



2182 1952  
Rat Microfilm

IN THE COURT OF QUARTER SESSIONS OF THE PEACE IN AND FOR  
FOR THE COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA

TO THE HONORABLE FRANCIS J. O'CONNOR, PRESIDENT JUDGE  
OF THE SAID COURT:

The petition of the undersigned inhabitants of the  
Township of Stonycreek in said County, respectfully represent:

That a road has been long since laid out leading from  
the Solomon Run Road at or near Sam Smith's bridge and ending  
on the Road known as the Jerry Walter Road at or near the  
residence of Andrew Miller, the beginning and ending thereof  
being in the Township of Stonycreek, County aforesaid, your  
petitioners conceive is now become useless, inconvenient and  
a great burden and expense to the inhabitants of the said Town-  
ship.

Your Petitioners therefore pray the Court that  
the said Road may be vacated agreeably to the Acts of the  
General Assembly in such cases made and provided.

And they will ever pray:

*Mr Griffith*  
*J. E. Stover*  
*A. J. Strayer*  
~~*John B. ...*~~  
*Saml Harrison*  
*C. J. Hoffmeyer*  
*J. S. Gumbel*  
*E. W. Wisniewski*  
*L. H. ...*

*Adam Wisinger*  
*Peter ...*  
~~*...*~~  
*John A. ...*  
*Geo. ...*  
*George Moore*  
*...*  
*...*

William C. Overman  
Harvey Cash  
Wm Baldwin  
Roy Vertz  
Robert Proctor  
Grant Jones  
A J Gary  
Fred Anderson  
H. Drummy  
John H. Mack  
Wm Sull  
Robert Reese  
M L Callahan  
Harry Kitching  
J. W. Smith  
E. Dyer  
Christian Baumgardner  
Jacob W. Jacoby  
T. E. Rogers  
Geo A. M...  
Jacob Jacoby  
Samuel I. Peterson  
Geo. Schrader  
J. B. Koffinger  
George H. Beam

Jos. H. Jory  
H. A. Jory  
Moses Keather  
J. W. Lint  
W. H. Reiper  
Jos. B. McDonald  
H. J. Berkey  
M. J. Allison  
Jacob I. Manges  
Scott Wilson  
Jacob Rowen  
D. W. Hershey  
H. H. Higgins  
Asa Vochit  
John L. act  
James Slick X  
Carl E. Jacoby  
E. W. ...  
Wm. Stewart  
Wm. Lint  
Bernhard Palen  
William Palen  
Henry A. act

Wm A. Ott.

Joseph J. Schmadel  
T. F. Sonnenfeldt

Arthur Boyers  
Edmund Miller

John Beck  
John Bell

Nathan Jacoby  
J. E. [unclear]  
J. L. [unclear]

Levi Bongardner  
B. L. Bongardner

Ferry Thomas  
James M. [unclear]

Harry [unclear]  
J. A. Marsh

W. W. Gilbert  
Albert [unclear]

Harry [unclear]  
John G. Dixon

H. A. Williams  
Jacob [unclear]  
Harry Jacoby

Apel [unclear]  
H. H. Walker  
J. B. Smith  
J. J. [unclear]

John [unclear]

John C. Smith  
James A. Rhoades

R. J. Edwards  
Wm. P. Strayke

William L. Horner  
Adam J. Fallmer

W. D. Miller  
E. Ben Horner

Edu. Litzinger  
Chas. E. Reese

Wm. A. [unclear]  
W. N. Moore

Geo. H. Thomstetter  
Thomas [unclear]

John E. Clinger  
Harry G. Berkshire

Wilson M. Leary  
A. C. Aidom

Norman [unclear]

Louis J. Foerster  
W. H. Emmel

M. J. Hummell.  
F. S. Smith

Ross Brown  
Chas Roth

Jacob Spring  
W. Williams

J. A. G. G. G. G.  
J. A. G. G. G. G.

M. R. Wassinger  
Y. A. Jay

E. H. Detwiler  
Wm Rogers

J. A. Wert  
Alvin S. Wert

Geo. B. Wert  
W. F. Wert

Charles S. Ingers  
William J. Jacoby

Caspar Basermann  
Peter Kifer

J. M. Wert  
J. S. Blough

Ralph Hummel  
S. A. Smith

Paul McLeary.  
John H Metzler

S. A. Schrack  
J. O. Gilbert

H. Knight  
James Knight

J. A. Strayer  
Henry Cash

Chas W. Lewis  
Aquilla J. Hill

W. W. Campbell  
Cyrus Ditzler

Harry Hitehan  
Curtis Hoot

Wm. Heilmann  
Leon Mitchell

Orlie E. Ekel  
Albert Miller

L. B. Harshberger  
W. D. Pagels

Harry A. Jay  
J. D. Stull

Edwin S. Marsh

Geo. D. Miller  
Lewis Frost

Chas. L. Ashbridge

H. W. Dehman

Wm. H. Clinger

Isaac W. Worthington

C. M. Lusk

Joseph Schwan

John J. Still

John J. Sawyer

S. H. Fryock

J. D. Fisher

J. W. Gyock

Janis Himes

M. V. McFeaters

E. H. McBue

Isa C. M. Lane

N. Horner

M. G. Quincy

R. M. Dutton

Geo. F. Himes

Mrs Sarah J. Eyles

Noah Beeghly

Harvey Blackburn

J. J. Custer

James B. Custer

A. C. Small

Albert Hoost

H. L. Richardson

Frank Horner

Geo. F. Mitchell

J. F. Schroder

A. A. Miller

S. B. Miller

M. L. Wood

CAMBRIA COUNTY: SS:

Personally appeared before me, a Notary Public, in and for said County, W. R. Griffith, a citizen of Stonycreek Township, Cambria County, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

W. R. Griffith

Sworn to and subscribed before me this 6th day of June, A. D. 1908.

\_\_\_\_\_  
Notary Public.

My commission expires February 2, 1910.

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... *eight* ... day of... *June* ... A. D. 190 *8* , before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of... *Stony creek* ... in the said County, setting forth that they ~~labor under incon-~~venience for want of a... ~~road or highway~~, to lead from ~~a road~~ has been long since laid out leading from the... *Solomon River Road at or near Sam's Smiths Bridge and ending on the Road known as the Jerry Walter Road at or near the residence of Andrew Miller, the beginning and ending thereof being in the Township of Stony creek, County aforesaid, your petitioners conceive is now becomes useless and inconvenient and a great burden and expense to the inhabitants of the said Township:*

and therefore praying the Court to appoint proper persons to <sup>*vacate*</sup> view and ~~lay out~~ the same according to law. The Court, upon due consideration had of the premises, do order and appoint... *Henry Shafer*... surveyor, and... *William Hunt and William Stutzman*... viewers, to view the ground proposed for said ~~road~~, and if they <sup>*vacation*</sup> view the same, and shall agree that there is occasion for such <sup>*vacation*</sup> 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:

*S. S. Kirkhead*....., 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. H, June SESSION, 1908.

Order to view and locate  
road in & town of  
Township

and now, Sept 7, 1908,  
within said county  
and the name of  
Alban W. Lane  
submitted as  
one of viewers  
instead of J. M. Smith  
view. He is the  
only specially standing

Viewers.  
Hanna Shaffer  
William Thumt  
William Stutzman

Clerk Timhead 90 cts.

No. 4 June Term 1908

June 10, 1908 This peti-  
tion presented and  
Harry Shaper, Will-  
iam Tuck and  
William Stutzman are  
appointed brewers  
By the Court

Filed 10 June 1908

IN THE COURT OF QUARTER SESSIONS FOR CAMBRIA COUNTY.

TO FRANCIS J. O'CONNOR, PRESIDENT JUDGE  
OF THE SAID COURT:

-----

The undersigned, two of the viewers named in the within order, respectfully report:

1. That we were severally sworn as provided by law and met at the time and at the place specified in the within notices, to-wit: on the 26th day of August, A. D., 1908, at 10 o'clock A. M., at the store of Wonder & Diggins in Walnut Grove, Cambria County, Pennsylvania.

2. The notices required by law were duly given, that is to say: ten days notice in writing to the Supervisors of the Township of Stonycreek, and like notice to the Commissioners of Cambria County, of the time and place at which the said viewers should meet to discharge the duties of their appointment, and also notice to the land-owners and the public of the time and place of such meeting, by three advertisements, put up in the most public places in the vicinity of the ground to be viewed, five days before the time for holding the view.

3. We viewed the site and locality of the road proposed to be vacated, making a personal inspection of the ground between the points designated in the petition and order, on the 26th day of August, A. D. 1908.

4. We are of the opinion and agree that the road mentioned in the petition is not useless, inconvenient, or burdensome. It is not useless because at all times of the year there is a <sup>reasonable</sup> ~~great~~ amount of travel over it by persons living along, near, or at one end or the other.

Because of the grade of the above mentioned road, it may be inconvenient but it is not any more so than many other roads in our county, and the inconvenience caused by the grade is more than counterbalanced by the bare fact of having a road in just that locality.

It is not burdensome because the amount of travel is greater, in proportion, than the amount of taxes assessed.

There is the additional consideration that quite a number of persons have bought property along this road and have improved it. It would be very unjust to vacate this road and diminish the value of their property and take away their means of getting to and from the same.

Therefore, we, the undersigned viewers respectfully report that we are not in favor of the vacation of the road mentioned in the petition.

Wm. Trent

A. C. Weaver

IN THE COURT OF QUARTER SESSIONS FOR CAMBRIA COUNTY.

To Francis J. O'Connor, President Judge of the above mentioned Court:

I, the undersigned, a viewer named in the within order, <sup>Having been duly sworn according to law,</sup> respectfully report:

That meetings and notices of the viewers were held as alleged in the preceding report, but that I am of the opinion that the road between the points mentioned is unnecessary, useless, inconvenient, and burdensome, because of the heavy grade, the small number of persons who use it and the amount of money spent per year in keeping it in repair being inconsistent with the idea of what these things should amount to when considered in connection with a public road.

I, therefore, respectfully suggest that the above mentioned road be vacated.

Respectfully submitted,

R. Harry Shaffer

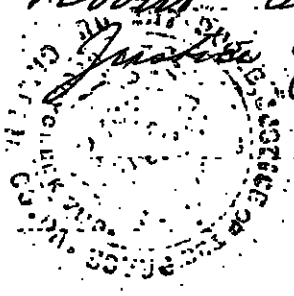
Commonwealth of Pennsylvania } SS  
County of Cambria

Personally appeared before me a Justice of the Peace in and for said Cambria County R Harry Shaffer, A. C. Weaver and William Trent viewers above named who being duly sworn according to law deposes and say that they will, "impartially and according to their best judgment" perform the duties of their appointment as viewers.

Sworn and subscribed before me this 26 day of August A. D. 1908

R Harry Shaffer  
A. C. Weaver  
Wm Trent

Robert Purse  
Justice of the Peace



MY COM. EXPIRES 1st MONDAY IN MAY 1912

NOTICE TO VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, to view the ground and vacate the same according to law, of a Public Road leading from Solomon Run Road at or near Sam Smith's bridge, and ending on the road known as the Jerry Walter Road, at or near the residence of Andrew Miller, the beginning and ending thereof, being in the Township of Stonycreek, County aforesaid, will meet at the store of Winder & Diggins in Walnut Grove, Stonycreek Township, said County, on the 26 day of August, A. D. 1908, at 10 o'clock A. M., for the purpose of viewing said ground.

R Harry Shaffer  
A C Moore  
Wm Trent

I hereby accept service of the above notice  
Aug 1908

Wm Levering  
supervisor

NOTICE TO VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambridge County, to view the ground and vacate the same according to law, of a Public Road leading from Solomon Run Road at or near Sam Smith's bridge, and ending on the road known as the Terry Water Road, at or near the residence of Andrew Miller, the beginning and ending thereof, being in the Township of Stonybrook, County aforesaid, will meet at the store of Winder & Diggins in Walnut Grove, Stonybrook Township, said County, on the 26 day of August, A. D. 1908, at 10 o'clock A. M., for the purpose of viewing said ground.

*Please sign and return  
R R Harry Diggins  
RR # 2 city*

*R R Harry Diggins*

*A. C. Miller*

*Wm. T. ...*

*Wm. T. ...  
1908  
J. ...  
all the ...  
...*

NOTICE TO VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, to view the ground and vacate the same according to law, of a Public Road leading from Solomon Run Road at or near Sam Smith's bridge, and ending on the road known as the Jerry Walter Road, at or near the residence of Andrew Miller, the beginning and ending thereof, being in the Township of Stonycreek, County aforesaid, will meet at the store of Winder & Diggins in Walnut Grove, Stonycreek Township, said County, on the 26 day of August, A. D. 1908, at 10 o'clock A. M., for the purpose of viewing said ground.

Wm Harry Shaffer  
A C Weaver  
Wm Trent

I hereby accept service on the above notice  
Aug 1908

Le E Blough  
Supervisor

NOTICE TO VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, to view the ground and locate the same according to law, of a Public Road leading from Solomon Run Road at or near Sam Smith's bridge, and ending on the road known as the Jerry Walter Road, at or near the residence of Andrew Miller, the beginning and ending thereof, being in the Township of Stonycreek, County aforesaid, will meet at the store of Winder & Diggins in Walnut Grove, Stonycreek Township, said County, on the 26 day of August, A. D. 1908, at 10 o'clock A. M., for the purpose of viewing said ground.

*Please sign and return to Harry Diggins City P.M. # 2*

Wm. H. Miller  
Wm. H. Miller  
Wm. H. Miller

*I hereby accept service on the above matter  
1908*

Wm. H. Miller  
*Superior*

NOTICE TO VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, to view the ground and vacate the same according to law, of a Public Road leading from Solomon Run Road at or near Sam Smith's bridge, and ending on the road known as the Jerry Walter Road, at or near the residence of Andrew Miller, the beginning and ending thereof, being in the Township of Stonycreek, County aforesaid, will meet at the store of Winder & Diggins in Walnut Grove, Stonycreek Township, said County, on the 26 day of August, A. D. 1908, at 10 o'clock A. M., for the purpose of viewing said ground.

R Harry Shaffer  
A C Winters  
Wm Trout

I hereby accept service of the above notice

Aug 1908

John Constable  
Supervisor

NOTICE TO VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambridge County, to view the ground and vacate the same according to law, of a Public Road leading from Solomon Run Road at or near Sam Smith's bridge, and ending on the road known as the Jerry Water Road, at or near the residence of Andrew Miller, the beginning and ending thereof, being in the Township of Stonybrook, County aforesaid, will meet at the store of Under & Digging in Walnut Grove, Stonybrook Township, said County, on the 26 day of August, A. D. 1908, at 10 o'clock A. M., for the purpose of viewing said ground.

*Please sign  
and return  
to Henry Miller  
1/4 2  
city*

*Henry Miller*  
*Stony Brook*  
*Cambridge County*

*I hereby certify correct service of the above notice*

*and*  
*1908*

*John Tompkins*  
*Superior*

NOTICE TO VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, to view the ground and vacate the same according to law, of a Public Road leading from Solomon Run Road at or near Sam Smith's bridge, and ending on the road known as the Jerry Walter Road, at or near the residence of Andrew Miller, the beginning and ending thereof, being in the Township of Stonycreek, County aforesaid, will meet at the store of Winder & Diggins in Walnut Grove, Stonycreek Township, said County, on the 26 day of August, A. D. 1908, at 10 o'clock A. M., for the purpose of viewing said ground.

R Harry Shaffer  
A. C. Means  
Wm. Treub-ay

AUG 15 1908

Service on the above accepted for  
the County Commissioners,

J. P. Schuman  
Clerk

NOTICE TO VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambridge County, to view the ground and vacate the same according to law, of a Public Road leading from Solomon Run Road at or near Sam Smith's bridge, and ending on the road known as the Jerry Walter Road, at or near the residence of Andrew Miller, the beginning and ending thereof, being in the Township of Stonycreek, County aforesaid, will meet at the store of Winder & Diggins in Walnut Grove, Stonycreek Township, said County, on the 26 day of August, A. D. 1908, at 10 o'clock A. M., for the purpose of viewing said ground.

*Please accept  
review and  
return to  
Hartshoff  
Johnson  
R # 2 19*

\_\_\_\_\_  
*H. Henry Miller*  
\_\_\_\_\_  
*A. C. Miller*  
\_\_\_\_\_  
*Wm. T. ...*

AUG 15 1908

*Received on the above account for  
The County Commissioners  
J. B. Johnson  
August 15 1908*

4. <sup>June.</sup> Dec. Term, 1908.

In the Court of Quarter Sessions  
In re the petition  
for the vacation of a  
road leading from  
the Solomon Run  
road to the Jerry  
Walter Road, in  
Stomycreek Twp.

Report of the Viewers

Filed 7 December, 1908,  
no opinion.

Costs:

R. Harry Shaffer, <sup>survivor</sup> 4 days	20.00
Chairman	1.50
William Brent 2 days	6.00
A. C. Weaver 2 "	6.00
	<u>\$ 33.50</u>

Ann. L. Parsons, Attorney.