

We, the undersigned residents of Summerhill Township, Cambria County, Pennsylvania, hereby protest against the laying out of a public road in Summerhill Township, Cambria County, Pennsylvania, leading from a large chestnut tree at the public road leading from Pavia, Bedford County, to Portage, Cambria County, at a point where said public road crosses the line between Cambria County and Bedford County, to a point in front of the Onnalinda Hotel in the hamlet of Onnalinda on the public road leading from Lloydell to School house No. 6, for the following reasons:

FIRST. The proposed public road is not necessary for the accommodation or convenience of the public.

SECOND. The said road if laid out will result in the payment of a considerable amount of damages to the land owners over whose property the same will extend and in addition thereto considerable taxes will be required to maintain the same.

THIRD. The said proposed road is not desired by the residents of Summerhill Township, Cambria County, but is being promoted by parties residing outside of Cambria County.

Joseph J. McCann. Supt. Lloydell Coal M. Co
James Patterson
Doris Key
William E. Brown. For Hewitt Supply Co
F. E. McArthur
David Douglas
Geo. W. Allen
Charles K. Kewinger
Andrew Lewis
E. L. Miller

J. C. Hampton	Farmer	
J. C. Bunker		10 00
Wm. Short		"
J. J. Switzer		"
John H. Barnes		"
H. H. Shelly		"
G. P. Shelly		"
J. L. Shelly		"
W. M. Mulhollen		"
L. S. Shuman		"
G. G. Mulhollen		"
J. J. Hooper		"
Wm. Mulhollen		"
Thomas Doan		"
Joseph Bodenschmidt		"
Samuel Bodenschmidt		"
Low. Smith		"
J. L. Smith		"
Henry Yancey		"
Johann Schmitt		"
P. H. Fyfe		"

James, of [unclear] Turner

Robert Harting

11

James Jones

A. W. Coleman

Samuel Head

11

Ben Head

11

Isaac L. Perkins

Walter Sherwin

11

11

B. C. J. [unclear]

11

Edmond [unclear]

David P. Wright

11

John [unclear]

11

Joe Oxford

11

Joseph Schirvell

11

Wm. [unclear]

Abel [unclear]

John [unclear]

M. Charles

S. S. Geom

McDermid Supt. Alaska Coals

Hugh W. Russell

Wm. Irvine

Wm. Callahan

Robert Patterson

Charles Wray

J. B. ...

G. Eubank

Geo. Polakowsky

Edward ...

John Bartlett

William ...

George ...

John ...

Gl. Boston Concordia Pa

E. J. Sample

David Lytle

Joseph T. ... Super for ...
A. R. ...

Sam W. Hesse

J. A. Baucher

J. L. ...

D. E. Shears

Wm ...

74 ...

No 4 Dec Sessn
1910

In re Public Road
Summerhill Township

Remonstrance

Filed 6 March 1911

W.T.

IN RE PUBLIC ROAD IN SUMMERHILL TOWNSHIP.) () () (IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA. No. 4, December Sessions, 1910.
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EXCEPTIONS TO REPORT OF VIEWERS.

AND NOW, June 5th, A. D., 1911, the Loyal Hanna Coal and Coke Company, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania, and being a tax payer of Cambria County, Pennsylvania, and being the owner of land through which the above mentioned road runs, comes into Court and files the following exceptions to the report of viewers:-

1. Petition for the appointment of viewers in the above proceedings fails to state the Township in which the road is to be located.
2. The petitioners for the above road failed to give notice to the supervisors of the territory through which the same was intended to be run, of their intention to present the petition for view in the above stated proceedings.
3. The viewers in the above stated proceedings failed to give the County Commissioners of Cambria County, Pennsylvania, or their Clerk, at least six (6) days notice in writing of the time and place of holding the view.

4. The viewers in the above stated proceedings failed to file with their report a copy of six (6) days notice in writing, properly attested, to the County Commissioners of Cambria County, Pennsylvania, or their Clerk, of the time and place of holding the above view.

5. The viewers failed to note on their plot or draft, or in their return, the improvements through which the proposed road will pass.

STATE OF PENNSYLVANIA)
 (SS:
COUNTY OF CAMBRIA)

On the Fifth day of June, A. D., 1911, before me the subscriber, an Alderman in and for said County, personally came Percy Allen Rose, Attorney for the Loyal Hanna Coal & Coke Company, the above named exceptant, who being by me duly sworn according to law did depose and say that he makes this affidavit in the absence of the said Company and its Officers, and that the matters set forth in the above and foregoing exceptions are true and correct to the best of his knowledge, information and belief.

Percy Allen Rose

Sworn and subscribed to before me the day and year aforesaid, as witness my hand and seal.

W. P. Brumby
Alderman,
FIRST WARD, CAMBRIA COUNTY, PA.

IN THE COURT OF QUARTER SES-
SIONS OF CAMBRIA COUNTY, PENN-
SYLVANIA.

No. 4, December Sessions, 1910.

IN RE

ROAD IN SUMMERHILL TOWN-
SHIP, CAMBRIA COUNTY, PENN-
SYLVANIA.

EXCEPTIONS TO REPORT OF
VIEWERS.

Filed 5 June 1911,

FOREST & PERCY ALLEN ROSE
ATTORNEYS & COUNSELORS AT LAW
JOHNSTOWN, PA.
FISHER BLDG. 607 MAIN STREET

PETER PAUL & SON, BUFFALO

Bond in matter of Public Road
Summerhill Township

Filed 5th December, 1910

*Dec, 5, 1910 bond after
proceeds by the court*

To Honorable Francis J. O'Conner, President Judge of the Court of Quarter Sessions of the County of Cambria.

The petition of the undersigned inhabitants of the Township of Summerhill, in the said County, respectfully represents:

That your petitioners labor under great inconveniences for want of a public road or highway to lead from a large chestnut tree at the public road leading from Pavia, Bedford County, Pennsylvania, to Portage, Cambria County, Pennsylvania, at the point where said public road crosses the line between Cambria County and Bedford County to a point in the public road in front of the Onnalinda Hotel in the hamlet of Onnalinda on the public road leading from Lloydell to School House No. 6, the distance from the point in front of the Onnalinda Hotel to the big chestnut tree where the public road from Pavia to Portage crosses the County line is two and one half miles.

Your petitioners therefore pray the Court to appoint proper persons to view and lay out the same.

And they will ever pray etc..

Dennis Brunner	Logan Coal Co
J. A. Miller	J. A. Baucher
M. Fitzharris	Logan Valley Stone Co
Francis P. Ake	Arthur Applegan
J. J. Myers	T. E. Menduball M.D.
Mountain Coal Co	Jen. J. Essing
By G. B. Davis (Att.)	Wm. Swanton
G. B. Davis	A. J. Goldstein
Davis Humphreys	W. T. Barrett
W. R. Patton M.D.	H. A. Brown

NO 4 December 1910

In the Court of Quarter Sessions of Cambria County.

Petition of Residents for a Public Road in Summerhill Township.

Filed 5 December, 1910.

And now December 5th 1910

The within petition read, and the Court appoint S.G. Fetterman, Harry Bugger and William Hoyer, viewers to view the road within mentioned and in accordance with the prayer of the petitioners, and to make report to this court.

F. P. Martin

F. P. MARTIN,
ATTORNEY AT LAW,
JOHNSTOWN, PA.

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...fifth.....day of...December.....A. D. 1920 , before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of.....Summerhill....., in the said County, setting forth that they labor under inconvenience for want of a.....public.....road or highway, to lead from .a large chestnut tree at the public road leading from Pavia, Bedford County, Pennsylvania, to Portage, Cambria County, Pennsylvania, at the point where said public road crosses the line between Cambria County and Bedford County to a point in the public road in front.. of the Onnalinda Hotel in the hamlet of Onnalinda on the public... road leading from Lloydell to School House No. 6, the distance from the point in front of the Onnalinda Hotel to the big chestnut tree where the public road from Pavia to Portage crosses the County..... line is two and one half miles.....

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 ...S. G. Fetterman.....surveyor, and..... Harry Bugar and Wallas Hoyer.....

viewers, to 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 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.

NO. 4, December SESSION, 1940

Order to view road in

Summerhill Township

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Viewers.

S. G. Fetterman
Harry Bugher
Wallis Hoyer

Clerk Kinkead 90 cts.

Martin

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."

State of Pennsylvania |
 | SS:
County of Cambria |

Personally appeared before me a Justice of the Peace in and for the said county and state, the undersigned viewers and who being duly sworn according to law, say that they as viewers will perform their duties in the premises with zeal and fidelity, and to the best of their knowledge and skill, and that they have no interest in the said proposed road.

Sworn and subscribed to this |

the 27 day of January 1911 |

N. A. Brown - J.P. |

My Commission Expires First |

Monday in May, 1913.

S. G. Fetterman

H. J. Baucher

Walter Hoyer

Viewers

In the Court of Quarter Sessions of Cambria County

In Re Public Road in
Summerhill Township.

To The Commissioners of Cambria County

You are hereby notified that a petition of the residents of
said township will present their petition for the appointment
of viewers to lay out a public road to lead from a large Chest
nut tree at the public road leading from Pavia Bedford County
to Portage Cambria County Penna. at the point where said public
road crosses the line between Cambria County and Bedford County
to a point in the public road in front of Onnalinda Hotel in
the village of Onnalinda on the public road leading from Lloyd-
dell to School house NO 6
The said petition will be presented at Two O'Clock P.M.

Q P. M. Dr. Tm
Atty for petitioner

Service accepted Dec 5th 1910

J. G. Lowell Clerk
For County Commissioners

In Re Public Road in Summerhill
Township

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In the Court of Quarter Sessions of
Cambria County.
NO 4 December Term 1910

Public Road Notice

We the undersigned viewers appointed by the above named Court, will meet for the purpose of our appointment on Friday January 27th 1911 at Eleven O'Clock A.M. at The Onnalinda Hotel or in front of the said Hotel, to lay out a public road to lead from a large Chestnut tree at the public road leading from Ravia Bedford County Pa. to a point where said public road crosses the line between Cambria County and Bedford County to a point in the public road in front of the Onnalind Hotel in the Hamlet of Onnalinda on the public road leading from Lloydell to School House No 6.

J. G. Fetterman |
Harry Eucher | Viewers
Wallas Hoyer |

Public
In re Road In Summerhill Township

Notice

To Hiram Rollen-- K. Burtnett and Frank White Supervisors of Summerhill Township Cambria County

The undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, to view and lay out a public road in said township, to lead from a large chestnut tree at the Public road leading from Pavia Bedford County Pennsylvania to Portage in Cambria County, at the point where said public road crosses the line between Cambria County and Bedford County to a point in the Public road in front of the Onnalinda Hotel in the Hamlet of Onnalinda on the public road leading from Lloydell to School house No 6, The distance from the point in front of the Onnalinda Hotel to the big Chestnut Tree where the public road from Pavia to Portage crosses the county line is two and one half miles

You are hereby notified that we will meet for the purpose of our appointment on Friday January 27th 1911 at Eleven O'Clock A.M. at the Onnalinda Hotel at Onnalinda said Township.

S.G.Fetterman |
Harry Bugher | Viewers
Wallas Hoyer |

Costs of View

S.P.Fetterman	Surveyor	4 days field	20.00
		1 day office	5.00
		22 miles	1.10
	Chairman	4 days	10.00
	Blue prints		75.
			<u>\$ 36.85</u>
Harry Bugher	Viewer	4 days	12.00
		3 miles	15
			<u>\$ 12.15</u>
Wallas Hoyer	Viewer	4 days	12.00
		3 miles	15
			<u>\$ 12.15</u>

In the Matter of the Public | In the Court of Quarter Session of Cambria
Road in Summerhill Township | County
Cambria County @ NO 4 December Sessions 1910

Report of Viewers

To the Honorable F.J.O'Connor Judge of the above named Court:

We the undersigned viewers appointed by the above named Court, as shown by the Order of said hereto annexed, respectfully reports;

That first having been duly sworn according to law to perform our duties with zeal and fidelity, and having given ten days notice to the Supervisors of the said township, and to all known property owner ever whose land the said road would pass and notices posted in the most conspicuous places in the said township, of the time and place of the said meeting to wit: Friday January 27th 1911, at Ten O'Clock A.M. at the Onnalinda Hotel in said Township.

That in pursuance of the said Order of View, we met at the time and place mentioned in said notices, and we viewed and laid out and do so return for public ~~road~~ use the following road to wit:- Beginning at a post N.25' East 15 feet from a Chestnut tree at Public road leading from Pavia Bedford County to Portage in Cambria County; thence N. 65' West 360 feet to a point; thence S.81' West 500 feet to a point; thence N.80' West 500 feet to a point; thence S.86' West 350 feet to a point and crossing small run; thence N.46'30 West 400 feet to a point; thence N. 29'30 West 400 feet to a point; thence S. 41' West 400 feet to a point; thence S.46' West 600 feet to a point; thence S.58'30 West 500 feet to a point; thence S.42'30 West 300 feet to a point; thence S. 64'30 West 190 feet to a point; thence N. 46'30 West 300 feet to a point; thence S.88'30 West 300 feet to a point; thence S.88' West 600 feet to a point; thence N. 59' West 500 feet to a point; thence N.?'30 West 500 feet to a point; thence N.5' 30 West 1100 feet to a point; thence N.63'30 West 200 feet to a point; thence N.85'30 West 300 feet to a point; thence N.46' West 200 feet to a point; thence N.2' East 500 feet to a point; thence N.19' West 200 feet to a point; thence N.78'30 West 1000 feet to a point (rocky) thence N.36' West 1200 feet to a point; thence N.70'30 West 500 feet to a point; thence S.79' West 400 feet to a point; thence S 85'30 West 400 feet to a point; thence N.80' West 600 feet to a point; thence N.73' West 200 feet to a point; thence N.54' West 400 feet to a point; thence N. 27' West 665 feet to a post in Public road leading to Lloydell and School house No 6. Said post being S 82'45 West 30 feet from South East corner of Onnalinda Hotel mentioned in said Order. That the distance of said road is Two and Three quarter miles. That we the viewers have considered the advantages and disadvantages to the owners of the land over which the said road is laid out and assess no damages to any of the land owners for the land taken in the said road, and we herto annex a plan or plot of the road as laid out.

Witness our hands this the 10th day of February A.D.1911

S. G. Fetterman
Harry S. Baucher
Wallace Foyer
Viewers

NO 5 ⁴ December Sessions 1910

In The Quarter Sessions

In Re Public road in Summer
hill Township

Report of Viewers

Filed 6 March 1911

and open books,

F. P. MARTIN,
ATTORNEY AT LAW,
JOHNSTOWN, PA.

Wm. R. Bookmiller, 218 H. Pleasant St., Balto., Md.

6 March, 1911. Approved and breaded filed at thirty feet.
By the Court