

No. 10 June Sessions, 1929

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

IN RE PETITION OF INHABITANTS
OF TOWNSHIP OF CONEMAUGH
TO OPEN PUBLIC ROAD

Filed: 21 May 1930

PETITION FOR RULE TO SHOW

CAUSE

Upon inquiry of two
Members of the Board of
Review who acted in
this proceeding it appears
that the general public
were purchasing and receiving
coal at the tipple at
which the road ends that
there was a store and
School ^{PHYSICIAN} ~~PHYSICIAN~~ in the
immediate vicinity of
the terminus of the road
we are of the opinion that
the rule asked for should

with the grant of this - a decree should be
entered in favor of the same, complying with the
Bill of the Rules of Court of Cambria County
By the Court
Crawford

IN RE PETITION OF INHABITANTS
OF TOWNSHIP OF CONEMAUGH TO
OPEN PUBLIC ROAD

In the Court of Quarter Sessions
of
Cambria County, Pa.
No. 10 June Sessions, 1929

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the Supervisors of the Township of Conemaugh, Cambria County, Pa., respectfully represent:

That on the Fifth day of August, A. D. 1929, a petition of divers inhabitants of the Township of Conemaugh, said county, was presented to your Honorable Court setting forth that petitioners labor under great inconvenience for want of a public road or highway, beginning at a point on the township road leading from Mineral Point to Lamb's Bridge, at the left wing wall of the sub-way under the main line tracks of the Pennsylvania Railroad, which is situate about seven hundred (700) feet Southwest from the intersection of said road with the brick road from Wesley Chapel to Mineral Point, and extending in a Westerly direction approximately five thousand seven hundred and fifty (5750) feet to the mines of the Mineral Point Coal Company; and praying that viewers be appointed for the purpose of opening and laying out the said road above described.

That on the Fourth day of September, 1929, Philip E. Cauffield, A. M. Shumaker and Mahlon J. Baumgardner, Viewers appointed by your Honorable Court, to view the above described real estate for the purpose of laying out a public road, filed their report in which it was stated that it was the opinion of the Viewers that a public road described in their report was necessary and authorizing the laying out of a road in accordance with draft accompanying the Report. The road laid out and returned for public use as a public road is bounded and described as follows: -

BEGINNING at a point on the Township Road leading from Mineral Point to Lamb's Bridge, designated on the blue print or draft by the letter "A"; thence North 78° 10' West 841 feet; thence North 81° West 725 feet; thence South 82° 5' West 283.2 feet; thence South 87° 35' West 260 feet; thence North 75° 45' West 206.7 feet; thence North 70° 20' West 606.8 feet; thence North 75° West 214 feet; thence North 85° 30' West 415.2 feet; thence South 83° West 635 feet; thence curving to the left with a radius of 468.2 feet for a distance of 294.6 feet to the point indicated in said draft by the letter "B"; thence South 41° 15' West 206.4 feet; thence South 25° West 340 feet; thence South 14° 15' West 787 feet to the terminus at point "C". The distance between the points "A" and "B" being 4,474.4 feet and the distance between the points "B" and "C" being 1,333.4 feet.

That Rule 311 of the joint rules of the Courts of Common Pleas, Oyer and Terminer and Quarter Sessions of Cambria County, Pa., reads as follows:-

"Rule 311. In all cases where one of the termini of a proposed township road is fixed in the viewers' report at a point other than a public highway or place of public resort, such report shall be endorsed with an order to be signed by the Court either confirming or setting aside the finding of the viewers that the road is necessary for public travel."

That one of the termini of the proposed road which is designated as Point "C", as fixed in the Viewers' Report, is located at a point other than a public highway or place of public resort.

That the Viewers' Report is endorsed as follows: -

"9 Sept. 1929, Approved and breadth fixed at 40 feet.

By the Court,
Evans, P. J.

9 Dec. 1929, Confirmed absolutely.

Frank C. Robb, Clerk."

That the proceedings entered to the above number and term are void for the reason that there is no order signed by the Court confirming the findings of the Viewers that the road is necessary for public travel in accordance with Rule 311 of the joint rules of the Court above referred to.

WHEREFORE your petitioner prays that a rule be granted to show cause why the above stated order should not be set aside.

Otto Sempf

CAMBRIA COUNTY, SS:

Otto Sempf being duly sworn according to law, deposes and says that he is one of the Supervisors, of the Conemaugh Township, and that the matters set forth in the above and foregoing petition are true and correct, to the best of his knowledge and belief.

Otto Sempf

Sworn and subscribed to before
me this 10th day of May, 1930.

Helew Neising

Notary Public

My commission expires

Mar. 7 - 1931

O R D E R

NOW the _____ day of May, A. D. 1930, the
within petition having been presented and read, it is hereby
ordered that a rule be granted to show cause why the within
proceedings should not be set aside.

BY THE COURT

And now May, 13th 1930 the attention of the Court having been called to the fact that a decree be required by Rule 311 of the Rules of Court of Cambria County, and upon inquiry of two members of the Board of Review acting in this proceeding, Mr. Baumgardner and Mr. Shremaker, it appearing that the tuffe, the terminus of the road in question, serves the general public with a coal; that there is a store and a school house in the immediate vicinity as well as twenty two houses, all occupying, we enter the following decree *in rem* pro tunc, to wit,

And now May 13, 1930 after due consideration it is ordered and decreed that the report of the Reviewers showing that the road in question is necessary for public travel is confirmed and ratified as of the 9th day of September 1929. By the Court
Eranos P. J.

<p>No 10 James Decisions 1929. In the Court of Quarter Sessions of Cambria County, Pennsylvania</p>	<p>Order to View Road in Pennsylvania Twp., Cambria Co., Pa. by Report of Reviewers.</p>			<p>Filed 4 Sept. 1929</p>	<p>CERTIFICATE</p>	<p><i>MAHLON J. BAUMGARDNER</i> Attorney at Law JOHNSTOWN, PENNA. SWANK BLDG.</p>	
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9 Sept. 1929 Approved and tuffe fixed at forty feet.

By the Court
Eranos P. J.

9 Dec. 1929 confirmed absolute

Frank G. Hoff, Clerk

IN RE ROAD LEADING FROM MINERAL
POINT TO LAMB'S BRIDGE, AT SUB-
WAY UNDER MAIN LINE OF PENNSYL-
VANIA RAILROAD, AND EXTENDING
WEST 5750 FEET TO MINERAL POINT
COAL CO., IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 10 JUNE SESSIONS, 1929.

REPORT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned Viewers, appointed by the above Court to view said premises for the purpose of laying out a Public Road in the Township of Conemaugh, Cambria County, Pennsylvania, leading from a point on the Township Road leading from Mineral Point to Lamb's Bridge, at the left wall of the sub-way under the main line tracks of the Pennsylvania Railroad, which is situate about 700 feet Southwest from the intersection of said road with the brick road from Wesley Chapel to Mineral Point, and extending in a Westerly direction approximately 5750 feet to the mines of the Mineral Point Coal Company, respectfully report:-

That we were duly sworn or affirmed as members of the permanent Board of Viewers of Cambria County, as shown by the records of said Court; that we gave due public notice of the time and place of meeting of said Viewers by hand bills posted on the premises and by notice served on the Commissioners of Cambria County, upon Charles Evans, Esq., Attorney for Petitioners, and upon D. J. Shaffer, Secretary of the Board of Supervisors of Conemaugh Township, all of whom accepted service at least ten (10) days prior to the time of the making of said view, evidence of which is shown by the original notices hereto attached and made a part of this report; that we met upon the premises, according to the notice given, on Monday, August 26, A. D. 1929, at nine o'clock A. M., Eastern Standard Time, and proceeded with the duties of our appointment.




That we viewed the site and locality of the road proposed to be laid out, making a personal inspection of the grounds between the points designated in petition and order. There were present at said view the Supervisors of the Township of Conemaugh and a number of citizens interested in said proposed road. The Supervisors of Conemaugh Township requested that a hearing be had in the above matter, and pursuant to said request we adjourned to meet in the Judges' Chambers, 404 Swank Building, Johnstown, Cambria County, Pennsylvania, on Friday, August 30, 1929, at nine thirty o'clock A. M., Eastern Standard Time. All parties interested were notified of the time and place of said meeting, as well as counsel for the respective parties. Pursuant to adjournment had thereto, we met in the Judges' Chambers on Friday, August 30, 1929, at nine thirty-o'clock A. M., Eastern Standard Time, and heard all testimony offered, at which time there was present the Supervisors of Conemaugh Township and a number of citizens interested in the laying out of said road.

We are of the opinion that a Public Road between the points designated in our report is necessary, and that we authorize the laying out of a road according to the accompanying draft. We, therefore, laid out and return for public use a Public Road as follows:-

BEGINNING at a point on the Township Road leading from Mineral Point to Lamb's Bridge, designated on the blue print or draft by the letter "A"; thence North $78^{\circ} 10'$ West 841 feet; thence North 81° West 725 feet; thence South $82^{\circ} 5'$ West 283.2 feet; thence South $87^{\circ} 35'$ West 260 feet; thence North $75^{\circ} 45'$ West 206.7 feet; thence North $70^{\circ} 20'$ West 606.8 feet; thence North 75° West 214 feet; thence North $85^{\circ} 30'$ West 415.2 feet; thence South 83° West 335 feet; thence curving to the left with a radius of 468.2 feet for a distance of 224.6 feet to the point indicated in said draft by the letter "B"; thence South $41^{\circ} 15'$ West 206.4 feet; thence South 25° West 340 feet; thence South $14^{\circ} 15'$ West 787 feet to the termini at point "C". The distance between the points "A" and "B" being 4,474.4 feet and the distance between the points "B" and "C" being 1,333.4 feet.

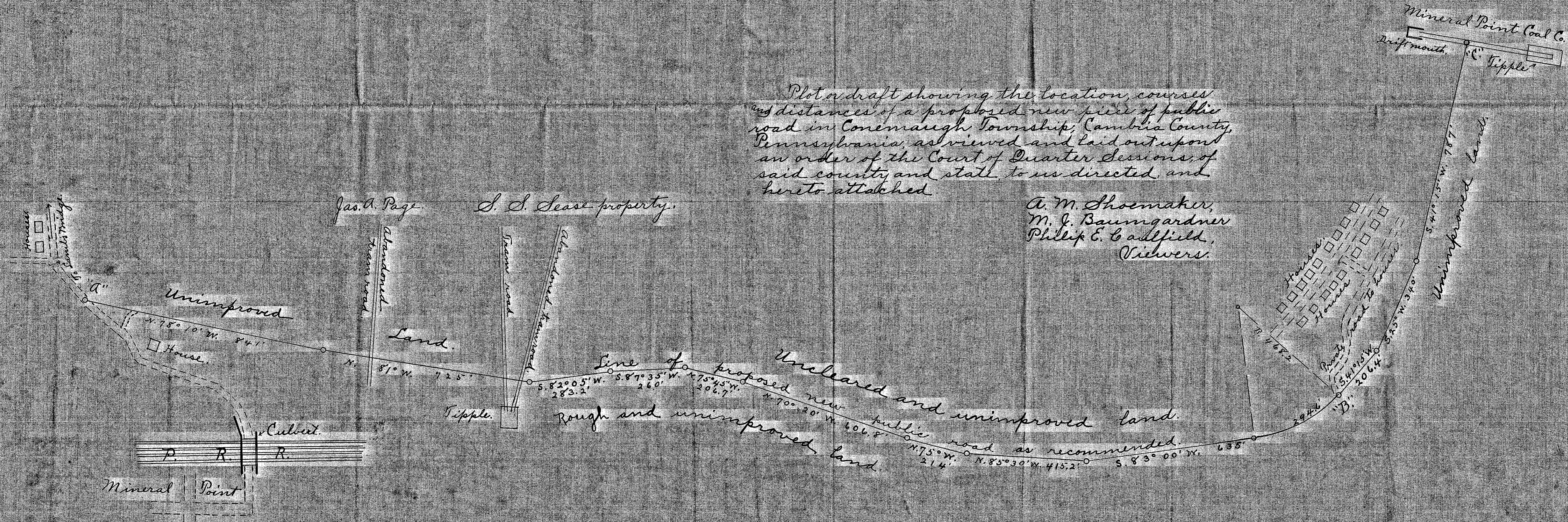
We further report that the benefits derived from the laying out and opening of said road is far in excess to any damages that may accrue to any of the property owners, and, therefore, we allow no damages to any property affected by the said laying out and opening of the road hereinabove described.

WITNESS our hands and seals this fourth day of September, A. D. 1929.

 (SEAL)
 (SEAL)
 (SEAL)

Plot or draft showing the location, courses and distances of a proposed new piece of public road in Conemaugh Township, Cambria County, Pennsylvania, as viewed and laid out upon an order of the Court of Quarter Sessions, of said county and state, to us directed, and hereto attached.

A. M. Shoemaker,
M. J. Baumgardner,
Philip E. Cadfield,
Viewers.



IN RE ROAD LEADING FROM MINERAL
POINT TO LAMB'S BRIDGE, AT SUB-
WAY UNDER MAIN LINE OF PENNSYL-
VANIA RAILROAD, AND EXTENDING
WEST 5750 FEET TO MINERAL POINT
COAL CO., IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 10 JUNE SESSIONS, 1929.

NOTICE TO VIEW.

We, the undersigned Viewers appointed by the above Court to view a public road or highway leading from Mineral Point to Lamb's Bridge, in the Township of Conemaugh, Cambria County, Pennsylvania, at the left wing wall of the sub-way under the main line tracks of the Pennsylvania Railroad Company, which is situate about 700 feet Southwest from the intersection of said road with the brick road from Wesley Chapel to Mineral Point, and extending in a Westerly direction approximately 5750 feet to the mines of the Mineral Point Coal Company, will meet at the intersection of a brick road leading from Wesley Chapel to Mineral Point on August 26, A. D. 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAULGARDNER,
A. E. SHOENAKER,
PHILIP CAULFIELD.
VIEWERS.

Dated August 12, 1929.

IN RE ROAD LEADING FROM MINERAL
POINT TO LAMB'S BRIDGE, AT SUB-
WAY UNDER MAIN LINE OF PENNSYL-
VANIA RAILROAD, AND EXTENDING
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MAHLON J. BAUMGARDNER,
A. M. SHOEMAKER,
PHILIP CAULFIELD.
Viewers.

Dated August 12, 1929.

AND NOW, this 12 day of August, A. D. 1929, I hereby accept service of the above Notice to View as Solicitor for the county Commissioners of Cambria County, Pennsylvania.

A. S. Jones
Solicitor for County Commissioners.

IN RE ROAD LEADING FROM MINERAL
POINT TO LAMB'S BRIDGE, AT SUB-
WAY UNDER MAIN LINE OF PENNSYL-
VANIA RAILROAD, AND EXTENDING
WEST 5750 FEET TO MINERAL POINT
COAL CO., IN CONEMAUGH TOWNSHIP,
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IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 10 JUNE SESSIONS, 1929.

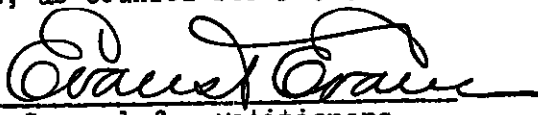
NOTICE TO VIEW.

We, the undersigned Viewers appointed by the above Court to view a public road or highway leading from Mineral Point to Lamb's Bridge, in the township of Conemaugh, Cambria County, Pennsylvania, at the left wing wall of the sub-way under the main line tracks of the Pennsylvania Railroad Company, which is situate about 700 feet Southwest from the intersection of said road with the brick road from Wesley Chapel to Mineral Point, and extending in a Westerly direction approximately 5750 feet to the mines of the Mineral Point Coal Company, will meet at the intersection of a brick road leading from Wesley Chapel to Mineral Point on August 26, A. D. 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,
A. M. SHOEMAKER,
PHILIP CAULFIELD.
VIEWERS.

Dated August 12, 1929.

AND NOW, this 12th day of August, A. D. 1929, I hereby accept service of the above Notice to View, as Counsel for Petitioners.


Ernest Crane
Counsel for Petitioners.

IN RE ROAD LEADING FROM MINERAL
POINT TO LAMB'S BRIDGE, AT SUB-
WAY UNDER MAIN LINE OF PENNSYL-
VANIA RAILROAD, AND EXTENDING
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NO. 10 JUNE SESSIONS, 1929.

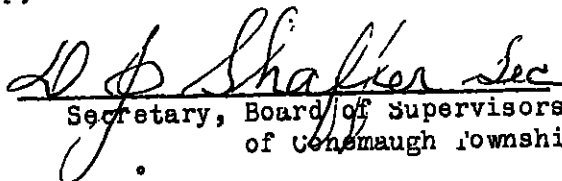
NOTICE TO VIEW.

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MAHLON J. BAUMGARDNER,
A. M. SHOEMAKER,
PHILIP CAULFIELD.
Viewers.

Dated August 12, 1929.

AND NOW, this 12 day of August, A. D. 1929, I hereby accept service of the above Notice to View, as Secretary of the Board of Supervisors of Conemaugh Township, Cambria County, Pennsylvania.


Secretary, Board of Supervisors
of Conemaugh Township.

IN RE ROAD LEADING FROM MINERAL POINT TO LAMB'S BRIDGE, AT SUBWAY UNDER MAIN LINE OF PENNSYLVANIA RAILROAD, AND EXTENDING WEST 5750 FEET TO MINERAL POINT COAL CO., IN CONEMAUGH TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 10 JUNE SESSIONS, 1929.

TO MAHLON J. BAUMGARDNER, PHILIP CAULFIELD
AND A. M. SHOEMAKER, DRS.

Mahlon J. Baumgardner, Dr.

Data and Preparing Notices to View	\$12.00	
Stenographer and stationery	3.50	
Checking record in Clerk of Court's Office re petition	12.00	
Obtaining Acceptance of Service re Notice to View	12.00	
Posting Notices	12.00	
Making View	12.00	
Mileage	2.50	
Taking Testimony	12.00	
Conference re testimony	12.00	
Preparing Report of Viewers	12.00	
Stenographer and stationery	3.50	\$105.50

Philip Caulfield, Dr.

Making View	\$12.00	
Mileage	2.50	
Taking Testimony	12.00	
Conference re taking testimony	12.00	\$ 38.50

A. M. Shoemaker, Dr.

Making View	\$12.00	
Milage	3.20	
Taking Testimony	12.00	
Milage (36 miles at 10 ¢ per mile)	3.60	
Conference re taking testimony	12.00	
Survey, plotting, drafting of 537 feet of road, help, blue prints, tracing both and transportation -	74.65	\$117.45

[Handwritten signatures and stamps]

CERTIFIED
[Signature]
COUNTY CONTROLLER

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 5th day of August A. D. 1929, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Conemaugh, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from a point on the township road leading from Mineral Point to Lamb's Bridge, at the left wing wall of the sub-way under the main line tracks of the Pennsylvania Railroad, which is situate about seven hundred (700) feet Southwest from the intersection of said road with the brick road from Wesley Chapel to Mineral Point, and extending in a Westerly direction approximately five thousand seven hundred and fifty (5750) feet to the mines of the Mineral Point Coal Company.

There are about twenty families living at the mines of the Mineral Point Coal Company, and about ten families at mines along the proposed route, as well as other families who have children of school age, but no public road on which they can travel to and from public schools, and, in addition, the above mentioned mines employ in excess of one hundred men on an average, who have no public highway on which to travel to and from work.

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

A. M. Shoemaker surveyor, and

M. J. Baumgardner and Philip N. Caulfield

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

Frank E. Roll, Clerk.

4. "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. 10, June, SESSIONS, 1929

Order to view road in Conemaugh

Township

Viewers

M. J. Baumgardner

A. M. Shoemaker

Philip E. Caulfield

Clerk 90 cts.

No. 10 June Sess., 1929.
In the Court of Quarter Sessions of Cambria Co., Pa.

Petition of citizens and residents of the Township of Conemaugh, County of Cambria and State of Pennsylvania, for appointment of Viewers to lay out a public road.

LED NOW, August 5, 1929,

M. J. Baumgardner
and *Philip V. Cauffut*
and *William*

are appointed Viewers, as within prayed for.

By the Court
Evans

Filed 5 August 1929.

LAW OFFICES
EVANS & EVANS
EBENSBURG, PA.

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

TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of the undersigned, residents and citizens of the Township of Conemaugh, in the said County of Cambria, respectfully represents:

That they labor under great inconvenience for want of a public road or highway, beginning at a point on the township road leading from Mineral Point to Lamb's Bridge, at the left wing wall of the sub-way under the main line tracks of the Pennsylvania Railroad, which is situate about seven hundred (700) feet Southwest from the intersection of said road with the brick road from Wesley Chapel to Mineral Point, and extending in a Westerly direction approximately five thousand seven hundred and fifty (5750) feet to the mines of the Mineral Point Coal Company.

That there are about twenty families living at the mines of the Mineral Point Coal Company, and about ten families at mines along the proposed route, as well as other families, who have children of school age, but no public road on which they can travel to and from public schools, and, in addition, the above mentioned mines employ in excess of one hundred men on an average, who have no public highway on which to travel to and from work.

Your petitioners, therefore, pray the Court to appoint Viewers to view the ground for such proposed route, and, if they see occasion, lay out the same and make report of their proceedings at the next Term of this Court.

And they will ever pray, &c.

Mineral Point Coals
Geo. J. Breunau Supt

Fred Schmidt

J. Breunau

Edith Schmidt

Mary Breunau

W. B. Berkebile

George Martos	Mineral Point Pa.
Nancy Martis	Mineral Point Pa.
Jake Lopez	Mineral Point Pa.
George Orick	Mineral Point Pa.
Sophie Orick	Mineral Point Pa.
Tony Balsic	Mineral Point Pa.
Climpina Franceschi	Mineral Point Pa.
Luigi Franceschi	Mineral Point Pa.
Fred Beroldi	Mineral Point Pa.
Mary Beroldi	Mineral Point Pa.
Ed. Brassat	Mineral Point Pa.
Tea Brassat	Mineral Point Pa.
Stefan Sliss	Mineral Point Pa.
C. M. Reed	Mineral Point Pa.
Mrs C. M. Reed	Mineral Point Pa.
Andy Seitka	Mineral Point Pa.
Seitka Seitka	Mineral Point Pa.
Clayton Bowers	Mineral Point Pa.
Mrs Clayton Bowers	Mineral Point Pa.
John Hagerich	Mineral Point Pa.
The Rybau Cannell Co Paul Rybau	Johnstown Pa.
Geo. J. Bowers	Johnstown Pa.

Abraha McElhite

Harold Hajj

Andrew Anderson

Eliza Berkibil

William Schmidt

Karl Schmidt

Julia Harsan

Aster Harsan

Jota Kotlic

J R Wilson

A M Anderson

Louis Coggole

Stephan Hajj

Meri Hajj

Phillip Pruenal

Pauline Pruenal

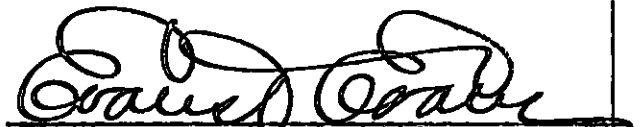
Mary Anderson

Jota Kotlic

TO THE COMMISSIONERS OF CAMBRIA COUNTY,
AND THE SUPERVISORS OF THE TOWNSHIP OF CONEMAUGH,
IN SAID COUNTY OF CAMBRIA.

GENTLEMEN:

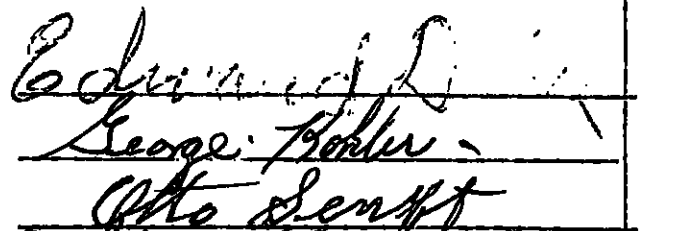
You are hereby notified that a petition will be presented to the Court of Quarter Sessions of the Peace of Cambria County, Pennsylvania, on Monday, the 5th day of August, A. D., 1929, asking for the appointment of Viewers to lay out a public road or highway, BEGINNING at a point on the township road leading from Mineral Point to Lamb's Bridge, at the left wing wall of the subway under the main line tracks of the Pennsylvania Railroad, which is situate about 700 feet Southwest from the intersection of said road with the brick road from Wesley Chapel to Mineral Point, and extending in a Westerly direction approximately 5750 feet to the mines of the Mineral Point Coal Company, in said Township of Conemaugh.


Attorneys for Petitioners.

June _____, 1929, I hereby accept service of the above notice for the Commissioners of Cambria County.


Chief Clerk.

June _____, 1929, we hereby accept service of the above notice.


Supervisors of Conemaugh Township.