

Not Microfilmed

RD#3

Mar. 1911

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

The petition of the undersigned inhabitants of Adams

Townships, said County, respectfully

represents: That they labor under great inconvenience for want of a public road or highway beginning at a point on a public road leading from -----Salix-----to the Village of Dunlo, *250* feet West of the Pennsylvania Railroad right of way on land of John M. Rhodes, in said Township of *Adams*, and thence by the following courses and distances: N. 2° 15' East 395 feet; S. 69° East 386 feet; N. 20° 15' West 400 feet; N. 16° 20' East 457 feet; N. 33° 25' East 524 feet; N. 62° 25' East 350 feet; S. 73° 15' East 750 feet; N. 76° East 650 feet; N. 88° 30' East 200 feet; N. 79° East 400 feet; N. 36° 50' East 216 feet; N. 22° East 400 feet; N. 53° 35' East 400 feet; S. 76° 35' East 148 feet; N. 79° East 285 feet; S. 61° 20' East 210 feet; S. 53° East 470 feet; S. 72° East 420 feet; N. 82° 45' East 616 feet; S. 26° East 75 feet; N. 59° 30' East 556 feet; N. 8° West 250 feet; N. 54° 40' East 1400 feet; N. 52° East 900 feet; N. 63° East 305 feet to a point on the public road leading from Lovett to Beaverdale 870 feet

West
~~East~~ from House No. 28 in said Village of Beaver Run, *in township of*

Adams, aforesaid,

being a total length of 2 miles 1473 feet.

The petitioners, therefore, pray the Court to appoint three persons, qualified according to law, to view the ground proposed for such road, and if they see occasion, lay out the same and make report of their proceedings to the next term of this Court.

G. W. Hoyer

N. A. Brown

Matt Chuba

Samuel Law.

H. S. Baucher

R. L. Seese

E. R. Thomas

L. A. Harbaugh

William Irvine

Geoff Engle

J. H. Kaufman

E. R. Baker

George Fleck

Art Houghton

P. E. Mendenhall

Ed Hanger

M. J. Barber

H. W. Black

Pat Sauter

L. A. Hoffmann

T. J. Mann

John H. Hays

John Hildebrand

A. G. D. Poling Liveryman

Barker Ross Liveryman

Frank

W. H. Smith

John Finn

J. L. Kelly

D. R. Miller

Art Hice

J. R. Wood

L. A. Allison

J. Campbell

J. Mandelkin

Chas. A. Kessinger

Seal Kelly

H. Thompson

W. A. Wiley

W. F. Hoyer

Joseph Adams

Dennis Roseman

Barry Hunter

Peter Shank

J. G. Thomas

Cambria County, ss;

Personally appeared before me, the undersigned authority,

John Hildebrand

, who, being duly affirmed

according to law, deposes and says that the statements made in the foregoing petition are true and correct.

John Hildebrand

Affirmed and subscribed to before me this *11th* day of *March*, A. D. 1911.

H. A. Brown - J. P.

My Commission Expires First Monday in May, 1913.

I hereby accept service of notice of within petition to be presented at March Term of Court Quarter (1911) Session of Cambria Co.

Service accepted for Brady Road Supervisors of Adams Twp. C. C. 4th June 1911

Barney Hunt
G. W. Hunt
Board of Supervisors of Adams Twp.

We, the undersigned Commissioners of Cambria County, hereby accept service of notice of within petition to be presented at March Term of Court Quarter (1911) Session of Cambria Co.

L. C. Brownell
County Clerk
County Commissioners.

No. 3 March Term, 1911

In the Court of Quarter
Sessions of Cambria Co.,
Mich. Term, 1911.

Petition of inhabitants
of Adams for public
road leading from Selie
to House #28 in Village of
Beaver Run in said Twp. of
Adams.

Filed 20 March 1911

Noted March 20-1911, upon reading
of petition and upon perusal
of maps showing a road
and found that same is
apparently correct as prayed
for by the Court

CHARLES C. GREER
LAWYER
JOHNSTOWN, PA.

Know all Men by these Presents,




THAT WE, John Hildebrand, *Reuben Jones & Co Thomas*
and Benjamin Lewis, Jr are held and firmly bound
 unto Commonwealth of Pennsylvania, its certain attorney or assigns,
~~administrators or assigns~~, in the sum of-----Fifty (50)-----
 -----Dollars, lawful money, for the payment of which
 sum, well and truly to be made, we do bind ourselves, our and each of our heirs, ex-
 ecutors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this _____ day of
 A. D., One Thousand Nine Hundred and eleven.

The Condition of the Above Obligation is Such, Whereas, a
 petition has been presented by sundry inhabitants of the County of
 Cambria for the opening of a public road in the Township of Adams,
 in said County, to No. _____, March Sessions, 1911;

Now the condition of this obligation is such, that if
 the Viewers appointed in the said proceedings report in favor of
 the opening of said road or failing so to report, the proper costs
 and expenses incident to the said proceedings are paid and satis-
 fied by the said petitioners, then this obligation to be void, other-
 wise to be and remain in full force and virtue.

In presence of

John Hildebrand 
Reuben J. Jones 
B. R. Thomas 

to 3 March less 1911 R.D.

BOND.

John Hildebrand et al.,

TO

Commonwealth of Pennsylvania.

May 8, 1911, this bond is

approved,

By the Court

Filed 8 May 1911

CHAS. C. GREER
LAWYER
JOHNSTOWN, PA.

In the Court of Common Pleas of Cambria County, No. 3, March Sessions,
1911.

In re Road in Township of Adams.

The petition of the original parties desiring said view by their attorney, Charles C. Greer, respectfully represents that inadvertently there was included in the petition the courses and distances given by the surveyor in the ascertainment of the length of said road. Wherefore your petitioner prays that the said petition be amended by striking out the said courses and distances so that the petition may read "to lead from Salix to the Village of Dunlo 250 feet west of the Pennsylvania Railroad right-of-way on land of John M. Rhodes, in said township of Adams as the point of beginning and ending at a point in the public road leading from Lovett to Beaverdale 870 feet west from House #28 in the said Village of Beaver Run, in the Township of Adams aforesaid, being a total length of 2 miles 1473 feet.

Charles C. Greer

Cambria County, ss;

Personally appeared before me, the undersigned authority, Charles C. Greer, Attorney for original petitioners, who, having been duly affirmed according to law, deposes and says that the statement made in the foregoing petition are true and correct.

[Signature]

Witness my hand and Notarial seal this First (1st) day of
May, A. D. 1911.

[Signature]

Flourice M. Goring
Notary Public.

My com. expires Feby. 21, 1915.

In the Court of Common Pleas
of Cambria Co., Pa.

No. 3, March Sessions 1911 *RA*

Petition of Charles C. Greer,
Atty. for original petition-
ers to amend original peti-
tion in re road in Adams
Township.

Filed 8 May 1911.

Non May 8-1911
petition read
it is ordered that prayer
being granted and
original petition amended
prayer for
By the Court

CHARLES C. GREER
LAWYER
JOHNSTOWN, PA.

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

In re Road in Adams Township; No. 3 March Sessions, 1911.

EXCEPTIONS TO REPORT OF VIEWERS;

We, the undersigned, being resident taxables of Adams Township, hereby join with Edw. Costlow and John M. Rhoads in the exceptions filed on the 2nd day of September, 1911, to the report of viewers in the above stated proceeding, and in asking the Court that the road as laid out be not approved.

Ed Costlow
A. V. Weaver
R. H. Rhoads
L. D. Wissinger
J. H. Burrel
L. S. Knupper
John Pink
Geo M Cash
Geo R Garbough
D. W. Rhoads
L. E. Giffin
Harvey Reynolds
Geo. F. Bunker
B. J. Varner
L. J. Warner

Ed Eichensch
J. W. Shant

R. J. Costlow
J. M. Thomas
J. M. Wissinger
J. C. H. Wissinger
Moses Miller
Wm Rowles
George Bowser
R. S. Knupper
Joe East
D. J. Miller
Ed Joppe

No 3 Mel Less 1911 R.D.

Exceptions to report of
Viewers laying out a pub-
lic road in Beaver Co.

Now Sept. 20, 1911, this
paper is, with leave of
Court, filed *in rem* pro
rem, as a part of the
exceptions heretofore filed
by Edw. Cantor and John
W. Nevada.

Filed 20 Sept 1911

WILLIAM A. MCGUIRE
ATTORNEY AND COUNSELOR AT LAW
EBENSBURG, PENNA.

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

No. 3 March Sessions, 1911.

In re Road in Adams Township.

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EXCEPTIONS TO REPORT OF VIEWERS.

The undersigned, being resident taxables of Adams Township, hereby come into Court and file exceptions to the report of the Viewers in the above stated case for the following reasons:

1. The said viewers have not shown by their report that they endeavored to procure from the persons over whose lands the proposed road is to be located releases from all claims for damages that might arise from the opening of such road. Neither is it shown by their report what damages will be sustained, if any, nor that their duty to assess the damages was in fact performed.

2. The said report was not filed within the time prescribed by law, and the proceedings are otherwise irregular.

3. The said viewers were not qualified according to law to perform their duties.

4. The said proposed road as reported is not the best location to suit the convenience of the greatest number of people in the community, and a great portion of same is not necessary and would entail an unreasonable expense to the Township of Adams and the County of Cambria to open and maintain.

5. Said proposed road is not located so as to be of the most benefit and convenience to the inhabitants of Adams Township and the traveling public generally.

6. The said proposed road crosses the tracks of two railroads at points and elevations attending with great and unreasonable expense, all of which can be avoided by a relocation of the road with respect to said crossings and the laying out of a shorter and better road.

7. The petition, supplemental petition, and all proceedings thereunder are irregular and defective in law.

Edw Costlow
John M Rhoads

STATE OF PENNSYLVANIA,

COUNTY OF CAMBRIS, SS:

Ed. Costlow, being duly sworn according to law, deposes and says that the statements of fact contained in the foregoing exceptions are true and correct, to the best of his knowledge, information and belief.

Sworn and subscribed before me
this 2nd day of September, 1911.

A. A. Kinkead
Clerk 21

Edw Costlow

30

Court of Quarter Sessions.

No. 3 March Sessions 1911
Road Docket.

In re Road in Edwards
Township.

Exceptions to Report of
Viewers.

Filed 2 September, 1911.

WILLIAM A. MCGUIRE
ATTORNEY AND COUNSELOR AT LAW
EBENSBURG, PENNA.

To the Honorable F. J. O'Connor, President Judge of the Court of Quarter Sessions of Cambria County, Pa.

We, the undersigned, appointed by the annexed order, do report: That in pursuance thereof, after having been severally affirmed, all the Viewers appointed by said order viewed the ground for the proposed road, and the undersigned do agree that there is occasion for a road as petitioned for, and that the same is necessary for a public road. And having had respect to the shortest distance and best ground we have laid out the same in such manner as to do least injury to private property and as far as practicable agreeably to the desire of petitioners, and do return for public use the following described road: Beginning in the public road leading from Salix to Dunlo at a point 250 feet west of the Dunlo branch of the Pennsylvania Railroad on land of Chauncy Bowser in the Township of Adams, Cambria County, Pennsylvania, thence through improved land of Chauncy Bowser N. 12° 25' West 470 feet to a post; thence through unimproved land of Luke & Wilson Estate N. 2° West 300 feet to a post; thence across the Dunlo branch of the Pennsylvania Railroad on a proposed overhead bridge N. 89° 30' East 72 feet to a post; thence through unimproved land of aforesaid Luke & Wilson Estate N. 25° 35' East 280 feet to a post; thence through same land N. 29° 25' East 630 feet to a post; thence through land of Wilmore Coal Co. N. 68° 25' East 600 feet to post; thence through unimproved land of same and land of Mountain Coal Co. S. 83° 20' East 992 feet to a post; thence through unimproved land of Mountain Coal Company by the following courses and distances: S. 86° 25' East 400 feet to a post; thence S. 89° 50' East 145 feet to a post; thence N. 68° East 240 feet to a post; thence N. 39° 05' East 100 feet to a post; thence N. 23° East 100 feet to a post; thence N. 4° 40' East 80 feet to a post; thence N. 31° 50' East 300 feet across a small stream to a Hemlock stump; thence N. 65° East 360 feet to a post; thence S. 77° 10' East 200 feet to a post; thence S. 45° 15' East 600 feet to a post; thence S. 71° 30' East 300 feet to a post;

thence N. 83° 17' East 1100 feet to a post; thence N. 53° 15' East 490 feet to a post; thence across the Lloydell Branch of the Pennsylvania Railroad at a grade crossing N. 33° 50' West 60 feet; thence through aforesaid Mountain Coal Company land N. 23° 30' East 140 feet to a post; thence through same land by following courses and distances: N. 51° 30' East 700 feet to a post; thence N. 55° 50' East 800 feet to a post; thence N. 51° 35' East 1032 feet to a point on the public road leading from Lovett to Beaverdale 870 feet west from House No. 28 in the Village of Beaverdale, Adams Township, Cambria County; said road being laid out at an elevation not exceeding five degrees.

We do further report that before the view, public notice of the time and place of meeting of the Viewers was given to all parties in interest according to law, and we annex a plot or draft of said road as laid out, stating the courses and distances, and noting the improvements along the road.

Witness our hands this 10th day of June, 1911.

I. J. Kuehner
George W. Seede
Frank Jarnell
Viewers.

Bill for Road view

I J Kussinger		
1 1/2 days surveying	6 00	
1 1/2 " office work	<u>6 00</u>	12 00
Frank Yarnell:		
1 1/2 days viewing road		3 00
Geo Seese		
1 1/2 days viewing road		3 00
Chas Hammers		
1 1/2 day cutting brush		3 00
Harry Brown J.P.		<u>75</u>
		21 75

Notice of View No. 3, March Session, 1911 to view road in Township of Adams.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the ground for a proposed road in the Township of Adams, leading from Salix to the Village of Dunlo, beginning 250 feet West of the Pennsylvania Railroad right of way on land of John M. Rhodes, in said Township of Adams, and ending at a point on the public road leading from Lovett to Beavertdale 670 feet West from House No. 28 in said Village of Beaver Run, in Township of Adams aforesaid, being a total length of 2 miles 1473 feet, will meet at a point 250 feet West of the Pennsylvania Railroad right of way on land of John M. Rhodes on the 26th day of May, 1911, at 10 A. M., for the purpose of viewing said ground.

Isaiah Wissinger,

George Seese,

Frank Yarnell,

Viewers.

We, the undersigned Supervisors of Adams Township, hereby accept service of notice of the within view and of presentation of petition therefor.

Barnes

J. W. Shair

Supervisors of Adams Township.

G. C. Lewis

for all supervisors

Notice of View No. 3, March Session, 1911 to view road in Township of Adams.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the ground for a proposed road in the Township of Adams, leading from Salix to the Village of Dunlo, beginning 250 feet West of the Pennsylvania Railroad right of way on land of John M. Rhodes, in said Township of Adams, and ending at a point on the public road leading from Lovett to Beaverdale 870 feet West from House No. 28 in said Village of Beaver Run, in Township of Adams aforesaid, being a total length of 2 miles 1473 feet, will meet at a point 250 feet West of the Pennsylvania Railroad right of way on land of John M. Rhodes on the 26th day of May, 1911, at 10 A. M., for the purpose of viewing said ground.

Isaiah Wissinger,

George Seese,

Frank Yarnell,

Viewers.

We, the undersigned Commissioners of Cambria County, hereby accept service of notice of the within view and of presentation of petition therefor.

L. E. Foyell Clerk

For

Commissioners of Cambria County.

Copy

Notice of View No. 3, March Session, 1911 to view road in Township of Adams.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the ground for a proposed road in the Township of Adams, leading from Salix to the Village of Dunlo, beginning 250 feet West of the Pennsylvania Railroad right of way on land of John M. Rhodes, in said Township of Adams, and ending at a point on the public road leading from Lovett to Beaverdale 870 feet West from House No. 28 in said Village of Beaver Run, in township of Adams aforesaid, being a total length of 2 miles 1473 feet, will meet at a point 250 feet West of the Pennsylvania Railroad right of way on land of John M. Rhodes on the 26th day of May, 1911, at 10 A. M., for the purpose of viewing said ground.

Isaiah Wissinger,

Geo. Seese,

Frank Yarnell,

Viewers.

Notice of View No. 2, March 1911

Road View
Twp.

Notice of View No. 2, March Session, 1911 to view road in Township of Adams.

Viewing said ground.
On the 26th day of May, 1911, at 10 A. M., for the purpose of
250 feet west of the Pennsylvania Railroad right of way on land of John
said, being a total length of 2 miles 147 1/2 feet, will meet at a point
House No. 38 in said Village of Beaver Run, in Township of Adams afore-
the public road leading from Lovett to Beavergate 850 feet West from
Township of Adams, and ending at a point on
350 feet west of the Pennsylvania Railroad right of way on land of
said of Adams, leading from Belix to the Village of Duino, beginning
of District Sessions to view the Ground for a proposed road in the Town-
Office is hereby given that the viewers appointed by the Court

Viewers.
Frank Yarnall,
Geo. Reese,
Levish Wreajuger.

Commonwealth of Pennsylvania, }
County of Cambria. } as

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the.....20th,....day of...March.....A. D. 1901 , 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 inconvenience for want of a.....public.....road or highway, to lead from .Salix to the Village of Dunlo 250 feet west of the Pennsylvania... Railroad right-of-way on land of John M. Rhodes, in said township... of Adams as the point of beginning and ending at a point in the.... public road leading from Lovett to Beaverdale 870 feet west from... House #28 in the said Village of Beaver Run, in the Township of.... Adams aforesaid, being a total length of 2 miles 1473 feet.....

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 Isaiah Wissinger,.....surveyor, and Geo. Seese.... and Frank Yarnell

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:

..... A. S. Kinkead, 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."

Cambria County, ss.

Personally appeared before me, the undersigned authority, Isaiah Wissinger, Geo. Seese and Frank Yarnell, who being duly affirmed according to law, depose and say that they will perform their duties as Viewers with zeal and fidelity.

Affirmed and subscribed to :
before me this 25th day of :
May, A. D. 1911. :

N. A. Brown
Justice of the Peace
My com. expires
My Commission Expires First
Monday in May, 1913.

Isaiah Wissinger
Geo. M. Seese
Frank Yarnell

NO. 3., March, SESSION, 1911

Order to View... Road in Adams.

Township.....

Viewers.

Isaiah Wissinger.....
Geo. Seese.....
Frank Yarnell.....

Clerk Kirkhead, 90 cts.

Charles C. Greer, Atty.....

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

No. 3, March Session, 1911.

Order to view Road in Adams Township.

Report of Viewers etc.

Filed 15 June, 1911, in open court.

July 1, 1911, exceptions dismissed and report of viewers confirmed absolutely By the Court

CHARLES C. GREER
LAWYER
JOHNSTOWN, PA.

*8 May 1912 width of road fixed at thirty feet.
By the Court*