LAWYER
JOHNSTOWN, PA.

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

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

The petition of the undersigned, inhabitants of the Township of Adams, in the County aforesaid, respectfully represents:

That they labor under great inconvenience by reason of steep grades and sharp curves in the public road in Adams Township which leads from the Village of Elton to the Village of Salix, part of which road they desire to have vacated and another road laid out to take its place. (The Docket entry relating to the original laying out of the said road being contained in Cambria County Road Docket No. 2 , page 245).

The petitioners therefore pray that that part of the said public road in Adams Township be vacated which extends from the intersection of said (Elton to Salix) road with the Township road leading from Sauter shaft to South Fork at the Menonite Church to the intersection of said (Elton to Salix) road with the public road leading from Salix to Dunlo at land of G. C. Felix at or near the place where the Pennsylvania Railroad to Windber crosses over the said Salix to Dunlo road, and that a new road with proper grades and curves to replace the road so to be vacated, be laid out from the said place of intersection of said (Elton to Salix) road with the said Township road leading from Sauter shaft to South Fork at the Menonite Church to a point on the said (Elton to Salix) road at land of G. C. Felix, distant 961.2 feet in a Southwesterly direction from the intersection of the said (Elton to Salix) road with the public road leading from Salix to Geistown at Salix Post Office and 385 feet in a Northwesterly direction from the aforesaid point of intersection of the said (Elton to Salix) road with the aforesaid road leading from Salix to Dunlo at said land of G. C. Felix at or near the said place where the Pennsylvania Railroad to Windber crosses over the said road to Dunlo.

The petitioners therefore pray the court to appoint three persons properly qualified, according to law, to view the ground proposed for such road, and, if they see occasion, to lay out the same, to enquire of and vacate the part of the public road now opened which will, by reason of the laying out of the proposed road, become useless; and make report of their proceedings to the next term of the Court.

Geo Kingard
 W.R. Fox
 Jas. Thwaite
 J.R. Wood
 John Fox
 Samuel Weymouth
 Thomas H. Peirson
 William Garrison
 Evan Evans
 Paul Miller
 Robert MacDutty
 W. J. G. Jones
 W. J. G. Jones
 Albert Scher.
 Alex. Farley
 Bernard Gattam
 J. P. Grief
 Blair R. Rade
 Sam. Lewis
 J. W. Howard
 S. R. R. R.
 James Appleby
 Joseph Grief
 J. G. G.
 Eben Skowron

Francis J. J.
 Sam. J. J.
 W. R. G.
 Roy D. B.
 John D. B.
 W. M. S.
 Peter Shan
 W. J. G.
 M. J. G.
 F. J. Smith
 J. P. Miller
 J. M. Faust
 G. J. G.
 E. J. G.
 R. J. G.
 A. J. G.
 C. J. G.
 W. J. G.
 S. J. G.
 J. J. G.
 George J. G.
 Michael Murphy
 W. J. G.

A. D. [unclear]

John W. Searcy

Samuel T. [unclear]

Peter Castlow

J. Smith

Robert H. [unclear]

G. H. Miller

J. W. Miller

John Ellenberger

J. Perrier

H. C. Ferris

State of Pennsylvania,)
County of Cambria.) SS:

Before me, the subscriber, a _____
alderman in and for the County and State aforesaid, personally appeared George Kingard, who being duly sworn according to law doth depose and say that the facts, matters and things set forth in the foregoing petition are true and correct.

Geo Kingard

Sworn and subscribed before me this 10th day of June, 1919.

Wm J. Lumbard

My Commission Expires Jan. 1920.

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

To I. L. HARSHBERGER, ED COSTLOW and P. P. MILLER, Township Supervisors of Adams Township, Cambria County, Pennsylvania.

Gentlemen;-

You will please take notice that a petition of inhabitants of Adams Township, Cambria County, Pennsylvania, will be presented to the Court of Quarter Sessions of Cambria County on Wednesday, the 11 th day of June, A. D. 1919, as follows;-

Representing that they labor under great inconvenience by reason of steep grades and sharp curves in the public road in Adams Township which leads from the Village of Elton to the Village of Salix, part of which road they desire to have vacated and a new road laid out to take its place;

Praying that that part of the said public road in Adams Township be vacated which extends from the intersection of said (Elton to Salix) road with the township road leading from Sauter shaft to South Fork at the Menonite Church, to the intersection of said (Elton to Salix) road with the public road leading from Salix to Dunlo at land of G. C. Felix at or near the place where the Pennsylvania Railroad to Windber crosses over the said Salix to Dunlo road, and that a new road with proper grades and curves to replace the road to be vacated, be laid out from the said place of intersection of said (Elton to Salix) road with the said township road leading from Sauter shaft to South Fork at the Menonite Church, to a point on the said (Elton to Salix) road at land of G. C. Felix, distant 961.2 feet in a Southwesterly direction from the intersection of said (Elton to Salix) road with the public road leading from Salix to Geistown at Salix Post Office and 385 feet in a Northwest-erly direction from the aforesaid point of intersection of the said (Elton to Salix) road with the aforesaid road leading from Salix to Dunlo at said land of G. C. Felix at or near the said place where the Pennsylvania Railroad to Windber crosses over the said road to Dunlo.

And praying the Court to appoint proper persons, qualified according to law, to view the place for said road, and if see occasion to lay out the same, to enquire of and vacate the part of the public road now opened which will, by reason of the laying out of the proposed road, become useless; and make report of their proceedings to the next term of Court.

D. P. Weimer

Attorney for Petitioners.

We hereby accept service of the above notice this 10 th day of June, A. D. 1919.

I. L. Harshberger, Supervisor.

Ed Costlow, Supervisor.

P. P. Miller, Supervisor.

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

In Re: Elton to Salix Road Proceedings. Adams Township.

To T. Stanton Davis, H. B. Heffley and E. W. Baumgardner,
Commissioners of Cambria County, Pennsylvania.

Gentlemen:-

You will please take notice that a petition of inhabitants of Adams Township, Cambria County, Pennsylvania, will be presented to the Court of Quarter Sessions of Cambria County on Wednesday, the 11 th day of June, A. D. 1919, as follows:-

Representing that they labor under great inconvenience by reason of steep grades and sharp curves in the public road in Adams Township which leads from the Village of Elton to the Village of Salix, part of which road they desire to have vacated and a new road laid out to take its place;

Praying that that part of the said public road in Adams Township be vacated which extends from the intersection of said (Elton to Salix) road with the Township road leading from Sauter shaft to South Fork at the Menonite Church, to the intersection of said (Elton to Salix) road with the public road leading from Salix to Dunlo at land of G. C. Felix at or near the place where the Pennsylvania Railroad to Windber crosses over said Salix to Dunlo road, and that a new road with proper grades and curves to replace the road to be vacated as aforesaid, be laid out from the said place of intersection of said (Elton to Salix) road with the said township road leading from Sauter shaft to South Fork at the Menonite Church, to a point on the said (Elton to Salix) road at land of G. C. Felix, distant 961.2 feet in a Southwesterly direction from the

intersection of said (Elton to Salix) road with the public road leading from Salix to Geistown at Salix Post Office and 385 feet in a Northwesterly direction from the aforesaid point of intersection of the said (Elton to Salix) road with the aforesaid road leading from Salix to Dunlo at said place at land of G. C. Felix where the Pennsylvania Railroad to Windber crosses over the said road to Dunlo.

And praying the Court to appoint proper persons, qualified according to law, to view the ground for said road, and if they see occasion to lay out the same, to enquire of and vacate the part of public road now opened which will, by reason of the laying out of the proposed road, become useless; and make report of their proceedings to the next term of Court.

D. P. Weimer
Attorney for Petitioners

Service of the above notice is hereby accepted for the above named County Commissioners, this 11 th day of June, A. D. 1919..

James McQuinn

No 5 June Term 1919.

In the Court of Quarter Sessions of Cambria County.
No. 1919.

Petition of Inhabitants
of ADAMS TOWNSHIP
for the appointment of
Viewers to Vacate and
Supply part of the Public
Road in said Township
leading from Elton to Salix

Filed 11 June 1919

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Now, June 11, 1919, the
within petition read and
considered, and

W. H. Thompson & Co
Adam Thurman and
Johnston Hancock are
appointed Viewers as within
prayed for.

By the Court

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

TO THE COUNTY COMMISSIONERS OF
THE COUNTY OF GAMBRIA:

Take notice that a petition for re-view of a proposed road in Adams Township, a copy of which is hereto annexed and made a part hereof, will be presented to the Court of Quarter Sessions on the first Monday of December next, at Ebensburg, Pa.

November 20th 1919.

Charles C. Green
att. for Petitioner

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY

To the Honorable, the Judges of said Court:-

The petition of the undersigned, inhabitants of the Township of Adams in the County aforesaid respectfully represents:

That on June, 11, 1919 viewers were appointed by the said Court to vacate and supply part of a public road in said Township leading from Elton to Salix in proceedings entered to No. 5 June Term, 1919, the order of view being dated June 11, 1919;

That the Report of Viewers was made in favor of such vacation and supply and same was approved on the _____ day of September 1919 by the aforesaid Court;

That the said public road to be vacated extends from the intersection of the Elton to Salix Road with the Township Road leading from Sauter Shaft to South Fork at the Menonite Church to the intersection of the Elton to Salix road with the public road leading from Salix to Dunlo at land of G. C. Felix at or near the place where the Pennsylvania Railroad to Windber crosses over the said Salix to Dunlo road and that a new road to replace the road so to be vacated was laid out from the said place of intersection of said Elton to Salix road with the said Township road leading from Sauter Shaft to South Fork at the Menonite Church to a point on the said Elton to Salix road at land of G. C. Felix, distant 961.2 feet in a southwesterly direction from the intersection of the said Elton to Salix road with the public road leading from Salix to Geistown at Salix Post Office and 385 feet in a northwesterly direction from the aforesaid point of intersection of the said Elton to Salix road with the aforesaid road leading from Salix to Dunlo at said land of G. C. Felix at or near the said place where the Pennsylvania Railroad to Windber crosses over the said road to Dunlo; which said road, if vacated and supplied as prayed for and confirmed by the Court will be very injurious to your petitioners and burdensome to the inhabitants of the Township through which the same would pass.

Your petitioner therefore showing that they are persons interested, respectfully pray your Honorable Court to appoint three persons properly qualified to review the ground proposed for said road and make report of their proceedings to the next term of Court.

_____ (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)

STATE OF PENNSYLVANIA ↓

COUNTY OF CAMBRIA ↓

SS.

 On this day of November 1919 before me,
a in and for said State and County,
personally came one of the petitioners
above mentioned who having been duly affirmed according to law
says the statements made in the foregoing petition are true and
correct as he verily believes.

Affirmed and subscribed
before me the day and year
aforesaid.

No. 5 June Term, 1919

IN THE COURT OF QUARTER

SESSIONS OF CAMBRIA COUNTY

IN RE ROAD

IN

ADAMS TOWNSHIP

PETITION FOR RE-VIEW

Filed 1 December 1919

CHARLES C. GREER

LAWYER

JOHNSTOWN, PA.

accepted,

And now, November ²⁸~~29~~ 1919 service of the within notice

James McNamee
Chief Clerk

Commissioners

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

IN RE VIEW TO VACATE AND
SUPPLY A PUBLIC ROAD IN
ADAMS TOWNSHIP, CAMBERIA
COUNTY, PENNSYLVANIA.

No. 5 June Sessions, 1919.
Road Docket 6 Page 29.

The petition of the I.N. Kring respectfully represents:

That to the above number and term a view and review for the vacation and supply of a certain public highway in Adams Township was held.

That viewers and reviewers filed their respective reports.

That exceptions were made to the report both of viewers and reviewers.

That while the exceptions to the report of the original viewers were on file the Court confirmed absolutely the report of the reviewers.

Your petitioner sets forth that he has been informed that such absolute confirmation was pre-mature and further avers that the same will work him injustice;

Your petitioner further avers that he is a resident, tax payer and elector of the said Township, that he is one of several parties who had filed the exceptions above mentioned and that he is adversely effected by the aforesaid view and review and unless the absolute confirmation shall be opened and stricken off your petitioner will suffer great injury and damage.

WHEREFORE, your petitioner prays that the final confirmation of the report of the reviewers be stricken off.

Charles G. Young
Aug 10 1919
Petitioner

State of Pennsylvania |
County of Cambria | SS.

Charles G. Sware Personally appeared before me, the undersigned authority,
attorney for
Isaac N. Kring, who having been duly sworn according to law says that
the statements made in the foregoing petition are true and correct and
that the same is not taken for the purpose of delay but because affiant
believes an injustices has been done ~~him~~ *in said I. N. Kring.*

Charles G. Sware

Sworn to and subscribed before me
this *16th* day of December A. D.
1920.

Susanna G. Sware
Notary Public

My commission expires

MY COMMISSION EXPIRES
APRIL 1st 1923

SWANK BUILDING
JOHNSTOWN, PA.

LAWYER
CHARLES C. GREER

Filed 16 December 1920.

Dec 16 1920. ...
Rule to show cause
~~made~~ why the
final confirmation
of the report of
reviewers should
not be struck off
as provided, granted off
Reluctant to pay 5-1-1921
By the Court

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY

IN RE RE-VIEW TO VACATE AND
SUPPLY A PUBLIC ROAD IN ADAMS
TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA

Entered to No. 5 June term, 1919
Road Docket 6 page 29

EXCEPTIONS TO REPORT OF REVIEWERS

Isaac N. Kring, the owner of land vacated by said proceeding and also the owner of land proposed to be taken by the review aforesaid hereby files exceptions, by his Attorney Charles C. Greer to the report of reviewers in the above stated proceeding as follows:

(1) The said report does not state whether the viewers were sworn or affirmed nor how their oaths or affirmations were administered.

(2) The said report does not state whether the proposed new road is necessary for a public road.

(3) Said report does not define the termini by fixing exact distances from the intersection of public highways as required by law.

(4) Said petition for review does not define the termini by fixing exact distances from the intersection of public highways.

(5) The report of review fails to disclose whether or not they viewed the ground in the petition mentioned.

(6) Notice of the said review was not given to all the Supervisors and not to any of them within the time prescribed by law.



Attorney for Exceptant

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY, PA

IN RE RE-VIEW TO VACATE
AND SUPPLY A PUBLIC ROAD IN
ADAMS TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

EXCEPTIONS TO
REPORT OF REVIEWERS

Filed 17 May 1920.

CHARLES C. GREER
LAWYER
JOHNSTOWN, PA.

KNOW ALL MEN BY THESE PRESENTS that I, ISAAC N. KRING of the Township of Adams, County of Cambria and State of Pennsylvania am held and firmly bound unto the Commonwealth of Pennsylvania in the sum of Two hundred (\$200) dollars lawful money to be paid to the said Commonwealth, her certain attorney or assigns; to which payment well and truly to be made, I do bind myself and my heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with my seal and dated the 28th day of November A. D. 1919.

The condition of this obligation is such that if the above bounden Isaac N. Kring shall, if so called upon pay the costs of a certain re-view of a proposed vacation and supply of a public road in the aforesaid Township of Adams agreeable to the decree of said Court, then this obligation to be void, otherwise to be and remain in full force and virtue.

Signed, sealed and delivered
in the presence of:

Isaac N. Kring (SEAL)

L. A. Malzj

No 5 June Term 1919

B O N D

ISAAC N. KRING

TO

COMMONWEALTH OF PENNSYLVANIA

Filed 1 December 1919

Dec 1st 1919
Bond approved
By the Court

CHARLES C. GREER
LAWYER
JOHNSTOWN, PA.

IN THE COURT OF COMMONS SESSION OF CAMBRIA COUNTY

IN RE VIEW TO VACATE AND

SUPPLY A PUBLIC ROAD IN
ADAMS TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

Entered to \$5 June Term, 1919

Road Docket 6 page 29

A P P E A L

And now comes George B. Ship by his Attorney Charles C. Greer, and appeals from the decree of final confirmation in the above stated case to the Court of Common Pleas of the County of Cambria and prays for a trial of the question of damages by jury according to the course of the common law and avers that he is aggrieved by the said decree in the matter of the damages allowed by the said reviewers, said damages being inadequate in amount.

George B. Ship
By his attorney
Charles C. Greer

Commonwealth of Pennsylvania
County of Cambria

ss.

Personally appeared before me, the undersigned authority, Charles C. Greer, Attorney for George B. Ship who upon oath duly administered according to law, says that the foregoing appeal is not taken for the purpose of delay but because the affiant firmly believes that injustice has been done.

Charles C. Greer

Sworn to and subscribed before me
this Third day of December, A. D.
1920.

Swanna G. Inane
Notary Public

MY COMMISSION EXPIRES
APRIL 7th 1923

In final form
Jas. Cambes

5 June 1919

Re as revised Court
Address

Offered

Filed 4 December 1920

CHARLES C. GREER
LAWYER
JOHNSTOWN, PA.

ROAD NOTICE

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 propriety of vacating and supplying a certain piece of public road in Adams twp., said county and state: ... Beginning at the intersection of the Elton - Salix road with the road leading from Sauter Shaft to South Fork, at the Menonite Church, and to end at the intersection of the Elton - Salix road with the road leading from Salix to Dunlo, at land of G. C. Felix:

will meet .. at the place of ending, above noted, .. in the ... township .. of ... Adams .. aforesaid, on the 24th. ... day of ... February ... 19.20 at ... 10:30'clock .. a. m. for the purpose of performing the duties of their appointment.

..... A. M. Shoemaker, ..
..... J. D. Ritter and ..
..... S. E. Dickey, ..
Viewers.

. Ebg., Pa. ... 2. / . 13. / . 19.20.

Now, Feby., 16th 1920, service of the within notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.

James William Clark

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ROAD NOTICE

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 propriety of vacating and supplying a certain piece of public road in Adams twp., said county and state: .. Beginning at the intersection of the Elton-Salix road with the road leading from Sayter Shaft to South Fork, at the Menonite Church and to end at the intersection of the Elton-Salix road with the road leading from Salix to Dunlo, at land of G. C. Felix:

will meet at the place of ending, above noted, in the township of Adams aforesaid, on the 24th day of February 1920, at 10:30 o'clock a. m. for the purpose of performing the duties of their appointment.

A. M. Shoemaker,
J. D. Ritter and
S. E. Dickey,
Viewers.

Ebg., Pa., 2 / 13 / 19. 20.

Now, Feby., 23, 1920, service of the within notice is hereby accepted by the undersigned Supervisors of the township of Adams, Cambria County, Pa.

P. P. Miller

A. T. Harshberger

Supervisors.

View of Road - Adams Trwp.
Cost of View

A. M. Shoemaker
Lifting Order \$90
6 Days 45.00
140 miles (two trips) 7.00
Engineering work 20.00 \$72.90

J. D. Ritter
2 Days \$15.00
96 miles 4.80 \$19.80

A. E. Dickey
2 Days \$15.00
40 miles 2.00 \$17.10

~~W. B. [unclear]~~
~~W. B. [unclear]~~
~~W. B. [unclear]~~

EX-105 1920 CERT-152

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 to review a certain piece of public road in Adams Township, Cambria Co., Pa., and determine as to the necessity for vacating and supplying a certain portion of said piece of road lying between the terminal points designated on the attached order of court, respectfully report:-

That having given due notice of the view and of the time and place of meeting of the viewers, appointed to review said piece of road, to the Commissioners of Cambria County and to the Supervisors of Adams Township and having 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 termini and along the route of the piece of road to be reviewed; 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 accord with the notices served and posted as aforesaid and having gone over, viewed and carefully considered the whole situation and are of the opinion that that portion of the road between the termini, designated on the attached Order of Court, which is indicated on the attached draft as lying between and following the direction of "A" "B" "C" "D" "E" and "F" should be vacated and that the piece of road thus vacated should be supplied by a piece of road lying between and taking the direction of "A" "H" "C" "F" and "G" on the attached draft which is hereto attached and made a part of this report.

The portion of road herein recommended to be vacated takes the following courses and distances; beginning at the point indicated by the letter "A", on the attached draft, and extending thence North 76° East 174 feet, North 30° East 308 feet, North 23° 35' East 593 feet, North 11° 08' East 112 feet, North 33° 50' East 133 feet, North 55° East 182 feet, North 65° 15' East 51 feet and South 81° 50' East 336 feet to the

point indicated by the letter "F" on said draft and the portion of road recommended to be supplied between the points indicated on said draft by the letters "A" and "G" take these courses and distances, viz: North 57° 15' East 170 feet, North 43° 48' East 196 feet, North 42° 20' East 1897 feet, North 30° 30' East 60 feet and North 15° 13' East 100 feet.

Having failed to obtain releases of damages from George C. Felix, I. N. Kring or the owner of the small corner of unimproved property noted on the attached draft at letter "H"; we have assessed damages to George C. Felix in the sum of six hundred fifty dollars and to I. N. Kring in the sum of one thousand dollars and to the owner of the small strip of unimproved land above referred to we have awarded no damages, feeling that no injury will be sustained by him.

Witness our hands this twenty eighth day of February, A. D., 1920.

A. M. Shoemaker
J. D. Ritter
V. E. Dickey

Viewers.

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 First day of December A. D. 1919, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Adams, in the said County, setting forth that they labor under incon-

venience ~~by reason of steep grades and sharp curves in the public road in Adams Township which leads from the Village of Elton to the Village of Salix, part of which road they desire vacated and another laid out to take its place (The docket entry relating to the original laying out of the said road being contained in Cambria County Road Docket 2, Page 245.)~~ ~~by reason of steep grades and sharp curves in the public road in Adams Township which leads from the Village of Elton to the Village of Salix, part of which road they desire vacated and another laid out to take its place (The docket entry relating to the original laying out of the said road being contained in Cambria County Road Docket 2, Page 245.)~~

The petitioners therefore pray that that part of the said public road in Adams Township be vacated which extends from the intersection of said (Elton to Salix) road with the Township road leading from Sauter shaft to South Fork at the Menonite Church to the intersection of said (Elton to Salix) road with the public road leading from Salix to Dunlo at land of G. C. Felix at or near the place where the Pennsylvania Railroad to Windber crosses over the said Salix to Dunlo road, and that a new road with proper grades and curves to replace the road so to be vacated, be laid out from the said place of intersection of said (Elton to Salix) road with the Township road leading from Sauter's shaft to South Fork at the Menonite Church to a point on the said (Elton to Salix) road at land of G. C. Felix, distant 961.2 feet in a Southwesterly direction from the intersection of the said (Elton to Salix) road with the public road leading from Salix to Geistown at Salix Post office and 385 feet in a Northwesterly direction from the aforesaid point of intersection of the (Elton to Salix) road with the aforesaid road leading from Salix to ~~at said land of G. C. Felix at or near the said place where the Pennsylvania Railroad to Windber crosses over the said road to Dunlo.~~

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, C.E.,

surveyor, and

J. D. Ritter, and S. E. Dickey

viewers, to **re**view the ground proposed for said road, and if they **re**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:

Frank C. Robb, 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. 5 June SESSION, 1919

Order to view

In re road in Adams Township

to vacate and supply part of

the Public road in said Township

leading from Elton to Salix.

Viewers.

A. M. Sheemaker, C. D.

J. D. Ritter

S. E. Dickey

Clerk

Robb.

90 ds.

Filed 3rd March 1920

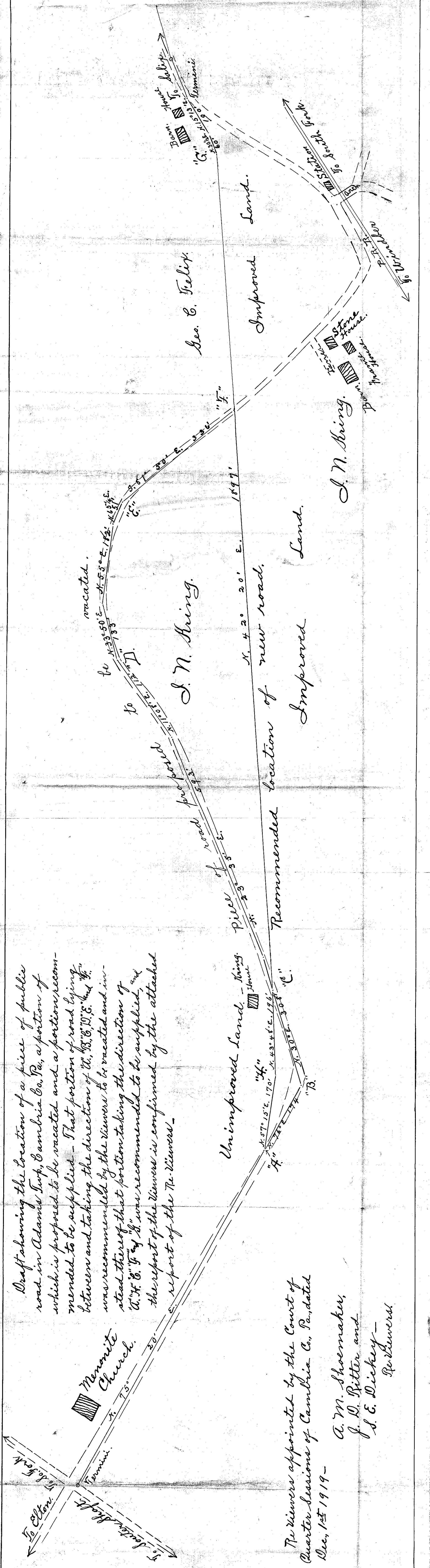
3 March 1920 Approved and breadth fixed at forty feet.

15 Nov 1920 confirmed.

James C. Robb
Clerk

Billy C. Carr

Draft showing the location of a piece of public road in Adams Twp., Cambria Co., Pa., a portion of which is proposed to be vacated and a portion recommended to be supplied. That portion of road lying between and taking the direction of W. B. C. and S. was recommended by the viewers to be vacated and instead thereof that portion taking the direction of "A. H. C." "F" and "G." was recommended to be supplied, and the report of the viewers is confirmed by the attached report of the Re-viewers.



Re-viewers appointed by the Court of Quarter Sessions of Cambria Co., Pa., dated Dec., 1st 1919-

A. M. Shoemaker,
 J. D. Ritter and
 S. E. Dickey -
 Re-viewers.

S. N. King.

S. N. King.

Geo. C. Felix.

vacated.

Recommended location of new road.

Improved Land.

Improved Land.

Stone House.

To South Hook

To North Hook

To Williams

To Elton

To Adams

To Williams

To Adams

To Williams

To Adams

To Williams

To Adams

To Williams

To Adams

To Williams

To Adams