

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

No. \_\_\_\_\_ March Sessions, 1908.

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

That the Pennsylvania Railroad Company in the construction of its road in the said Township found it necessary to change the site of a portion of two public roads in said Township of Adams, County aforesaid, at or about the place where the aforesaid two public roads intersect at the Village of Salix in the said Township; one of the said public roads being known as the road leading from Elton to Dunlo via Salix and the other public road being known as the road leading from Salix to the Bedford ~~Highway~~<sup>Road</sup>. Said change in the site of the aforesaid two public roads at their intersection as aforesaid having been rendered necessary owing to the erection of an overhead bridge and the necessary abutments thereto. That the necessary time has elapsed to enable the said Railroad Company to comply with the 5th Section of the Act of March 27, 1848 requiring the said Railroad Company to reconstruct such public roads, and the said Railroad Company, altho frequently requested by the Supervisors of said Township and others to comply with the provisions of the said act and cause said public roads to be reconstructed at the expense of the said Railroad Company in the most favorable location and in as perfect manner as the original roads, yet nevertheless the said Railroad Company has heretofore neglected and at the time of the presenting of this petition still neglects and refuses to comply with the provisions of the said Act as aforesaid. That by reason of the said neglect or failure on the part of the said Pennsylvania Railroad Company in the premises, a public nuisance exists at the intersection of the said roads owing to the accumulation of water in the wet season and of ice and snow in the Winter season, rendering the highway at the point of the change aforesaid impassable and dangerous. That the said Railroad has de-

stroyed not only the bed of the public roads as they then existed but has also destroyed the drains , which before their interference sufficiently drained the said highway and carried off the surplus waters at all times and that since the reconstruction by the said Railroad Company as aforesaid the drains destroyed have not been restofed nor are they adequate for the purpose of draining and discharging the waters that accoumlate at the said point and which have increased in extent and volume by reason of the change made by the said Railroad Company.

Wherefore your petitioners pray for the appointment of three competent persons, citizens from an adjoining County thru which the said highways do not pass, as Viewers; to view the place of intersection of the two public roads as heretofore more particularly described and mentioned and make report to the said Court at their next session, whether the said Pennsylvania Railroad Company has complied with its duty in making the said public road as they are required by the law to do.

D. G. Hubert  
James King  
J. G. Lamer  
Jeremiah Paul  
W. G. Paul  
Edw. Hayes  
Harry L. Crawford  
J. H. B. Kell  
D. C. Miller  
W. L. Harshberger  
Gas. C. ...  
Wm. H. ...  
Wm. ...  
E. G. Varner  
H. J. King  
Jacob C. Varner

State of Pennsylvania :  
County of Cambria : SS:

On this Sixth day of March, A. D. 1908.,

personally appeared before me, the undersigned authority, \_\_\_\_\_

J. E. Sauter, one of the petitioners within named,  
who being duly affirmed, according to law, doth depose and say  
that the statements made in the foregoing petition are true and  
correct to the best of his knowledge and belief.

J. E. Sauter

Affirmed and subscribed to before me, the day and year  
aforesaid.

J. M. Fouch J.P. (SEAL)

My Commission Expires First  
Monday of May, 1903.

State of Pennsylvania  
County of Cambria SS:

On this Seventh day of March, A. D. 1908.,  
personally appeared before me, the undersigned authority,  
Jacob C. Warner, one of the petitioners within-named  
who being duly affirmed, according to law, doth depose and  
say that the statements made in the foregoing petition are true  
and correct to the best of his knowledge and belief.

Jacob C. Warner

Affirmed and subscribed to before me, the day and year  
aforesaid.

Jessie Cooper (SEAL)  
Notary Public.

My Commission Expires 1st May 1903

DECREE

And now the ninth day of march 1908, the within petition read and considered and the Court doth appoint John Stahl, Daniel O'H and Samuel Keener, citizens from an adjoining County thru which the said highways do not pass, as Viewers, whose duty it shall be to view the place where the public roads in the aforesaid petition mentioned formerly were at the place of their intersection at the Village of Salix, in the County of Cambria and make report to the said Court at their next session whether the said Pennsylvania Railroad Company has complied with its duty in making the said public roads as they are required by law to do, namely in changing the site of a portion of each of the said public roads that they cause the same to be reconstructed forthwith at their own proper expense in the most favorable location and in as perfect manner as the original road, as provided by law.

*By the Court*

Nov. 5 March Sessions 1908

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

No. 5 March Sessions, 1908.

Petition.

for  
Venue in  
County of Allegheny by  
The RR Co in  
Advers Imp. et Salis

Filed 9 March, 1908.

Reuben ...  
Petitioner - Plaintiff  
D. M. Stahl  
Co. of Pa. Co.

Daniel O'D  
David ...  
Advers ...  
CHARLES O. GREER,  
LAWYER,  
JOHNSTOWN, - PA.