

No. *1* *June*
~~September~~ Term, 1946

In the Court of Quarter Sessions
of Cambria County, Pennsylvania

In Re Petition

of inhabitants and tax-payers of
Jackson, Township, Cambria County,
Pennsylvania, for appointment of
Viewers to view and lay out a
Public Road in said Township

P e t i t i o n

Filed 6/17/46

CHARLES HASSON
ATTORNEY AT LAW
EBENSBURG, PA.

MAP # 1

In re Petition
For appointment of Viewers
to open and lay out a public
road in Jackson Township,
Cambria County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania

No. September Term, 1946

ROAD DOCKET

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned, inhabitants and tax-payers of the Township of Jackson, in the County of Cambria and State of Pennsylvania, respectfully represents:

That your petitioners labor under great inconvenience for the want of a Public Road or Highway in said Township of Jackson, Cambria County, Pennsylvania, to begin on Township Route No. 437 at a point located 1522 feet West of the Nanty-Glo Borough line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428 and 4238 feet Westward from Mundys Corner where Route No. 11050 intersects said Route No. 22, as shown on the blue print hereto attached.

Your petitioners, therefore pray the Court to appoint three members of the permanent Board of Viewers to view the ground proposed for said road, and if they see the necessity therefor, to lay out the same, and make report to the next session of Court.

James Pacheco	W. P. Long
Emerg. Sales	Ralph M. Blatt
John R. Dixon	Adam Deamus
Amos S. Geiger	B. D. ...
Pete ...	Merritt Crammer
H. C. ...	Ted Crames
T. M. ...	William Cook
W. E. ...	John Wilson
Joseph ...	Bob Crues
Robert Madra	J. J. ...

W. M. Little	Frank C. Hoover
Mrs. Thresa Hughes	Harmon V. Raper
Joseph Janovick	John Paul
John Bekeresch	Emerson Carney
John Dean	George Lightcap Sr.
Mr. Howard Taylor Sr.	Deborah Aldworth
Jose Zelinsky	Wm. W. Aldworth
Thomas J. Allbaugh	C. B. Singer
William Johnson	Swight Singer
Clair Cook	W. D. Snyder
A. B. Dossy	Ma. Beatrice Packer

State of Pennsylvania |
 | SS:
 County of Cambria |

James Packer, being duly sworn according to law, deposes and says that the matters set forth in the foregoing petition are true and correct as he verily believes.

Sworn and Subscribed before me
 this 11th day of June, 1946.
 John L. Hite
 Prothonotary
 My Commission expires 1st Mon.
 Jan. 1948

James Packer

And now, June, ¹⁶, 1946, I hereby certify that I served notice of the presentation of the within petition and date of presentation of the same to the Court upon John Shuman, Harry A. Leidy and Ira Joe Good, Supervisors of Jackson Township by handing a true and correct copy of said petition to them and making known the contents thereof. Petition to be presented on June 17th, 1946, at 10 A. M.

James Tachet
.....

WAIVER OF NOTICE BY COUNTY COMMISSIONERS

And now June ^{14th}, 1946, we, the undersigned, Commissioners of Cambria County, Pennsylvania, hereby acknowledge that we have received a copy of the within petition, and notice of its presentation to the Court on the day of June, 1946.

..... *H. J. Dow* *clerk for Co. Commissioners*
.....
.....

DECREE APPOINTING VIEWERS

And now, June ^{17th}, 1946, the within petition having been presented, the same is read and considered, and *Marlin E. Barr* *Marlin E. Barr* Esq. ~~*E. H. Jordan*~~, and *E. F. Dimegan*, members of the permanent Board of Viewers, are hereby appointed Viewers in the above entitled case to view the ground proposed for the Public Road prayed for in the foregoing petition, and to make report at the next session of Court.

H. J. Dow

BY THE COURT:

Marlin E. Barr
.....
Judge.

NOTICE TO SUPERVISORS

To John Shuman, Harry A. Leidy
and Ira Joe Good
Supervisors of Jackson Township
Cambria County, Pennsylvania

TAKE NOTICE:

You are hereby notified that a number of citizens and taxpayers of Jackson Township will present a petition to the Court of Quarter Sessions of Cambria County on Monday June 17th, 1946, at 10 A. M. requesting the Court to appoint viewers to lay out a road in said Township as indicated by said petition, a true and correct copy of which has been handed to John Shuman, Caretaker in said section of Jackson Township, and a Supervisor of said Township.

James Tackler
.....
For petitioners

Jackson Township
June 15, 1946

I hereby certify that the within notice was served upon each of the Supervisors of Jackson Township June 15, 1946.

James Tackler
.....

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

NO. 1- ~~JULY~~ R SESS. 1946

June

IN RE: PROPOSED PUBLIC ROAD IN
JACKSON TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA.

~~REPORT OF VIEWERS~~
REPORT OF VIEWERS

~~and was~~ 4 Feb. 1947

Exceptions dismissed

by

J. Mc Lane

Mc Lane

G. Griffith

9/4/46

Filed 9/4/46

New Sept 9-1946

Report approved nisi
By the Court
McKenrick, J.

CERTIFIED on this,

the.....day of.....

.....A. D., 194`

.....
Clerk of Courts

Map #2

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
Number 1 ~~September~~ Sessions, 1946.

June

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above named Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route Number 427 at a point located 1522 feet West of Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route Number 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route Number 428 and 4238 feet westward from Mundys Corner where Route Number 41030 intersects said Route Number 22 herewith submit the following REPORT.

Pursuant to the receipt of the said Order to View notices were posted along the proposed route of road as prayed for by placing them at conspicuous places along said route and at the proposed termini setting forth Tuesday July 23 1946 at 10 o'clock Eastern Daylight Savings time and the place of Beginning set forth in the petition as the time and place for the view together with copies of Notices of View and acceptances of Service of same upon H. F. Dorr, Chief Clerk to the Commissioners of Cambria County and upon Charles Haddon, Attorney for Petitioners and the mailing of a copy of same to Dorsey Eash, Secretary to the Board of Supervisors, Conemaugh R#1 acceptance of same not having been forwarded to the Board. Copies of Acceptance of services of H. Frank Dorr and Charles Haddon are hereto attached and made a part of this report and said parties acknowledged receipt of copy of same.

Pursuant to said notices to View the Members of the Board of Viewers, Mahlon Baumgardner, E. F. Dunnegan and William J. McGrain appeared at the place set forth in said notices and proceeded with the duties of their appointment. Said Viewers having been duly qualified as such as will more fully and at large ap-

pear on the Records filed in said Court. There were present at the view a large number of persons interested in said road together with John Shuman, Esq., a member of the Board of Supervisors of Jackson Township. The viewers went over the route of the proposed road having due regard to the shortest distance involved in the laying out of said road and the best ground for such a road and the least damages if any sustained by the property owners affected by the laying out of same. While the members of the Board of Supervisors were notified through their secretary and only one member of the Board of Supervisors being present and not all of the parties interested in said road could be present because of their respective work it was mutually agreed upon by the Viewers, John Shuman, Supervisors and members and signers of the petition that a public hearing be held in the matter. It was therefore agreed by consent of all parties at the hearing be held in the Mundy's Corner Election House in Jackson Township and Saturday August 3, 1946 at 10 o'clock Eastern Daylight Savings time was fixed as the time.

In accordance to the continuance above agreed to all of the Viewers were present together with Harry E. Simmons, Esq., Solicitor for the Supervisors of Jackson Township together with John Shuman, Harry A. Leidy and Ira H. Good all of the Supervisors and several witnesses and the Petitioners were represented by Charles Hason, Esq and about twenty witnesses. A full and informal hearing was engaged in in which the Petitioners through their Attorney called eight witnesses in behalf of the petitioners who all testified as to the great inconvenience they labor under because of the lack of a public highway and the remaining twelve witnesses not called upon when asked by a member of the board of viewers if they labored under a great inconvenience because of the lack of said road all stated that they did. Witnesses for the Petitioner were cross-examined by Counsel for the Supervisors. Harry Simmons, Esq, called the members of the Supervisors and Theodore Hunt all of whom testified that they did not think that the road was necessary yet admitted that these persons living at the or near the termini needed a public road. The Supervisors insisted that the Township of Jackson did not have the funds

to build a highway for the petitioners and that if said road was granted other citizens residing in the Township would file similar petitions and further said Supervisors were free to admit from their Solicitor when questioned that the rate of tax for road purposes was six mills. While the above facts have no bearing in the proceedings as to their merits the testimony was admitted for it was an informal hearing and the rules of evidence not strictly adhered to. After a lengthy hearing and all parties heard the hearing was adjourned.

The Members of the Board of Viewers after the adjournment of the hearing hereinabove referred to met and were of the unanimous opinion that the necessity for the road prayed for was apparent and that the petitioners and others labored great inconvenience for the want of a public highway and therefore proceeded to have proposed road surveyed for that purpose. There being no Civil Engineer appointed in said view the viewers agreed to engage John L. Elder an registered Civil Engineer to make survey. The Surveyor being consulted it was agreed that Saturday August 17 the time to make said survey. On said day as agreed upon Mahlon Baumgardner, Ed. F. Dunnegan and William J. McGrain met with John L. Elder Civil Engineer and proceeded with their respective duties. Said viewers were met by several of the petitioners and the viewers with John L. Elder made survey having due regard for the shortest distance feasible, the best grades as to elevation etc., etc. beginning at the place of beginning mentioned in the petition.

We therefore assisted in the making of said survey according to the following courses and distances: BEGINNING at a point fifteen hundred twenty two (1522) feet distance from the line of the Borough of Nanty Glo thence from said point South eighty-five (85°) degrees five (5') minutes West a distance of One hundred seventy-nine (179) feet to a point; thence South sixty-eight (68°) degrees forty-five (45') minutes West two hundred thirty-nine (239) feet to a point; thence South fifty-seven (57°) degrees thirty (30') minutes West five hundred ninety-one (591) feet to a point; thence South fifty-seven (57°) degrees forty-five (45') minutes West three hundred nineteen (319) feet to a point; thence South twelve (12°) degrees

fifty-six (56') minutes a distance of six hundred eighty (680) feet to a point; thence South twenty-seven (27°) degrees ten (10') minutes West nine hundred forty-four (944) feet to a point; thence South fifty-one (51°) degrees five (5') minutes West a distance of six hundred eighty-eight (688) feet to a point; thence South seventy-four (74) degrees twenty-five (25') minutes a distance of eight hundred seventy-nine (879) feet to a point; thence South sixty-one (61°) degrees fifty (950') minutes west two hundred twenty-five (225) feet to a point; thence South forty (40°) degrees twenty-five (25') minutes a distance of two hundred seventy-nine (279) feet to the William Penn Highway otherwise known as Route number 22 said point of intersection being located 2130 feet eastward from the Township Route Number 428 and 4238 feet westward from Mundys Corner where Route No. 11030 intersects the place of ending.

The said highway intersects and crosses the following real estate owners to wit: Loraine Coal Company; William Packer; T. W. Kerr; Lester Edwards, Peter Savoniak; William C. Snyder; Patrick Maderia and Joseph Deola as shown on the draft hereto attached and made a part of this report. The Viewers having due regards to the damages and benefits that accrue from the laying out of the said road assess no damages to the Loraine Coal Company, William Packer, T. W. Kerr, Lester Edwards, Peter Savoniak, William C. Snyder, Patrick Maderia and Joseph Deola as the benefit derived from the said road when opened will exceed any damages that may accrue in favor of the land owners. The length of the road thus surveyed is five thousand and twenty-three (5023) feet.

WE THEREFORE LAY OUT FOR PUBLIC USE A PUBLIC ROAD OR HIGHWAY having the following courses and distances to wit: BEGINNING at a point fifteen hundred and twenty-two (1522) feet west of the Borough line of Nanty-Glo on Route Number 437 thence from said point South eighty-five (85°) degrees five (5') minutes West one hundred seventy-nine (179) feet to a point; thence South sixty-eight (68°) degrees forty-five (45') minutes West a distance of two hundred thirty-nine (239) feet to a point; thence South fifteen (15°) degrees thirty (30') minutes West a distance of five hundred ninety-one (591) feet to a point; thence South fifty-seven (57°) degrees forty-five (45') West a distance of three hundred nineteen feet to a point; thence South twelve (12°) degrees fifty-six (56') minutes West six hundred eighty (680) feet to a point;

thence twenty-seven (27°) degrees 10 (10') minutes south and west a distance of nine hundred forty-four (944) feet to a point; thence South fifty-one (51°) degrees five (5') minutes West a distance of six hundred and eighty-eight (688) feet to a point; thence South seventy-four (74°) degrees twenty-five (25') minutes West a distance of eight hundred and seventy-nine (879) feet to a point; thence South sixty-one (61°) degrees fifty (50') minutes West two hundred twenty-five (225) feet to a point; thence South forty (40) degrees twenty-five (25') minutes West a distance of two hundred seventy-nine (279) feet to the intersection of the William Penn Highway also known as Route Number 22 said point of intersection being located 2130 feet eastward from the Township Route #428 and 4238 feet westward from Munday's corner .

All of which is shown on a blue print hereto attached and made a part of this report.

IN WITNESS WHEREOF we have hereunto set our hands and seals this second day of September A. D. 1946.

Melton B. ...

E. F. ...

W. J. ...
Viewers.

Road
#1 June Sessions 1946

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA.
~~NO. 1 MARCH SESSIONS, 1947~~

IN RE: PROPOSED PUBLIC ROAD
IN JACKSON TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

REPORT OF VIEWERS

Filed 6-6-47

Map #3

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 1 March Sessions, 1947

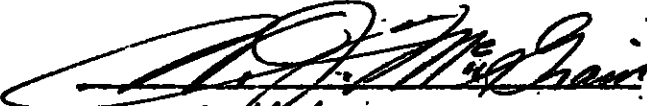

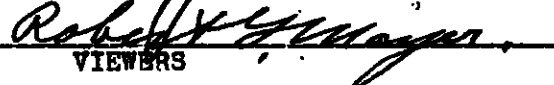
On March 3, 1947, your honorable court appointed viewers for the purpose of reviewing a view that was made on the 17th day of June of 1946. We, the viewers, composed of W.J. McGrain, S.H. Jencks, and Robert G. Mayer, approve the view of 1946 that was made by Mahlon Baumgardner, W.J. McGrain, and E.F. Dunnegan. We approve a right of way of 40 feet with no property damage. We, the viewers, W.J. McGrain, S.H. Jencks, and Robert G. Mayer, went over this property and held a hearing at the Jackson Township Building at Mundys Corner on May 17, 1947.

We recommend to build from Route No. 437 a distance of 1328 feet in the direction of the William Penn Highway. We also recommend building 1383 feet from the William Penn Highway, Route No. 22, a distance of 1383 feet in the direction of Route No. 437, leaving a balance of 2312 feet to be built when it becomes necessary.

1. On the 17th day of June, 1946, your honorable court appointed viewers for the purpose of making a report as to the advisability of establishing a public road in the Township of Jackson, County of Cambria and State of Pennsylvania, from Route No. 437 to Pennsylvania State Highway Route No 22. The termini of said road being in the Township of Jackson, Cambria County, Pennsylvania, "TO BEGIN on Township Route No 437, at a point located 1522 feet West of the Nanty Glo Borough Line, and ending at Pennsylvania State Highway Route No22; known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428, and 4238 feet Westward from Mundys Corner, where said Route No. 11030 intersects said Route No. 22."

2. On the 4th day of September, 1946, the said Viewers filed their report, wherein they allege that there is occasion and necessity for such a road as prayed for in the petition, and recommend that the road be established.

3. Your petitioners aver that in the event the report of said Viewers is confirmed, it will be injurious to them and burdensome to the inhabitants of the Township of Jackson, through which the said road will pass.




VIEWERS

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 3rd day of March A. D. 1947, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Jackson, in the said County, setting forth that they desire to have

1. That on the 17th day of June, A. D., 1946, your Honorable Court appointed Viewers for the purpose of making a report as to the advisability of establishing a public road in the Township of Jackson, County of Cambria and State of Pennsylvania, from Route No. 437 to Pennsylvania State Highway Route No. 22. The termini of said road being in the Township of Jackson, Cambria County, Pennsylvania, "TO BEGIN on Township Route No. 437, at a point located 1522 feet West of the Nanty-Glo Borough line, and ending at Pennsylvania State Highway Route No. 22, known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428, and 4238 feet Westward from Mundy's Corner, where Route No. 11030 intersects said Route No. 22."
2. That on the 4th day of September, A. D., 1946, the said Viewers filed their report, wherein they allege that there is occasion and necessity for such a road as prayed for in the petition, and recommending that the road be established.
3. Your petitioners aver that in the event the report of said Viewers is confirmed, it will be injurious to them and burdensome to the inhabitants of the Township of Jackson, through which the said road will pass,

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

William J. McGrain, Louis E. Kayler S.H. Jencks
~~XXXXXXXXXXXX~~

and Robert G. Mayer,

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.

MCKENRICK, J.

Attest:

J. Dean Joy
J. DEAN JOY

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. 1, June SESSIONS, 1927/46

Order to view Proposed Public

Road, Jackson Township, Cambria

County, Pennsylvania.

Re Viewers

William J. McGrain

Louis E. Kaylor

Robert G. Mayer

Clerk 90 cts.



In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania
No. 1 March Sessions, 1947

GAMBRIA COUNTY'S INDEBTEDNESS TO W. J. McGRAIN, S. H. JENCKS;
AND ROBERT G. MAYER.

W. J. McGrain

Data and preparing notices to view on April 21	\$12.00
Posting Notices	12.00
Mileage	3.70
Making New Notices on April 25	12.00
Posting Notices on April 28	12.00
Mileage	3.70
Making View on May 10	12.00
Mileage	3.70
Hearing and Taking Testimony on May 17	12.00
Mileage	3.10
Four Blueprints	6.00
Mailing Notices to Supervisors with Registered Receipt	.72
Mailing Notices for a View that was cancelled on May 3	.72
Mailing Notices for Date of Filing	.96
	<u>\$94.60</u>

JUL 9 1947 CERTIFIED

S.H. Jencks

Making View on May 10	\$12.00
Mileage	2.10
Hearing	12.00
Mileage	1.50
	<u>\$27.60</u>

JUL 9 1947 CERTIFIED

Robert G. Mayer

Making View on May 10	\$12.00
Mileage	3.90
Hearing	12.00
Mileage	2.60
	<u>\$30.50</u>

JUL 9 1947 CERTIFIED



Form 3817
Rev. 9-37

Post Office Department

Received from:

W. J. McGinnis
710 - 5th St



One piece of ordinary mail addressed

to *Harry E. Simmons*
614 U.S. Natl Bk Bldg
Johnstown Pa

THIS RECEIPT DOES NOT PROVIDE FOR INDEMNIFICATION

U. S. GOVERNMENT PRINTING OFFICE

5-10325

POSTMASTER.

Form 3817
Rev. 9-37

Post Office Department

Received from:

W. J. McGinnis
710 - 5th St



One piece of ordinary mail addressed

to *John Shuman*
R. D. Cressingham, Pa

THIS RECEIPT DOES NOT PROVIDE FOR INDEMNIFICATION

U. S. GOVERNMENT PRINTING OFFICE

5-10325

POSTMASTER.

Form 3817
Rev. 9-37

Post Office Department

Received from:

W. J. McGinnis
710 - 5th St



One piece of ordinary mail addressed

to *Dr. J. Good*
R. D. Mineral Point Pa

THIS RECEIPT DOES NOT PROVIDE FOR INDEMNIFICATION

U. S. GOVERNMENT PRINTING OFFICE

5-10325

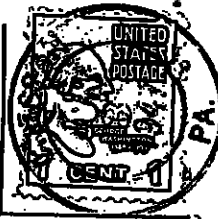
POSTMASTER.

Form 3817
Rev. 9-37

Post Office Department

Received from:

W. J. McGinnis
710 - 5th St



One piece of ordinary mail addressed

to *Harry A. Keady*
R. D. Cressingham, Pa

THIS RECEIPT DOES NOT PROVIDE FOR INDEMNIFICATION.

U. S. GOVERNMENT PRINTING OFFICE

5-10325

POSTMASTER.

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 1 March Sessions, 1947

NOTICE OF A REVIEW FROM NO. 1 SEPTEMBER SESSIONS, 1946

We, the undersigned Viewers appointed by the above named Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1522 feet West of Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2150 feet Eastward from the Township Route No. 428 and 4258 feet Westward from Kuidyo Corner where Route No. 11050 intersects said Route No. 22, will meet at the place of BEGINNING on the 10th day of May, 1947 at 10:00 A.M. Eastern Daylight Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

W.J. McGRATH

S.H. JONES

H.G. LAYNE

Viewers

accept Surin

Harvey E. ...

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 1 March Sessions, 1947

NOTICE OF A REVIEW FROM NO. 1 SEPTEMBER SESSIONS, 1946

We, the undersigned Viewers appointed by the above named Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1522 feet West of Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428 and 4238 feet Westward from Mundys Corner where Route No. 11030 intersects said Route No. 22, will meet at the place of BEGINNING on the 10th day of May, 1947 at 10:00 A.M. Eastern Daylight Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

W.J. McGRAIN

S.H. JENCKS

R.G. MAYER

Viewers

AND NOW the 29th day of April, 1947, we hereby accept service of the within Notice to View as Attorney for the Petitioners and acknowledge to have received a copy of the same.

Hasson and Hasson
Attorneys for Petitioners

In Res. Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 1 March Sessions, 1947

NOTICE OF A REVIEW FROM NO. 1 SEPTEMBER SESSIONS, 1946

We, the undersigned Viewers appointed by the above named Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1522 feet West of Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428 and 4238 feet Westward from Mundys Corner where Route No. 11030 intersects said Route No. 22, will meet at the place of BEGINNING on the 10th day of May, 1947 at 10:00 A.M. Eastern Day-light Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

W.J. McGRAIN

S.H. JENCKS

R.G. MAYER

Viewers

*Serv. accepted April 29th 1947
H. J. Dow
Club.*

*Report of
Viewers*

*I
on outside*

II

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 1 March Sessions, 1947

NOTICE OF A REVIEW FROM NO. 1 SEPTEMBER SESSIONS, 1946

We, the undersigned Viewers appointed by the above Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1522 feet West of Nancy-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428 and 4238 feet Westward from Mundys Corner where Route No. 11030 intersects said Route No. 22, will meet at the place of BEGINNING on the 3rd day of May, 1947 at 10:00 A.M. Eastern Standard Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

W.J. McGRAIN

L.E. KAYLOR

ROBERT G. MAYER

Viewers

AND NOW the _____ day of April, 1947, I hereby accept service of the within Notice to View as Attorney for the Petitioners and acknowledge to have received a copy of the same.

Attorney for Petitioners.

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 1 March Sessions, 1947

NOTICE OF A REVIEW FROM NO. 1 SEPTEMBER SESSIONS, 1946

We, the undersigned Viewers appointed by the above Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1522 feet West of Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2150 feet Eastward from the Township Route No. 428 and 4258 feet Westward from Hundys Corner where Route No. 11050 intersects said Route No. 22, will meet at the place of BEGINNING on the 3rd day of May, 1947 at 10:00 A.M. Eastern Standard Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

W.J. McGRAIN

L.E. HAYLOR

ROBERT G. MAYER

Viewers

AND NOW the 21st day of April, 1947, I hereby accept service of the within Notice to View as Attorney for the Petitioners and acknowledge to have received a copy of the same.

H. J. Dow
Attorney for Petitioners.

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 1 March Sessions, 1947

NOTICE OF A REVIEW FROM NO. 1 SEPTEMBER SESSIONS, 1946

We, the undersigned Viewers appointed by the above mentioned Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1522 feet West of Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No 428 and 4238 feet Westward from Mandys Corner where Route No. 11030 intersects said Route No. 22, will meet at the place of BEGINNING on the 3rd day of May, 1947 at 10:00 A.M. Eastern Standard Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.


W.J. McGRAIN

L.E. KAYLOR

ROBERT G. MAYER

Viewers

AND NOW the 22 day of April, 1947, I hereby accept service of the within Notice to View as Attorney for the Petitioners and acknowledge to have received a copy of the same.


Attorney for Petitioners.

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 1 March Sessions, 1947

NOTICE OF A REVIEW FROM NO. 1 SEPTEMBER SESSIONS, 1946

We, the undersigned Viewers appointed by the above named Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1522 feet West of Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428 and 4238 feet Westward from Mundys Corner where Route No. 11030 intersects said Route No. 22, will meet at the place of BEGINNING on the 3rd day of May, 1947 at 10:00 A.M. Eastern Standard Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

W.J. McGRAIN

L.E. KAYLOR

ROBERT G. MAYER

VIEWERS

AND NOW the 21st day of April, 1947, We hereby accept service of the within Notice to View as Attorney for the Petitioners and acknowledge to have received a copy of the same.

Hasson and Hasson
Attorneys for Petitioners.

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 1 March Sessions, 1947

NOTICE OF A REVIEW FROM NO. 1 SEPTEMBER SESSIONS, 1946

We, the undersigned Viewers appointed by the above named Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1522 feet West of Nanty-Glo Dorough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2150 feet Eastward from the Township Route No. 428 and 4288 feet Westward from Mundy's Corner where Route No. 11030 intersects said Route No. 22, will meet at the place of BEGINNING on the 10th day of May, 1947 at 10:00 A.M. Eastern Daylight Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

W. J. MCGRAIN

S. H. JENCKS

R. G. MAYER

Viewers

IN THE COURT OF QUARTER
SESSIONS, CAMBRIA COUNTY, Pa.
No. 1. ~~September~~ Sess. 1946
June

IN RE: PROPOSED PUBLIC ROAD
IN JACKSON TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA

REPORT OF VIEWERS

7/11/46

Filed 9/4/46

Now Sept. 9, 1946

Report approved nisi
By the Court.
McKensick, J.

CERTIFIED on this,

the.....day of.....

.....A. D., 194 .

.....
Clerk of Courts

Map 4

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
Number 1 ~~September~~ Sessions, 1946.

June

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above named Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route Number 427 at a point located 1522 feet West of Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route Number 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route Number 428 and 4298 feet westward from Mundy's Corner where Route Number 41030 intersects said Route Number 22 herewith submit the following REPORT.

Pursuant to the receipt of the said Order to View notices were posted along the proposed route of road as prayed for by placing them at conspicuous places along said route and at the proposed termini setting forth Tuesday July 23 1946 at 10 o'clock Eastern Daylight Savings time and the place of Beginning set forth in the petition as the time and place for the view together with copies of Notices of View and acceptances of Service of same upon H. F. Dorr, Chief Clerk to the Commissioners of Cambria County and upon Charles Hasson, Attorney for Petitioners and the mailing of a copy of same to Dorsey Cash, Secretary to the Board of Supervisors, Conemaugh R/1 acceptance of same not having been forwarded to the Board. Copies of Acceptance of services of H. Frank Dorr and Charles Hasson are hereto attached and made a part of this report and said parties acknowledged receipt of copy of same.

Pursuant to said notices to View the Members of the Board of Viewers, Mahlon Baumgardner, E. F. Dunnegan and William J. McGrain appeared at the place set forth in said notices and proceeded with the duties of their appointment. Said Viewers having been duly qualified as such as will more fully and at large ap-

pear on the Records filed in said Court. There were present at the view a large number of persons interested in said road together with John Shuman, Esq., a member of the Board of Supervisors of Jackson Township. The viewers went over the route of the proposed road having due regard to the shortest distance involved in the laying out of said road and the best ground for such a road and the least damages if any sustained by the property owners affected by the laying out of same. While the members of the Board of Supervisors were notified through their secretary and only one member of the Board of Supervisors being present and not all of the parties interested in said road could be present because of their respective work it was mutually agreed upon by the Viewers, John Shuman, Supervisors and members and signers of the petition that a public hearing be held in the matter. It was therefore agreed by consent of all parties at the hearing be held in the Hendys Corner Election House in Jackson Township and Saturday August 3, 1946 at 10 o'clock Eastern Daylight Savings time was fixed as the time.

In accordance to the continuance above agreed to all of the Viewers were present together with Harry E. Simmons, Esq., Solicitor for the Supervisors of Jackson Township together with John Shuman, Harry A. Loidy and Ira E. Good all of the Supervisors and several witnesses and the Petitioners were represented by Charles Hason, Esq and about twenty witnesses. A full and informal hearing was engaged in in which the Petitioners through their Attorney called eight witnesses in behalf of the petitioners who all testified as to the great inconvenience they labor under because of the lack of a public highway and the remaining twelve witnesses not called upon when asked by a member of the board of viewers if they labored under a great inconvenience because of the lack of said road all stated that they did. Witnesses for the Petitioner were cross-examined by Counsel for the Supervisors. Harry Simmons, Esq, called the members of the Supervisors and Theodore Hunt all of whom testified that they did not think that the road was necessary yet admitted that those persons living at the or near the termini needed a public road. The Supervisors insisted that the Township of Jackson did not have the funds

to build a highway for the petitioners and that if said road was granted other citizens residing in the Township would file similar petitions and further said Supervisors were free to admit from their Solicitor when questioned that the rate of tax for road purposes was six mills. While the above facts have no bearing in the proceedings as to their merits the testimony was admitted for it was an informal hearing and the rules of evidences not strictly adhered to. After a lengthy hearing and all parties heard the hearing was adjourned.

The Members of the Board of Viewers after the adjournment of the hearing hereinabove referred to met and were of the unanimous opinion that the necessity for the road prayed for was apparent and that the petitioners and others labored great inconvenience for the want of a public highway and therefore proceeded to have proposed road surveyed for that purpose. There being no Civil Engineer appointed in said view the viewers agreed to engage John L. Elder an registered Civil Engineer to make survey. The Surveyor being consulted it was agreed that Saturday August 17 the time to make said survey. On said day as agreed upon Mahlon Baumgardner, Ed. F. Dunnegan and William J. McGrain met with John L. Elder Civil Engineer and proceeded with their respective duties. Said viewers were met by several of the petitioners and the viewers with John L. Elder made survey having due regard for the shortest distance feasible, the best grades as to elevation etc., etc. beginning at the place of beginning mentioned in the petition.

We therefore assisted in the making of said survey according to the following courses and distances: BEGINNING at a point fifteen hundred twenty two (1522) feet distance from the line of the Borough of Nanty Glo thence from said point South eighty-five (85°) degrees five (5') minutes West a distance of One hundred seventy-nine (179) feet to a point; thence South sixty-eight (68°) degrees forty-five (45') minutes West two hundred thirty-nine (239) feet to a point; thence South fifty-seven (57°) degrees thirty (30') minutes West five hundred ninety-one (591) feet to a point; thence South fifty-seven (57°) degrees forty-five (45') minutes West three hundred nineteen (319) feet to a point; thence South twelve (12°) degrees

fifty-six (56') minutes a distance of six hundred eighty (680) feet to a point; thence South twenty-seven (27°) degrees ten (10') minutes West nine hundred forty-four (944) feet to a point; thence South fifty-one (51°) degrees five (5') minutes West a distance of six hundred eighty-eight (688) feet to a point; thence South seventy-four (74) degrees twenty-five (25') minutes a distance of eight hundred seventy-nine (879) feet to a point; thence South sixty-one (61°) degrees fifty (50') minutes West two hundred twenty-five (225) feet to a point; thence South forty (40°) degrees twenty-five (25') minutes a distance of two hundred seventy-nine (279) feet to the William Penn Highway otherwise known as Route number 22 said point of intersection being located 2130 feet eastward from the Township Route Number 428 and 4238 feet westward from Mundy's Corner where Route No. 11030 intersects the place of ending.

The said highway intersects and crosses the following real estate owners to wit: Loraine Coal Company; William Packer; T. W. Kerr; Lester Edwards, Peter Savoniak; William C. Snyder; Patrick Maderia and Joseph Deola as shown on the draft hereto attached and made a part of this report. The Viewers having due regards to the damages and benefits that accrue from the laying out of the said road assess no damages to the Loraine Coal Company, William Packer, T. W. Kerr, Lester Edwards, Peter Savoniak, William C. Snyder, Patrick Maderia and Joseph Deola as the benefit derived from the said road when opened will exceed any damages that may accrue in favor of the land owners. The length of the road thus surveyed is five thousand and twenty-three (5023) feet.

WE THEREFORE LAY OUT FOR PUBLIC USE A PUBLIC ROAD OR HIGHWAY having the following courses and distances to wit: BEGINNING at a point fifteen hundred and twenty-two (1522) feet west of the Borough line of Manty-Gle on Route Number 437 thence from said point South eighty-five (85°) degrees five (5') minutes West one hundred seventy-nine (179) feet to a point; thence South sixty-eight (68°) degrees forty-five (45') minutes West a distance of two hundred thirty-nine (239) feet to a point; thence South fifteen (15°) degrees thirty (30') minutes West a distance of five hundred ninety-one (591) feet to a point; thence South fifty-seven (57°) degrees forty-five (45') West a distance of three hundred nineteen feet to a point; thence South twelve (12°) degrees fifty-six (56') minutes West six hundred eighty (680) feet to a point;

thence twenty-seven (27°) degrees 10 (10') minutes south and west a distance of nine hundred forty-four (944) feet to a point; thence South fifty-one (51°) degrees five (5') minutes West a distance of six hundred and eighty-eight (688) feet to a point; thence South seventy-four (74°) degrees twenty-five (25') minutes West a distance of eight hundred and seventy nine (879) feet to a point; thence South sixty-one (61°) degrees fifty (50') minutes West two hundred twenty-five (225) feet to a point; thence South forty (40) degrees twenty-five (25') minutes West a distance of two hundred seventy-nine (279) feet to the intersection of the William Penn Highway also known as Route Number 22 said point of intersection being located 2130 feet eastward from the Township Route #428 and 4238 feet westward from Munday's corner .

All of which is shown on a blue print hereto attached and made a part of this report.

IN WITNESS WHEREOF we have hereunto set our hands and seals this second day of September A. D. 1946.

Mabel B. Barringer

E. F. Dunege

A. J. McLean
Viewers.

IN THE COURT OF QUARTER
SESSIONS, CAMBRIA COUNTY,
PENNSYLVANIA

In Re:

Appointment of Viewers to
View and Lay Out Public
Road in Jackson Township,
Cambria County,
Pennsylvania

EXCEPTIONS TO
VIEWERS REPORT

Filed 11/29/46

Harry E. Simmons
Attorney at Law
U. S. National Bank Bldg.
Johnstown, Pennsylvania

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re:

No. 11 June Sessions, 1946

APPOINTMENT OF VIEWERS TO VIEW AND LAY OUT PUBLIC ROAD IN JACKSON TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA

EXCEPTIONS TO VIEWERS REPORT

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:

Harry E. Simmons, Esquire, duly appointed Solicitor for the Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania, appears and files exceptions to the Report of Viewers as follows: --

1. The Board of Viewers in the above entitled matter, to-wit: Mahlon Baumgardner, E. F. Dunegan and William J. McGrain, have failed to give notice of filing report to the Board of Road Supervisors of Jackson Township, as provided for under the provisions of the Act of May 1, 1933, and its amendments. An examination of the records in the office of the Clerk of Court, discloses that the report was approved nisi on September 9, 1946.

2. The Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania, excepts to the report of yours, finding "necessity" for the laying out and taking over of the road for Township use as set forth in the report.

3. The Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania, excepts to the report of yours, finding that the taking over of the recommended road by the Township would not work a financial hardship to the Township.

4. The Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania further excepts to the report of yours, and sets forth as reason therefore, that there is no necessity for the proposed road and that it would benefit only abutting property owners and increases the value of their real estate for the purpose of the sale of lots.

Respectfully submitted,

Harry E. Simmons

Solicitor for Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania

State of Pennsylvania

SS:

County of Cambria

Harry E. Simmons, Esquire, being duly sworn according to law, deposes and says that he is the duly appointed Solicitor for the Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania; that he has been authorized by the said Board of Road Supervisors to file exceptions to the report of yours in the matter of the proposed road extending from a point on the William Penn Highway to a point on the brick road to Nanty Glo in the said Township; that all the facts set forth above are true and correct.

Harry E. Simmons

Sworn to and subscribed before me this 27 day of July, A.D., 1946

Arthur Panagiere Duddy
Notary Public

No. 1 June Term, 1946

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Proposed Public Road in
Jackson Township, Cambria County,
Pennsylvania

REPLY TO EXCEPTIONS FILED

ROAD VIEW

Filed:

Filed 1/7/47

CHARLES HASSON
ATTORNEY AT LAW
EBENSBURG, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

ROAD VIEW

In Re: Proposed Public Road in
Jackson Township, Cambria County,
Pennsylvania.

0
0
0

No. 1 June Sessions, 1946

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:

Petition for appointment of Viewers was filed in Court June 17, 1946, and on the same day the Court appointed Mahlon Baumgardner, E. F. Dunegan and W. J. McGrain, Viewers.

Prior to July 23, 1946, at 10:00 o'clock A. M. Eastern Daylight Savings time, notices were placed in conspicuous places along the route of said road giving notice of the time and place for making the View.

H. F. Dorr, Chief Clerk of the County Commissioners, was given written notice of said View; Charles Hasson, Attorney for the petitioners, was given similar notice and Dorsey Ish, Secretary to the Road Supervisors of Jackson Township, Conemaugh R. D. 1, Pa., was given written notice of said View. On July 23, 1946, at 10:00 o'clock A. M. Eastern Daylight Savings time, the Viewers after having first been qualified to perform their duties, met with a number of the petitioners for said road and also there was present John Shuman, a member of the Board of Supervisors of Jackson Township in charge of roads in that particular section and the View was proceeded with, the Viewers all being present and participating in said View.

The Viewers consulted with Supervisor John Shuman and it was agreed that a public hearing on said proposed road would be held in the Mundys' Corner election house in Jackson Township, Saturday, August 3, 1946, at 10:00 A. M. Eastern Daylight Savings time. That on Saturday, August 3, 1946, at the time and place aforesaid, all Supervisors being present, Harry E. Simmons, Esq., Solicitor for the Supervisors of Jackson Township, appeared with John Shuman, Harry A. Leidy and Ira M. Good, being all of the Supervisors of Jackson Township, together with a number of witnesses as set forth in the Report of the Board of Viewers and a full hearing, pro and con, was entered into before the Board of Viewers. It was later arranged that John L. Elder, a Registered Engineer would make a survey of said proposed road on Saturday,

August 17, 1946, at which time all members of the Board of Viewers were present and proceeded to perform their duties in laying out the proposed road as set forth in the Report of the Viewers which was filed September 4, 1946, with their recommendation.

At the public meeting at which all Viewers and many of the petitioners were present as well as all of the Supervisors of Jackson Township on Saturday, August 3, 1946, the Board of Viewers publicly notified all parties present that they would complete their Report and file the same at September Term, 1946, and the Report was filed on September 4, 1946, and on September 9, 1946, the same was confirmed nisi by the Court.

On November 29, 1946, Harry E. Simmons, Esq., Attorney for the Supervisors of Jackson Township, filed four exceptions to the Report of the Board of Viewers, inter alia, as follows;

1. The Board of Viewers in the above entitled matter, to-wit; Mahlon Baumgardner, E. J. Dunegan and William J. McGrain, have failed to give notice of filing report to the Board of Road Supervisors of Jackson Township, as provided for under the provisions of the Act of May 1, 1933, and its amendments. An examination of the records in the office of the Clerk of the Court, discloses that the report was approved nisi on September 9, 1946.

(a) In answer to Exception No. 1, Counsel for the petitioners avers that said exception is without merit for the reason that the Act of May 1, 1933, as set forth in said exception has no application to the Act of June 13, 1836, under which the proposed road was laid out, with respect to notice of the filing of the report by the Viewers.

(b) The Board of Supervisors did have notice of the time and place of filing the Report of the Viewers.

(c) All defects as to notice, if any, are cured by the attendance of the Supervisors or their Counsel and the fact that Counsel for the Board of Viewers in an affidavit attached to the exceptions filed states under oath, "he has been authorized by the said Board of Road Supervisors to file exceptions to the report of the Viewers in the matter of the proposed road extending from a point on the William Penn Highway to a point on the brick road to Nanty-glo in said Township" is sufficient proof in itself that the Board of Road Supervisors had notice of the filing of the report of the Viewers and that they were not injured or deprived of any rights for lack of notice and therefore the first exception should be dismissed by the Court.

2. The Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania, excepts to the report of yours, finding "necessity" for the laying out and taking over of the road for Township use as set forth in the report.

(a) The matter of necessity or non-necessity for the road is the primary duty of the Viewers to determine and the fact that the Board reported favorably upon said road is an evidence of the necessity for the same.

(b) The Court will not again reopen the question of necessity for a public road after it has been decided by the viewers and reviewers. A finding by the Viewers that the road is necessary will not be reopened by the Court unless manifestly erroneous and depositions and supplemental petitions bearing on this necessity will not be considered by the Court unless manifested error of judgment is established by a clear preponderance of the testimony.

3. The Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania, excepts to the report of yours, finding that the taking over of the recommended road by the Township would not work a financial hardship to the Township.

(a) The question whether the laying out of the road would be too much of a burden on the Township will not be considered by the Court.

(b) Where the Viewers find that the necessity exists for the new road it is the duty of the Supervisors to levy sufficient additional taxes with which to build the road for the convenience of people living on the route of said road. The fact that Supervisors do not want to increase the taxes in the Township is no excuse for not building the road, when necessity has been established by the Viewers.

(c) Whenever the want of a road prevents a portion of the public from getting to market, to church or other places where men are in the habit of meetingⁱⁿ their lawful business in pursuance of proper duties the necessity for the road exists. The Third exception should therefore be dismissed.

4. The Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania, further excepts to the report of yours, and sets forth as reason therefore, that there is no necessity for the proposed road and that it would benefit only abutting property owners and increase the value of their real estate for the purpose of the sale of lots.

(a) The Fourth exception is without any merit whatever and there was no proper testimony before the Board of Viewers to indicate that any person owning land along the route of said proposed road ever offered, laid out, or had in mind laying out, lots for sale, and the injection of this

matter into the exceptions is highly improper in view of the testimony taken before the Viewers. There was abundant testimony before the Board of Viewers which testimony was not denied by the Supervisors to the effect that school children were not able to go to and from school for lack of a road; that when a dead man was to be buried, his body had to be carried out by the neighbors because of the lack of a road; that when a child was ill, she had to be carried to a doctor because of no road; that Nanty-Glo and other merchants will not deliver goods to people residing along the route of the proposed road because vehicles could not be driven in; that residents living along the proposed road cannot get coal and other necessities into their homes because they have no road and the only excuse offered by the Supervisors was that it would be too burdensome for the Township to build the proposed road and further that if this road was built it would be in the nature of an invitation for people residing in other parts of the Township to seek new roads for their convenience. The Township enjoys a low tax rate which can be increased without a vote of the electors.

IT THEREFORE appearing that none of the four exceptions filed in behalf of the Supervisors of Jackson Township have any merit whatever, Counsel for the petitioners respectfully suggests to the Court that all of said exceptions should be dismissed.

All of which is respectfully submitted.

Charles Hasson

 Solicitor for Petitioners

State of Pennsylvania 0
 0 SS:
 County of Cambria 0

Charles Hasson, being duly sworn according to law deposes and says that he is attorney for the petitioners and that as such he has knowledge of the matters herein contained and has authority to make this affidavit; that the matters set forth in the foregoing answer to exceptions filed, are true and correct as he verily believes.

Sworn and Subscribed before me
 this *4th* day of January, 1946
 *John L. Hite*
 Prothonotary

Charles Hasson

In the Court of Quarter
Sessions of Cambria County,
Pennsylvania

ROAD VIEW

No. 1 June Sessions, 1946

In Re: Proposed Public
Road in Jackson Township,
Cambria County, Pennsyl-
vania

ADDITIONAL EXCEPTIONS TO
THE PETITION AND REPORT OF
VIEWERS

Filed Feb. 4, 1947

HARRY E. SIMMONS
Attorney at Law
614-615 U. S. Nat'l Bank Bldg.
Johnstown, Penna.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

ROAD VIEW

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania

No. 1 June Sessions, 1946

ADDITIONAL EXCEPTIONS TO THE
PETITION AND REPORT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT: --

HARRY E. SIMMONS, on behalf of himself as a taxpayer, and property owner in Jackson Township, Cambria County, Pennsylvania, and on behalf of John Shuman, Harry A. Leidy and Ira M. Good, individually and as the Board of Road Supervisors of Jackson Township, files the following additional exceptions to the petition and the report of viewers in the above captioned matter:

1. The petitioners, whose names are attached to the petition, are not all inhabitants and taxpayers of the Township of Jackson.
2. The petition describes the proposed new road "as shown on the blueprint hereto attached," rather than merely stating the termini thereof.
3. The Viewers' Report fails to state particularly "whether they were severally sworn or affirmed."
4. The Viewers' Report and the annexed draft, fails to show improvements through which the proposed road will pass, and also fails to show the elevation of the proposed road.
5. Loraine Coal Company, William Packer and Lester Edwards, owners of property through which the proposed public road would pass, are not parties to the petition.
6. The Viewers' Report fails to show that the Viewers did "endeavor to procure from the persons over whose land such location may be made, releases of all claims for damages that might arise from the opening of such road."

WHEREFORE, the Exceptors pray your Honorable Court to dismiss the petition and report of Viewers heretofore filed. And they will ever pray, etc.

Harry E. Simmons

State of Pennsylvania |
County of Cambria | SS:

HARRY E. SIMMONS, being duly sworn according to law, deposes and says that he is one of the Exceptors in the foregoing Additional Exceptions to the Petition and Report of Viewers, and the facts as contained therein are all true and correct to the best of his knowledge, information and belief.

Harry E. Simmons

Sworn and subscribed to before me
this 3rd day of February, A.D. 1946.

John Ferguson Duddy
Notary Public

My commission expires: 1-7-57

June *1946*
No. 1 ~~March~~ Sessions ~~1947~~

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

In Re: Proposed public road in
Jackson Township, Cambria County,
Pennsylvania.

Filed:

6-23-47

HASSON & HASSON
CHARLES HASSON
ATTORNEY AT LAW
EBENSBURG, PA. :
CHARLES G. HASSON, ASSOCIATE

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re: Proposed public road in Jackson Township, Cambria County, Pennsylvania. } No. 1 March Sessions, 1947

EXCEPTIONS TO REVIEWERS REPORT

HASSON & HASSON, Attorneys for the original petitioners for the above entitled road in Jackson Township, appear and file exceptions to the report of Viewers as follows:

1. The report of Reviewers, filed June 6, 1947, is defective in that it fails to disclose that any notice whatever was given of the meeting of the Reviewers prior to the View of the road.
2. The Reviewers in their report definitely find that the proposed road is a "necessity" when in the First paragraph of their report the Reviewers state, viz: "We, the Viewers, composed of W. J. McGrain, S. H. Jencks and Robert G. Mayer, approve the View of 1946, that was made by Mahlon Baumgardner, W. J. McGrain and E. F. Dunegan. We approve the right of way of 40 feet with no property damage. We, the viewers, W. J. McGrain, S. H. Jencks and Robert G. Mayer, went over this property and held a hearing at the Jackson Township Building at Mundys' Corner on May 17, 1947".
3. The Court will not again reopen the question of "necessity" for a Public Road after it has been decided by the Viewers and Reviewers that a "necessity" for the road exists.
4. The report of the Reviewers is fatally defective in that it designates a termini for the disconnected portions of the proposed Public Road on private property. The report of the Viewers is further fatally defective in that the building of the two portions of the proposed road as recommended by the Reviewers in said Township would result in the establishment of a cul de sac on each of the two disconnected sections of the road as recommended.
5. Viewers are bound by the termini set forth in the original petition for View and cannot legally pick out certain portions of said road and recommend the same for building. A road as originally located by the Viewers cannot be changed and broken into disconnected sections by Reviewers.

6. The report of the Reviewers is defective wherein it finds a "necessity" for building two different disconnected sections of the proposed road as recommended by the original Viewers, cutting out 2312 feet of said road in the center and thereby establishing two broken pieces of Public Road each terminating in a cul de sac on private property and defeating one of the very purposes for which the petitioners for said road prayed, to-wit: A convenient short route between Route No. 22 and Route No. 437 leading to and from Nanty-Glo to the west.

7. The road as laid out leaves Peter Zanoviak, who owns buildings along the line of the proposed road and John Yoder, both petitioners for the road without any road whatever for entry to their property without traveling on privately-owned property.

8. The recommendation made by the Reviewers in the Second paragraph of their report is surplusage, without legal effect in the matters entrusted to them by the Order of Court and was beyond their powers. The Order of Court required the Viewers to find whether or not there exists a "necessity" for said Public Road as described in the Order of View, as a whole, and not to break the proposed road into disconnected sections. The finding of the Reviewers therefore in this respect is a nullity.

The petitioners for said road through their Counsel request your Honorable Court to set aside the Report of the Reviewers and to Confirm the report of the original view and to make an Order to direct the Supervisors of Jackson Township to proceed to build said road as set out in the original view set forth.

Respectfully submitted,

Wesley J. Hanson

STATE OF PENNSYLVANIA

COUNTY OF CAMBRIA

SS:

Charles Hasson, being duly sworn according to law deposes and says that Hasson & Hasson are solicitors for the petitioners for said road in Jackson Township, Cambria County, Pennsylvania;

That they have been authorized by the petitioners to file exceptions to the report of Reviewers in the matter of the proposed road from the point on the William Penn Highway to a point on the brick road leading to Nanty-Glo in said Township;

That the matters hereinabove set forth are true and correct as he verily believes.

Sworn and Subscribed before me

this day of June, A. D. 1947

Jalean Jones
Clerk of the Court of Quarter
Sessions of Cambria County, Pa.

Charles Hasson

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA

No. 1 June Sessions, 1946

In re:

Proposed Public Road
in Jackson Township,
Cambria County,
Pennsylvania

PETITION FOR APPOINTMENT
OF REVIEWERS

DECREE

3/21/47

Filed 3/3/47

HARRY E. SIMMONS
Attorney at Law
614-615 U. S. Nat'l Bank Bldg.
Johnstown, Penna.

WHEREFORE, your petitioners pray your Honorable Court to appoint three (3) members of the Permanent Board of Viewers to review the ground proposed for said road, and to make report of their proceedings at the next term of Court.

And they will ever pray, etc.

James Case Mineral Point, Pa.
Dil Leidy Conemaugh Pa. R.D. 1.

Rhoda Leidy Conemaugh Pa. R.D. 1.
J. H. Cough Conemaugh R.D. 1.

George Kepple Mineral Point Pa.

Ruth Leidy Mineral Point Pa.

William Kepple Mineral Point Pa.

Catherine Kepple Mineral Point Pa.

George C. Leidy, Conemaugh, Pa. R.D. 1.

Joseph Letizia Conemaugh R.D. 1.

Stanton D. Allbaugh R.D. 1. Conemaugh

Martin Allbaugh R.D. 1. Conemaugh

Opal Allbaugh, R.D. 1. Conemaugh

Ella Allbaugh R.D. 1. Conemaugh

Pete Kelly Conemaugh R.D. 1.

Hal Kelly Conemaugh R.D. 1.

James E. Kelly Conemaugh R.D. 1.

Cora M Kelly Conemaugh Pa. R.D. 1.

John Allbaugh Conemaugh Pa.

Annice Allbaugh Conemaugh Pa.

Robert Bowman Conemaugh Pa.

Robert C. Brown Mantle Mo. R.D.#1

Flora Elliott 1818 Vine St Mantle Mo.

George Paul

Harvey C. Hunt

Chas Kelly

Elza Kelly

Virgil Fitz

Herman Fitz

Dorsey Cash

Beatrice Cash

Gordon Newling

Richard Newling

Homer Kaufman

Mrs Anna De Kaufman

Mrs Betty L Davis

Mr. Wayne Horner

Mrs Wayne Horner

E. L. Walk Conemaugh Pa. R. 1.

Eva L Walk Conemaugh Pa. R. 1.

John Bakos

Stanley Carter

Edwin King

Reuben Ross

Mary Ross

W. Burkhardt

Laura B. Burkhardt

Carl R. Getz

Joseph A. Getz

Grace Miller

Harriet Miller

Michael Vass

Caroline Vass

Mrs. Nellie M. Featers

Wahlon M. Featers

Mrs. Olen Thier

Mrs. Bert Dugan

Curtis L. Hunt

R. C. Dick

Theodore Mayer

Dwight Bowman

Bernadine A. Bowman

Elmas Smith
Lorne Wilson
Wm Cook.

George Warner
Joseph Churley
Clarence Leidy

Ralph L Rose
John S Tester

Wm J Shuman
Delore. Pagan

William L. Deetereck
Nels Deetereck

Waino F. Peterson
Albert Lehman

Francis E. Sey
Geo. Shuman

Daniel Kern
Paul Shuman

George Rietler
Charles Michaels
Warren J Smith
Neal Pined

State of Pennsylvania |
County of Cambria | : SS:

Before me, the undersigned authority, personally appeared the within named JOHN SHUMAN, who, being duly sworn according to law, deposes and says that he is a citizen, property owner, and one of the supervisors of Jackson Township, Cambria County, Pennsylvania, and as such is authorized to and does make this affidavit; that the statements set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

John Shuman

Sworn and subscribed to before me this 1 day of March A.D. 1947.

S. C. Cunningham
Notary Public

My commission expires: S. C. CUNNINGHAM
JUSTICE OF THE PEACE
COMMISSION EXPIRES JAN. 1, 1952

DE C R E E

AND NOW, this 3rd day of March A. D. 1947, the foregoing petition having been read and considered, it is ordered that Wm J. McGrain, Louis E. Keyler and Robert G. Mayer members of the Board of Viewers of Cambria County, be and hereby are appointed to review the said road and parts adjacent thereto, and to make report of their proceedings to the next Court of Quarter Sessions, to be held for the said County, stating particularly whether they judge the same necessary for a public road.

BY THE COURT:

McKenrick J.

Now April 23 1947 it appearing to the Court that Louis E. Keyler one of the Viewers is incapacitated and unable to serve, H. Jencks is substituted as one of said Board of Reviewers. It is directed that any notices heretofore given be revoked and the Reviewers are directed to give proper legal notice of the proceedings de novo.
By the Court: McKenrick Judge

Not microfilmed
RO# 2 June 1946
map #3

J. J. Hill

Now March, 10-1948 it appearing that the Road as laid out by the Viewers was found to be necessary but a part of the road was not to be opened until some future time and the Reviewers confirmed the recommendation of the Viewers and the Court recommended the Review to the Board of Reviewers for supplemental report and the Reviewers by supplemental report herein recommended the laying out and opening of the proposed road in its entirety. The Supplemental Report is now confirmed and the width of the Road fixed at 40 feet. By the Court W. H. Knaack, Judge.

IN RE:
PROPOSED ROAD IN JACKSON
TOWNSHIP, CALBERTA COUNTY, PA.

June
NO. 1 ~~JANUARY~~ SESSIONS, 1946
OPINION AND DECREE BY COURT
RECOMMENDING REPORT OF REVIEWERS
TO SAID REVIEWERS.

Filed 10-9-47

map 5

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE:

PROPOSED ROAD IN
JACKSON TOWNSHIP,
CAMBRIA COUNTY, PA.

NO. 1 DECEMBER SESSIONS 1947

OPINION AND DECREE BY COURT RECOMMITTING
REPORT OF REVIEWERS TO SAID REVIEWERS.

D E C R E E

AND NOW, September 17, 1947, the order heretofore made, dated August 19th, 1947, recommitting the within matter to the reviewers with direction to file a supplemental report within thirty days from that date is hereby modified so that the reviewers are directed to file such supplemental report within thirty days from the date of this order.

On the 17th day of September the Honorable Court appointed W. J. McGrain, S.H. Jencks, and Robert G. Mayer to file a supplemental report within thirty days.

We approve the report of the 17th day of June, 1946 that was made by Mahlon Baumgardner, W. J. McGrain, and E. F. Dunnegan. We approve a right of way of 40 feet with no property damage.

We recommend to build from Route #437 to Route # 22, known as William Penn Highway, termini of the said road being in the Township of Jackson, Cambria County, Pennsylvania.

We held a hearing on October 4 in #4 Courtroom and approved the building of said road from Route No. 437 at a point located 1522 feet West of the Nanty-Glo Borough Line and ending at Pennsylvania State Highway, Route No. 22, said point being located 2130 feet from the Township Route # 428 and 4238 feet Westward from Mundys Corner, Pennsylvania.

VIEWERS:

W. J. McGrain
S. H. Jencks
Robert G. Mayer

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA.
NUMBER 1- ~~SEPTEMBER~~ SESS. 1946.

June

2525

IN RE: PROPOSED ROAD IN
JACKSON TOWNSHIP, CAMBRIA
COUNTY, PENNA.

REPORT OF VIEWERS

*met Nov 17-8 1945, Exceptions
denied.*

*By the Court
Maurice J
McKerrie
Jaffer*

9/4/46

Filed 9/4/46

New Sept 9-1946 Report
approved nisi -

By the Court
Merrick
Judge

sw

In Re; Proposed Public Road in
Jackson Township, Cambria County,
Pennsylvania.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

No. 1 June Sessions, 1946

Enter my appearance for the petitioners.

mcp#k

January 29, 1947

..... *Charles Gibbs Hasson*
Charles Gibbs Hasson

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
Number 1 ~~September~~ Sessions, 1946.

June

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above named Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route Number 427 at a point located 1522 feet West of Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route Number 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route Number 428 and 4238 feet westward from Mundys Corner where Route Number ~~41030~~ intersects said Route Number 22 herewith submit the following REPORT.

Pursuant to the receipt of the said Order to View notices were posted along the proposed route of road as prayed for by placing them at conspicuous places along said route and at the proposed termini setting forth Tuesday July 23 1946 at 10 o'clock Eastern Daylight Savings time and the place of Beginning set forth in the petition as the time and place for the view together with copies of Notices of View and acceptances of Service of same upon H. F. Dorr, Chief Clerk to the Commissioners of Cambria County and upon Charles Hasson, Attorney for Petitioners and the mailing of a copy of same to Dorsey Bash, Secretary to the Board of Supervisors, Conemaugh R#1 acceptance of same not having been forwarded to the Board. Copies of Acceptance of services of H. Frank Dorr and Charles Hasson are hereto attached and made a part of this report and said parties acknowledged receipt of copy of same.

Pursuant to said notices to View the Members of the Board of Viewers, Mahlon Baumgardner, E. F. Dunnegan and William J. McGrain appeared at the place set forth in said notices and proceeded with the duties of their appointment. Said Viewers having been duly qualified as such as will more fully and at large ap-

pear on the Records filed in said Court. There were present at the view a large number of persons interested in said road together with John Shuman, Esq., a member of the Board of Supervisors of Jackson Township. The viewers went over the route of the proposed road having due regard to the shortest distance involved in the laying out of said road and the best ground for such a road and the least damages if any sustained by the property owners affected by the laying out of same. While the members of the Board of Supervisors were notified through their secretary and only one member of the Board of Supervisors being present and not all of the parties interested in said road could be present because of their respective work it was mutually agreed upon by the Viewers, John Shuman, Supervisors and members and signers of the petition that a public hearing be held in the matter. It was therefore agreed by consent of all parties at the hearing be held in the Mundys Corner Election House in Jackson Township and Saturday August 3, 1946 at 10 o'clock Eastern Daylight Savings time was fixed as the time.

In accordance to the continuance above agreed to all of the Viewers were present together with Harry E. Simmons, Esq., Solicitor for the Supervisors of Jackson Township together with John Shuman, Harry A. Leidy and Ira M. Good all of the Supervisors and several witnesses and the Petitioners were represented by Charles Hasson, Esq and about twenty witnesses. A full and informal hearing was engaged in in which the Petitioners through their Attorney called eight witnesses in behalf of the petitioners who all testified as to the great inconvenience they labor under because of the lack of a public highway and the remaining twelve witnesses not called upon when asked by a member of the board of viewers if they labored under a great inconvenience because of the lack of said road all stated that they did. Witnesses for the Petitioner were cross-examined by Counsel for the Supervisors. Harry Simmons, Esq, called the members of the Supervisors and Theodore Hunt all of whom testified that they did not think that the road was necessary yet admitted that those persons living at the or near the termini needed a public road. The Supervisors insisted that the Township of Jackson did not have the funds

to build a highway for the petitioners and that if said road was granted other citizens residing in the Township would file similar petitions and further said Supervisors were free to admit from their Solicitor when questioned that the rate of tax for road purposes was six mills. While the above facts have no bearing in the proceedings as to their merits the testimony was admitted for it was an informal hearing and the rules of evidences not strictly adhered to. After a lengthy hearing and all parties heard the hearing was adjourned.

The Members of the Board of Viewers after the adjournment of the hearing hereinabove referred to met and were of the unanimous opinion that the necessity for the road prayed for was apparent and that the petitioners and others labored great inconvenience for the want of a public highway and therefore proceeded to have proposed road surveyed for that purpose. There being no Civil Engineer appointed in said view the viewers agreed to engage John L. Elder an registered Civil Engineer to make survey. The Surveyor being consulted it was agreed that Saturday August 17 the time to make said survey. On said day as agreed upon Mahlon Baumgardner, Ed. F. Dunnegan and William J. McGrain met with John L. Elder Civil Engineer and proceeded with their respective duties. Said viewers were met by several of the petitioners and the viewers with John L. Elder made survey having due regard for the shortest distance feasible, the best grades as to elevation etc , etc. beginning at the place of beginning mentioned in the petition.

We therefore assisted in the making of said survey according to the following courses and distances: BEGINNING at a point fifteen hundred twenty two (2522) feet distance from the line of the Boorugh of Nanty Glo- thence from said point South eighty-five (85°) degrees five (5') minutes West a distance of One hundred seventy-nine (179) feet to a point; thence South sixty-eight (68°) degrees forty-five (45') minutes West two hundred thirty-nine (239) feet to a point; thence South fifty-seven (57°) degrees thirty (30') minutes West five hundred ninety-one (591) feet to a point; thence South fifty-seven (57°) degrees forty-five (45') minutes West three hundred nineteen (319) feet to a point; thence South twelve (12°) degrees

fifty-six (56') minutes a distance of six hundred eighty (680) feet to a point; thence South twenty-seven (27°) degrees ten (10') minutes West nine hundred forty-four (944) feet to a point; thence South fifty-one (51°) degrees five (5') minutes West a distance of six hundred eighty-eight (688) feet to a point; thence South seventy-four (74) degrees twenty-five (25') minutes a distance of eight hundred seventy-nine (879) feet to a point; thence South sixty-one (61°) degrees fifty (50') minutes west two hundred twenty-five (225) feet to a point; thence South forty (40°) degrees twenty-five (25') minutes a distance of two hundred seventy-nine (279) feet to the William Penn Highway otherwise known as Route number 22 said point of intersection being located 2130 feet eastward from the Township Route Number 428 and 4238 feet westward from Mundys Corner where Route No. 11030 intersects intersects the place of ending.

The said highway intersects and crosses the following real estate owners to wit: Loraine Coal Company; William Packer; T. W. Kerr; Lester Edwards, Peter Savoniak; William C. Snyder; Patrick Maderia and Joseph Deola as shown on the draft hereto attached and made a part of this report. The Viewers having due regards to the damages and benefits that accrue from the laying out of the said road assess no damages to the Loraine Coal Company, William Packer, T. W. Kerr, Lester Edwards, Peter Savoniak, William C. Snyder, Patrick Maderia and Joseph Deola as the benefit derived from the said road when opened will exceed any damages that may accrue in favor of the land owners. The length of the road thus surveyed is five thousand and twenty-three (5023) feet.

WE THEREFORE LAY OUT FOR PUBLIC USE A PUBLIC ROAD OR HIGHWAY having the following courses and distances to wit: BEGINNING at a point fifteen hundred and twenty-two (1522) feet west of the Borough line of "Anty-Glo on Route Number 437 thence from said point South eighty-five (85°) degrees five (5') minutes West one hundred seventy-nine (179) feet to a point; thence South sixty-eight (68°) degrees forty-five (45') minutes West a distance of two hundred thirty-nine (239) feet to a point; thence South fifteen (15°) degrees thirty (30') minutes West a distance of five hundred ninety-one (591) feet to a point; thence South fifty-seven (57°) degrees forty-five (45') West a distance of three hundred nineteen feet to a point; thence South twelve (12°) degrees fifty-six (56') minutes West six hundred eighty (680) feet to a point;

thence twenty-seven (27°) degrees 10 (10') minutes south and west a distance of nine hundred forty-four (944) feet to a point; thence South fifty-one (51°) degrees five (5') minutes West a distance of six hundred and eighty-eight (688) feet to a point; thence South seventy-four (74°) degrees twenty-five (25') minutes West a distance of eight hundred and seventy nine (879) feet to a point; thence South sixty-one (61°) degrees fifty (50') minutes West two hundred twenty-five (225) feet to a point; thence South forty (40) degrees twenty-five (25') minutes West a distance of two hundred seventy-nine (279) feet to the intersection of the William Penn Highway also known as Route Number 22 said point of intersection being located 2130 feet eastward from the Township Route #428 and 4238 feet westward from Munday's corner .

All of which is shown on a blue print hereto attached and made a part of this report.

IN WITNESS WHEREOF we have hereunto set our hands and seals this second day of ^September A. D. 1946.

Maxson Baumgardner

E. F. Deane

W. J. McPherson
Viewers.

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania
Number 1 September Sessions 1946

CAMBRIA COUNTY INDEBTED TO MAHLON BAUMGARDNER, E. F. DUNNEGAN AND WILLIAM
J. McGRAIN, Viewers in above
Proceedings.

Mahlon Baumgardner:

July 8-	Data and preparing notices to view and obtaining acceptances	\$12.00
" 9-	Posting notices along route of proposed highway and termini	12.00
" "	Mileage posting said notices	1.90
" 23-	Making View	12.00
" "	Mileage making view	1.90
" 27-	Taking testimony at hearing Mundys Corner	12.00
" "	Mileage taking testimony	1.40
Aug 17-	Making survey of proposed road	12.00
" "	Mileage making survey	1.90
Sep 1-	Preparing Report of Viewers	12.00
	TOTAL	<u>78.80</u>

OCT 9 1946 CERTIFIED

E. F. Dunnegan:

July 23	Making View	12.00
" "	Mileage making view	3.50
" 27-	Taking testimony at hearing Mundys Corner	12.00
" "	Mileage taking testimony	2.40
Aug 17-	Making survey of proposed road	12.00
" "	Mileage making survey	3.50
		<u>45.40</u>

OCT 9 1946 CERTIFIED

William J. McGrain:

July 23-	Making View	12.00
" "	Mileage making view	3.50
" 27-	Taking testimony at hearing Mundys Corner	12.00
" "	Mileage taking testimony	2.40
Aug 17-	Making survey of proposed road	12.00
" "	Mileage making survey	3.50
		<u>45.40</u>

John L. Elder, Civil Engineer and Surveyor in above proceedings
attached in sum of

25.00

OCT 9 1946 CERTIFIED

JOHN L. ELDER
REGISTERED ENGINEER
EBENSBURG, PA.

Aug. 29, 1946

County of Cambria

To

John Elder, D.V.

Making survey of Road View in
Jackson Township, also map and
3 blue prints, including expenses \$25⁰⁰

COPY COUNTY COMMISSIONERS

In Re; Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania
No. 1- Sept. Sessions 1946

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above Court to view for the purpose of surveying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1532 feet West of Anty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 3130 feet Eastward from the Township Route No. 428 and 4238 Westward from Maddy's Corner where Route No. 11030 intersects said Route No. 22 will meet at the place of BEGINNING on the 23d day of July/¹⁹⁴⁶ at 10 o'clock A. M. Eastern Day Light Savings Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

PHILTON J. B. USGARDNER

E. F. BURMEGAN

W. J. McGRATH

July 8, 1946

Viewers.

*Accepted Service
7/19/46
H. F. Dow
Clerk*

AND NOW July, 1946 I hereby accept service of the above Notice to View as Chief Clerk to the Commissioners of Cambria County and acknowledge the Receipt of a Copy of the same.

Chief Clerk

In Re; Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania
No. 1- Sept. Sessions 1946

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 437 at a point located 1522 feet West of Anty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428 and 4238 Westward from Mundys Corner where Route No. 11030 intersects said Route No. 22 will meet at the place of BEGINNING on the 23d day of July/at 10-o'clock A. M. Eastern Day Light Savings Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

MAHLON J. BAUMGARDNER

E. F. DUNNEGAN

W. J. McGRAIN

July 8, 1946

Viewers.

Attorney Charles Hasson.

In Re: Proposed Public Road
in Jackson Township, Cambria
County, Pennsylvania.

In the Court of quarter Sessions
of Cambria County, Pennsylvania.
No. 1 ~~Sept.~~ ^{March} Sessions 1946.
1947

15 copies

of a Review from No. 1 Sept Sessions 1946

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above named Court to view for the purpose of supplying a public road in the Township of Jackson, Cambria County, Pennsylvania beginning on Township Route No. 427 at a point located 1522 feet West of Anty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428 and 4298 feet Westward from Mundy's Corner where Route No. 11030 intersects said Route No. 22 will meet at the place of BEGINNING on the ³ day of July 1946 at 10 o'clock A. M. Eastern Day Light Savings Time for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

~~HAMILTON S. B. O'NEILL~~

~~E. J. DUNEGAN~~

~~W. J. McGRAIN~~

*W. J. McGrain
L. E. Rayless
Robert M. ...*

Viewers

~~July 8, 1946~~

AND NOW the 9th day of ^{Apr. 2} July 1946 I hereby accept service of the within Notice to View as Attorney for the Petitioners and acknowledge to have received a copy of the same.

Charles Hasson
Attorney for Petitioners.

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 17th day of June A. D. 1946, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Jackson, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to ~~XXXXXX~~

begin on Township Route No. 437 at a point located 1522 feet West of the Nanty-Glo Borough Line and ending at Pennsylvania State Highway Route No. 22 known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428 and 4238 feet Westward from Mundys Corner where Route No. 11030 intersects said Route No. 22, as shown on the blue prints attached to the petition.

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

Mahlon E. Baumgardner, S. H. Jencks, ~~XXXXXX~~ and

E. F. Dunnegan

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.

McCANN, P. J.

Attest:

J. Dean Joy
J. DEAN JOY

Clerk.

NC
and re
deavor
for da
where
tained,
and re
sessed

shall be the duty of all persons appointed in the several counties of this Commonwealth to view public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor from the person or persons over whose land such location may be made releases, to engage all claims at might arise from the opening of such road or the building of such bridge; and in every case where the viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, their duty to assess the damages and make report thereof signed by a majority of their number, shall 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."

79 NC
NO. 1
September Sessions, 1916

Order to view Proposed Public

Road--Jackson Township

Viewers

Mahlon E. Baumgardner

S. H. Jencks

E. F. Dinneegan

Clerk 90 cts.



William Penn Highway
 To Route 11030-4239 ← → To Route 418-2130
 Route 22

Patrick Maderia

Joseph Leola

Wm. C. Snyder

Peter Saramick

Lester Edwards

T. W. Kerr

T. W. Kerr

William Packer

Lorraine Coal Co.

Lorraine Coal Co.

Mahlon Baumgardner

Ud. Kason Township, Cambria Co. Pa.

Laid out in pursuance of an order to view

No. 1 June Sessions of Cambria County, Pa. 1946

E. F. DUNEGAN

William J. McGRAIN

Viewers

Surveyed Aug. 17, 1946

John L. Elder

Reg. Engr.

Township of Borough Line 1522
 Route 437

PLAN OF
 Proposed Public Road in



Not Microfilmed

RD# 2 June 1946
map# 2

Not Microfilmed

RD # 2 June 1946

Map # 6

William Penn Highway
 To Route 11030-4258 A
 Route 212
 To Route 418-2130

Patrick Maderna

Jeseph. Leola

Wm. C. Snyder

Peter Savarinik

Lester Edwards

T. W. Kerr

T. W. Kerr

William Pucker

Lorraine Coa Co.

Lorraine Coal Co.

PLAN OF
 Proposed Public Road in
 Jackson Township, Cambria Co., Pa.

Land-out-in-pur-uance of an Order to View
 No. 1 of the Sessions of Cambria County, Pa. 1946

Mahlon Baumgardner

E. F. Cunejorn

William J. McGrain

Viewers

Surveyed Aug. 17, 1946

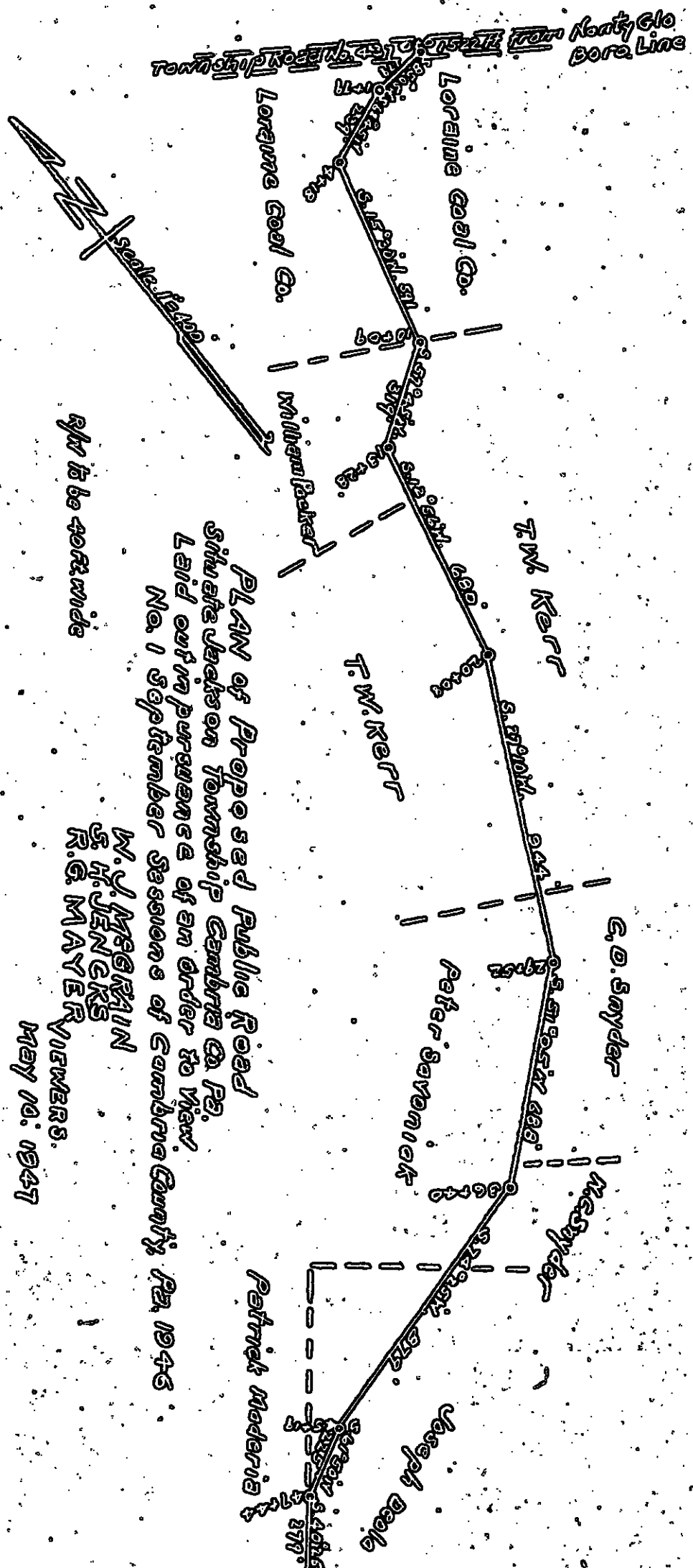
John L. Elder
 Resy. Engr.

To North 610 Barren Hill 1511
 No. 111-437

Nat. Microfilm

RO# 2 June 1946

Map #5



Township No. 42 N. Range No. 10 W. from Monty Glo Bore Line

40 ft to be 40 ft wide

PLAN of Proposed Public Road
 Situate Jackson Township Cambria Co. Pa.
 Laid out in pursuance of an order to Warrant
 No. 1 September Sessions of Cambria County, Pa. 1946

W. J. MEEHAN
 S. H. JENCKES
 R. G. MAYER
 VIEWERS.
 May 10, 1947

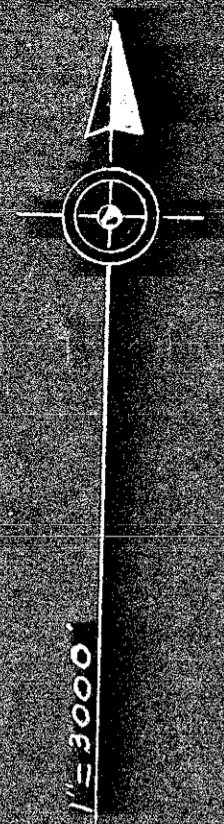
William Penn U.S. Route No. 22
 ← TO Route 428 = 2130 FT → TO Route No. 11030 = 4268 FT →
 ← CHICKORY MUNDAYS COR →

Rat Microfilmed

#

R.D 2 June 1946

map #1



LOWER YODER TOWNSHIP
CROYLE RIVER

WEST TAYLOR TOWNSHIP

MIDDLE TAYLOR TOWNSHIP

EAST TAYLOR TOWNSHIP

CROYLE

INDIANA

COUNTY

BLACKLICK TOWNSHIP

VINTONDALE BORO.

BLACKLICK

TOWNSHIP

NANTY GLO BORO.

Blacklick Creek

TOWNSHIP

Chickory

Mundy's Corner

JACKSON TOWNSHIP

CAMERIA

Vinco

TOWNSHIP

Rat Microfilm

RD#2 June 1946

Map#4

William Penn Highway
To Route 11030-4238
To Route 428-2130

Patrick Maderia

612
S 61° 50' W 5.40' 25 M

Joseph Deola

618
S 74° 25' W 8.75 M

Wm. C. Snyder

889
S 51° 05' W 15.5 M

Lester Edwards

944
S 27° 10' W 9.44 M

N 200'

T. W. Kerr

T. W. Kerr

William Packer

889
S 95° 21' W 11.56 M

612
S 57° 45' W 10.57 M

165
S 15° 30' W 10.65 M

Lorraine Coal Co.

922
S 57° 05' W 11.90 M

Route 431

To North 610 Borough Line 1522

PLAN OF
Proposed Public Road in
Jackson Township, Cambria Co., Pa.
Laid out in pursuance of an order to View
No. 1 ⁹⁴⁴ Sessions of Cambria County, Pa. 1946

Mahlon Baumgardner
E. F. Dunegan
William J. Mc Grain
Viewers

Surveyed Aug 17, 1946
John L. Elder
Reg. Engr.