

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

To the Honorable Augustine Vinton Barker President Judge  
of said Court.

The petition of the undersigned respectfully represents,  
That by virtue of certain proceedings had in said court, a  
public road was lately laid out and confirmed in the Township  
of Stonycreek, said county, leading from the Johnstown & Scalp  
Level turnpike, at or near the Johnston house, in Walnut Grove,  
to the easterly termini of Strayer Street, in Dale Borough,  
said county, which road has not yet been opened.

Your petitioners further represent, That they are a majority  
of the original petitioners for the said road resident within  
said County, that by recent developments it is their opinion  
that a part of said road, commencing at the westerly side of  
Solomons Run and extending to the easterly termini of Strayer  
Street aforesaid, if opened as laid out and confirmed, would  
be useless, inconvenient and burdensome. Therefore, they pray  
that the same may be vacated, and the same be supplied by a  
public road, leading from the point of said vacation, at the  
westerly side of Solomons Run, thence in a southerly direction,  
along the said Run to the Johnstown & Scalp Level turnpike,  
at a point where it crosses said Run, in said township, and that  
proceedings for the purpose of such vacation and supply may  
be taken as directed by the Act of Assembly in such cases  
made and provided.

And they will ever pray, etc.

✓ S. W. Repp  
✓ Nathaniel Wisinger  
✓ H. J. Hoover  
✓ Chas. C. Simmons  
✓ Deans Wisinger  
✓ Geo. A. Markley  
✓ J. D. Still  
✓ Mrs. C. Himes

✓ Jas. C. Jacoby  
✓ Frank Griffith  
✓ N. R. Griffith  
✓ G. A. Coore  
✓ Lewis W. Buck  
✓ S. J. Grinnell  
✓ C. A. Griffith

Levi Jacoby  
✓ H. J. Bishop  
Edwin H Metzler  
F. H. Payne  
✓ Robert D. Mearns  
✓ John D. Hughes  
A. L. Walker  
✓ S. J. Rogers  
✓ E. B. Lamer  
George Knawton  
John D. Raymond  
Henry Downing  
Thomas Myers  
Archib. Mussinger  
John R. Hearn  
Levi Wessinger  
W. H. Higgins  
Abner S. Strayer  
Levi Lousie  
Wm. H. Temple

John H. Jacoby  
R. C. Keith  
John A. Strayer

10<sup>th</sup> Sept 1897

In the Court of  
Quarter Sessions for  
Cambria County.

Petition to vacate and  
supply a public road, in  
Stonycreek township, lead-  
ing from Walnut Grove to  
the Johnstown & Scarp  
Level turnpike, at Soli-  
mons Run.

*Filed 13 Sept 1897*

Now, Sept. 13, 1897, the  
within petition read and  
considered, whereupon

*Jos. H. Dyer Jr.  
Geo. Schreiber  
Sami Misinger*  
were appointed viewers

for the purposes therein  
stated.

*By J. H. Dyer Jr.*

Storer.

*Jos H Dyer Jr.  
Geo. Schreiber  
Sami Misinger*

To the Judge of the Court of  
Quarter Sessions of the Peace in the  
within order named for Cambria County.

We the subscribers the persons  
appointed by said Court to vacate  
and supply the road therein named  
or mentioned, Report that Public  
notice having been given by written  
notices of the time and place where  
and where they would meet for the  
purpose of discharging their duties  
<sup>met posted at the premises and in the vicinity to meet on the</sup>  
according to Law and that having  
been first severally sworn or affirmed  
in the manner and form prescribed  
by the said order that all of us (Viz.  
John H. Dye, Jr., George Schrader, Levi  
Okissinger, met at the time and place  
<sup>at Woodcock Aug. 18, 1897.</sup>  
advertised, and having viewed the  
ground for the proposed vacating and  
supplying and all of us concurring  
and agreeing that that portion of the  
<sup>public</sup> road, beginning at a stake (now stone) on  
the westerly side of Solomonus Russ  
thence running North 69 degrees and  
34 minutes West 344 feet 11  $\frac{1}{4}$  inches  
to the line between Stony Creek  
Township and Hale Borough be  
vacated as the same would be

Witness our hands November 18, 1897.

burdensome and the same be supplied  
by <sup>a public road, by</sup> the following, Beginning at the  
stone above mentioned to wit: on the  
Westerly side of Solomon Run thence  
down along said run the following  
courses and distances to wit: South  
48 degrees and Seven minutes West  
85 feet and  $4\frac{1}{2}$  inches to a stone at  
the intersection of Strayer Street  
as laid out by the Heirs of S. J.  
Horner thence South 43 degrees and  
nine minutes West 139 feet  $5\frac{1}{2}$   
inches to a stone at the intersection  
of an alley; thence South 61 degrees  
and 32 minutes West 183 feet  $5\frac{1}{2}$   
inches to a stone about on line with  
the North side of Bedford St. and the  
said viewers further report that they  
have obtained a release of damages  
from the Heirs of S. J. Horner  
through whose land the road passes  
said release is here to annexed.

With reference to the improvements  
through which said road passes  
a draft is hereto annexed.

Witness our hands and seals  
the eighteenth day of November A. D.

# Release of Damages

Johnstown Pa. Nov. 18th 97

We, the undersigned, in consideration of the advantages to us from the road mentioned in the annexed order and report, and at the request of the viewers appointed to lay out the same, do hereby release all claims to damages that may arise to us from the opening of said road.

Witness our hands and seals the 18<sup>th</sup> day of November 1897

Wm. H. Horner

Harvey Horner

Samuel H. Horner

W. L. Horner

Am. H. Horner

R. H. Horner

Hannah Horner



1897

25 days 1 mile \$8.10 - John H. Dye, Jr. Surveyor

1 day 1 mile \$2.10 Geo. Schrader

1 day 1 mile \$2.10 Levi Kissinger

Quarto  
Sessions for  
Lancaster County,  
No. 2, Sept. Term, 1897.

Report of the Viewers  
to locate and supply  
a public road in  
Stonewick township,  
leading from Walnut  
Spruce to Johnston &  
Scalp Hill townships  
at Solomons Run.

Filed 6 Dec 1897.

Stony

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 Thirteenth day of September A. D. 1897, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of Staryeres in the said County, setting forth that they labor under inconvenience for want of a ~~road~~ ~~or highway, to lead from~~ ~~by virtue of certain proceedings had in said~~

~~court a public road was lately laid out and confirmed in the~~ township of Staryeres, said county, leading from the John-  
~~ston & Sons Saw Mill~~ ~~traverse, at or near the Johnston house~~ in Walnut Grove, to the easterly terminus of Stayer street  
~~in Dale Borough, said county, which road has not~~ yet been opened. Your petitioners further request that  
they as a majority of the original petitioners for the said  
road resident within said County, that by such develop-  
ments it is their opinion that a part of said road, com-  
mencing at the westerly side of Solomon Run and extending  
to the easterly terminus of Stayer street aforesaid, if opened  
as laid out and confirmed would be useless, inconvenient  
and burdensome, therefore, they pray that the same  
may be vacated and the same be supplied by a public  
road, leading from the front of said vacation, at the  
westerly side of Solomon Run, thence in a westerly direction  
along the said Run to the Johnston & Sons Saw Mill  
as a point where it crosses said Run in said township, and  
that proceedings for the purpose of such vacation and  
supply may be taken as directed by the Act of Assembly in  
such cases made and provided, and they will ever  
pray etc.

~~and therefore praying the Court to appoint proper persons to view and lay out the~~  
~~same according to law.~~ The Court upon due consideration had of the premises, do  
order and appoint Geo. St. Dye Jr. SURVEYOR,  
and Geo. Schaefer and Levi Whissinger

VIEWERS, to <sup>vacate and supply</sup> view the ground proposed for said  
road, and if they view the same, and shall agree that there is occasion for such  
road, they shall proceed to lay out the same, having respect to the shortest distance  
and the best ground for a road, and in such manner as shall do the least injury to  
private property, and also be, as far as practicable, agreeable to the desire of the peti-  
tioners, 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:

A. W. Davis,  
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 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. 7  
 Sept Sess 1897

Order to  
 locate and survey  
 view for road  
 road in  
 leading from  
 to John  
 to  
 from

July 16 Dec 1897

Report of  
 Viewers:  
 Geo. H. Dyer, Jr.  
 Geo. S. Schaefer  
 Lewis W. Garrison

90 etc.

HERALD PRINT, EBENSBURG, PA.

Chas W Storey

Feb 11, 1898 Read and confirmed view and breadth of  
 part of road supplied by 17 1/2 feet. —  
 By the Court.

14 March 1898 Confirmed  
 S W Davis Clerk