

REPORT OF VIEWERS.

To the Honorable, the Judges of the Court of Quarter Sessions
of Cambria County, Pennsylvania.

We, the undersigned members of the permanent board of viewers of Cambria County, appointed by your honorable Court upon the attached order and therein directed to view and determine as to the propriety of vacating a certain piece of public road in Summerhill Township, said county and state, between the termini set out in the above referred to order; respectfully report:

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of Cambria County and to the Supervisors of the Township of Summerhill, acceptances of which are hereto attached, and to the traveling public by printed hand bills posted in public and conspicuous places at and near the termini and along the route of the piece of road proposed to be vacated; and each having been first duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability: All of us met at the time and place appointed, in accord with the notices given and posted as aforesaid, and having gone over and carefully viewed the premises we are all of the opinion that the piece of road in question, between the termini specified on the attached order, should be vacated and cease to be a public road; we beg leave to suggest however that it be left as a private road for the accomodation of such as may desire to use it at their own risk.

The piece of road desired vacated, a plot or draft of which is hereto attached and made a part of this report, takes the following courses and distances, viz: Beginning where the piece of road sought to be vacated intersects with another public road which runs southward from the corner of Cambria, Lanster and Summerhill townships, through the township of Summerhill to said point of intersection, which is 1550 feet from where said road through Summerhill township intersects with the Plank Road from

Wilmore to Ebensburg, near the "Oil Well", and extending thence south 72° east 500 feet, north 78° east 300 feet, north 73° east 280 feet, north 49° east 826 feet, north 20° 30' east 373 feet, north 43° 25' east 316 feet, north 59° 20' east 453 feet, north 42° east 524 feet, north 69° 05' east 450 feet, north 47° 40' east 146 feet, north 28° 10' east 182 feet, north 59° 40' east 100 feet, north 86° 45' east 297 feet, north 72° 55' east 169 feet, north 47° 50' east 182 feet, east 299 feet, south 89° 50' east 257 feet, north 88° east 220 feet, north 75° 20' east 117 feet, north 26° east 279 feet, north 14° 50' west 227 feet, north 33° 45' west 419 feet, north 61° west 206 feet, north 72° west 561 feet, north 52° 30' west 277 feet, north 34° 05' west 363 feet, north 14° west 295 feet, north 10° east 400 feet, north 23° 10' east 270 feet, north 38° 45' east 243 feet, north 34° 25' east 278 feet, north 26° east 434 feet, north 15° east 407 feet, north 4° 50' west 111 feet, north 42° 45' east 86 feet, north 72° east 181 feet, north 40° 35' east 300 feet, north 34° 30' east 509 feet, north 41° 15' east 234 feet, north 27° east 539 feet, north 8° east 483 feet, north 00° 05' west 253 feet, north 28° west 232 feet, north 15° 30' west 443 feet, north 30° 10' west 261 feet, north 43° 05' west 208 feet, north 34° 30' west 388 feet, north 32° 45' west 242 feet and north 19° 50' west 133 feet to the point of ending at the Summerhill - Munster Township line.

The viewers find that the piece of road petitioned to be vacated is slightly more than three and one sixth of a mile long.

That the said piece of road at present is in a bad state of repair and in places is in a dangerous condition.

That to make the road of sufficient width for the accommodation of the traveling public would require widening same for a considerable distance.

That in order to properly protect the traveling public in the use of the road would require same to have guard rails in various places of a total length of approximately one and one half miles.

That in order to widen the road to the required width for a

public road, to install the proper necessary guard rails and to properly repair and maintain the road in proper condition for a public road would necessitate the expenditure of a large sum of money,

That at the present time the township of Summerhill is considerably in debt and could ill afford the expenditure.

The viewers are confident from their investigation that the traffic over the road either by those living along the same or by the traveling public generally is very little and by no means such as would warrant the proper repairs and upkeep necessary to maintain the road in the shape a public road should be kept.

That most of the traffic over the road at present is by persons who desire to visit the Summit Water Company's property merely as sight seers or to hunt or fish on the private lands of said Water Company who neither invite nor desire the public so to do, as is evidenced by trespass notices posted all over their property.

That the needs of those living along the piece of road in question would be well served by a private road.

Witness our hands this seventh day of May, A. D., 1930.

A. M. Shoemaker

J. D. Ritter

Adam Shuman

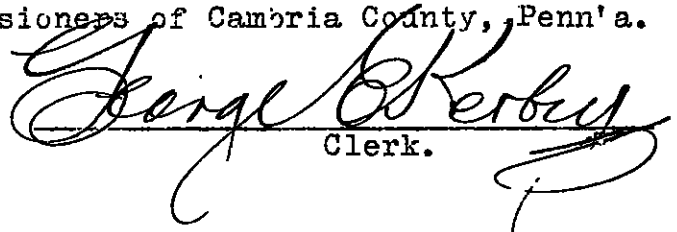
Viewers.

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa.: to view and determine as to the propriety of vacating a certain piece of public road in Summerhill Township, said county and state, Beginning where the piece of road sought to be vacated intersects with another public road which runs southward from the corner of Cambria, Munster and Summerhill townships, through the townships of Summerhill to said point of intersection, which said point is 1550 feet from where said road through Summerhill twp. intersects with the Plank Road from Wilmore to Ebensburg, near the "Oil Well", and ending where the piece of road sought to be vacated is intersected by the line dividing the townships of Summerhill and Munster, 1650 feet from the intersection of said road with the road which leads from Munster to Portage: will meet at the point of beginning, above mentioned, at 9:00 a. m., May 2nd., 1930, for the purpose of performing the duties of their appointment.

A. M. Shoemaker,
J. D. Ritter and
Adam Shuman,
Viewers.

Now, April 30th., 1930, service of the above notice is hereby accepted for the Commissioners of Cambria County, Penn'a.


Clerk.

NOTICE OF VIEW.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine as to the propriety of vacating a certain piece of public road in Summerhill Township, said county and state, beginning where the piece of road sought to be vacated intersects with another public road which runs southward from the corner of Cambria, Munster and Summerhill townships, through Summerhill township to said point of intersection, which said point is 1550 feet from where said road through Summerhill Township intersects with the Plank Road from Wilmore to Ebensburg, near the "oil well" and ending where the piece of road sought to be vacated is intersected by the line dividing the townships of Summerhill and Munster, 1650 feet from the intersection of said road with the road which leads from Munster to Portage; Will meet at the point of beginning, above indicated, at 9:00 a. m. May 2nd. 1930, for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman, Viewers.

Costs of View

Preparing, posting, serving notices of view and notifying viewers	\$2400
Stenographer & stationery	325
24 miles	240
Day on view	1200
24 miles	240
Hearing	1200
Consultations with Viewers	1200
To survey plotting drafting help & transportation	
3 mi. 886 ft. road	20792
Preparing, having signed assembling & filing report	2400
Stenographer & stationery	325
	\$30322

J. D. Ritter	
3 1/2 Days	\$4200
176 miles (3 trips) @ 10¢	1760
	\$5960

Adam Shuman	
3 1/2 Days	4200
158 mil (3 trips)	1580
	\$5780

6250
 3 1/2 mi

 20792

CERTIFIED
James L. ...
 COUNTY CONTROLLER

W. A. Bowler
J. J. ...

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 21st day of April A. D. 1920, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Summerhill, in the said County, setting forth that they labor under incon-

~~venience for want of a road of highway, to lead from~~
many years ago a public road was laid out and opened in said Township of Summerhill beginning at what is locally known as the "Oil Well" on the Plank Road leading from Wilmore to Ebensburg, and ending at the Township line dividing the Townships of Summerhill and Munster. That a portion of said public road has become useless, inconvenient and burdensome to the inhabitants of said Township by reason of the difficulty in keeping the same in proper repair for travel and particularly by reason of the fact that the public has ceased to use the same. That the portion of said public road which has become useless, inconvenient and burdensome is described as follows: The same begins where the road sought to be vacated intersects with another public road which runs from the corner of Cambria, Munster and Summerhill Townships in a southerly direction through Summerhill Township to said point of intersection where it joins with the road to be vacated, which said point of intersection is distant, measured along the public road formed by the intersection above mentioned, 1550 feet from the point where said last mentioned road intersects with the Plank Road from Wilmore to Ebensburg and the road to New Germany near what is known as the "Oil Well", and ends on the line between the Townships of Summerhill and Munster measured along the public road, of which that sought to be vacated is a part, a distance of 1650 feet from the intersection of said road with a public road which leads therefrom to the public road leading from Munster to Portage.

Your petitioners further represent that the record of the original case in this court whereby the public road above mentioned was laid out and directed to be opened for public use cannot be found, and therefrom your petitioners are unable to set forth in this petition a reference to the number and term of said original case or to the number and page of the docket containing the record thereof, as required by Rule 308 of the Rules of the Court.

and therefore praying the Court to appoint proper persons to ~~view and locate~~ ^{vacate} the same according to law. The Court, upon due consideration had of the premises, do order and appoint

A. M. Shoemaker, Esq. surveyor, and

Adam Shuman and J. D. Ritter

^{vacation}
viewers, to view the ground proposed for said ~~road~~ ^{vacation}, and if they ^{vacate} view the same, and shall agree that there is occasion for such ~~road~~ ^{vacation}, they shall proceed to ~~locate~~ ^{vacate} 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 L. Ruff, Clerk.

1150

NO. 6, March SESSIONS, 1930

Order to view and vacate road

in Summerhill Township

and
Report of Viewers

Filed 7 May 1930

A. M. Shoemaker, Esq.

Adam Shuman

J. D. Ritter

Viewers

Clerk

CERTIFIED

90 cts.

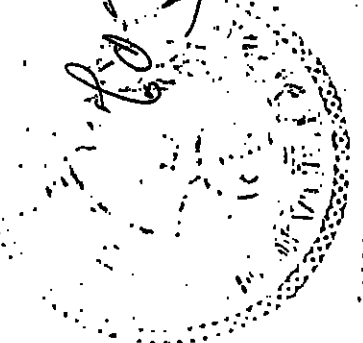
Accepted
COUNTY CONTROLLER

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 rivers and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

*2 June 1930 Approved by the Court
By the County Clerk*



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

Re: Vacation of Road in Summerhill Township.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned inhabitants of the Township of Summerhill, in the County of Cambria and State of Pennsylvania, respectfully represents:

That many years ago a public road was laid out and opened in said Township of Summerhill beginning at what is locally known as the "Oil Well" on the Plank Road leading from Wilmore to Ebensburg, and ending at the Township line dividing the Townships of Summerhill and Munster.

That a portion of said public road has become useless, inconvenient and burdensome to the inhabitants of said Township by reason of the difficulty in keeping the same in proper repair for travel and particularly by reason of the fact that the public has ceased to use the same.

That the portion of said public road which has become useless, inconvenient and burdensome is described as follows: The same begins where the road sought to be vacated intersects with another public road which runs from the corner of Cambria, Munster and Summerhill Townships in a southerly direction through Summerhill Township to said point of intersection where it joins with the road to be vacated, which said point of intersection is distant, measured along the public road formed by the intersection above mentioned, 1550 feet from the point where said last mentioned road intersects with the Plank Road from Wilmore to Ebensburg and the road to New Germany near what is known as the "Oil Well", and ends on the line between the Townships of Summerhill and Munster measured along the public road, of which that sought to be vacated is a part, a distance of 1650 feet from the intersection of said road with a public road which leads therefrom to the public road leading from Munster to Portage.

Your petitioners further represent that the record of the origi-

nal case in this court whereby the public road above mentioned was laid out and directed to be opened for public use cannot be found, and therefore your petitioners are unable to set forth in this petition a reference to the number and term of said original case or to the number and page of the docket containing the record thereof, as required by Rule 308 of the Rules of this Court.

Your petitioners therefore pray the Court to appoint three persons as viewers to inquire into the matters averred in this petition and to report to the Court on the expediency of vacating that portion of the above mentioned public road which is hereinabove described.

<u>B. P. M. Conquist</u>	<u>Joseph Shuster</u>
<u>John an Smith</u>	<u>Robert H. Barr</u>
<u>H. W. Roberts</u>	<u>Mike Kaborow</u>
<u>Leonard Roberts</u>	<u>A. C. Hopper</u>
<u>Bonifac Smith</u>	<u>J. L. Smith</u>
<u>H. L. Pringle</u>	<u>P. M. Dunn</u>
<u>George Berghane</u>	<u>W. H. Emigh</u>
<u>Edward Jones</u>	<u>H. W. Kieckhefer</u>
<u>David T. Michael</u>	<u>Peter A. Wierfel</u>
<u>Wade K. Rainey</u>	<u>Magnus T. Wierfel</u>
<u>S. J. Siniello</u>	<u>H. P. Craig</u>
<u>Anthony Nastasa Jr</u>	<u>G. B. Mulhollen</u>
<u>D. C. Nastasa</u>	<u>W. E. Liegard</u>
<u>Howard McClelland</u>	<u>Carl M. Vickie</u>
<u>Louis Martin</u>	<u>H. C. Miller</u>

State of Pennsylvania

SS:

County of Cambria

Les Martin

being duly sworn according

to law says that the matters set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before me

this 16 day of April, 1930.

Les Martin

H.A. Brown-J.P.

NOTICE.

To the Commissioners of Cambria County:

You are hereby notified that a petition, a copy of which is hereto attached, will be presented to the Court of Quarter Sessions of Cambria County, Pennsylvania, on Monday, the 21st day of April, 1930, asking for the appointment of viewers to vacate the road in said petition described.

Shetty & Nelson

Attorneys for Petitioners.

And now, April 21 1930, service of the above notice, together with a copy of the petition, accepted.

George E. Kerby
Chief Clerk.

NOTICE.

To the Supervisors of Summerhill Township:

You are hereby notified that a petition, a copy of which is hereto attached, will be presented to the Court of Quarter Sessions of Cambria County, Pennsylvania, on Monday, the 21st day of April, 1930, asking for the appointment of viewers to vacate the road in said petition described.

Shelley Nelson
Attorneys for Petitioners.

And now, April 21st 1930, service of the above notice, together with a copy of the petition, accepted.

Accepted

G. W. Hoyer
Ray W. [unclear]
Geo Martin
Supervisors of Summerhill Twp.

Mar. 6 March Session 1930
In the Court of Quarter Sessions
of Cambria County, Pennsylvania.

In Re: Vacation of Road in
Summerhill Township.

PETITION FOR APPOINTMENT OF
VIEWERS.

Filed 21 April 1930.

*And on April 21, 1930,
after due consideration,
Al Shoumsh Eng, Adam
Shuman and J. D. Keith
appointed viewers to
run the premises and
report to the Court in
due course.*

*By the Court
E. Evans P.*

SHETTIG & NELSON
ATTORNEYS AT LAW
EBENSBURG, PA.

We, the undersigned citizens of Summerhill Township, Cambria County, Pennsylvania, hereby petition the Honorable Board of Viewers not to vacate that certain Road, beginning at a point 1560 feet from the Plank Road, near Willow Beach, and extending along the Wilmore Dam, in Summerhill Township, said County and State, to the Munster Township line, as requested to be vacated by the Board of Supervisors of Summerhill Township:-

Name	Residence	Occupation	
O P ...	Wilmore	Farmer	
Simon Kelly	Wilmore Pa	Farmer	RFD
Philip ...	Wilmore	Farmer	
Mrs. Mary Getz	Wilmore	House Wife	RFD
W B ...	Wilmore	Laborer	RFD
Green Jones	Wilmore	Farmer	RFD
J R ...	Wilmore	Farmer	RFD
R Woodside	Wilmore Pa	Farmer	RFD
E J ...	Wilmore Pa	Farmer	RFD
William ...	Wilmore Pa	Laborer	RFD
Harry ...	Wilmore Pa	Farmer	RFD
Elizabeth ...	Wilmore	House wife	RFD
J M ...	Wilmore	Farmer	RFD
...	Wilmore	Farmer	RFD
...	Wilmore	Farmer	RFD
Joseph ...	Wilmore	Farmer	RFD
...	Wilmore	house work	RFD
Mrs. Mary ...	Wilmore	House Wife	RFD
Thomas ...	Wilmore	Farmer	RFD
George ...	Portage R.D.	Farmer	RFD
...			RFD
...	Wilmore Pa	farmer	RFD
E J ...	Wilmore	Farmer	RFD

J. O'Hara's Summerhill R.F.D.

1000


Name:	Residence:	Occupation:	
Timothy W. Wainwright	Wilmore	Farmer	R.F.D
Ella R. Murphy	Wilmore	House wife	R.F.D
Mary A. Shelly	Wilmore	House keeper	R.F.D
Howard Kirby	Wilmore	Octoberer	R.F.D
Elizabeth Shelly	Wilmore	House Keeper	R.F.D
Mike Dimmitt	Wilmore Pa.	Laborer	R.F.D
W.R. Shelly	Wilmore	farmer	R.F.D
Hugh Owens	Wilmore	Farmer	
Margaret Jones		Housewife	
Carl Schuchty		Farmer	R.F.D
Samuel Hess	Wilmore R.D.	Farmer	R.D
Russell Hess	Wilmore R.D.	labor	R.D
Grace Hess	Wilmore R.D. 2	Housewife	R.D
W. H. Perotrett	Wilmore	Farmer	R.D
Wm. W. K. Perotrett			
J. W. Gage	Beaverdale Pa	Truck Driving	
C. P. Shelly	R.D #2 Wilmore	Farmer	
John E. Ginn	Wilmore R.D 2	Farmer	R.D 2
Leah Wentz	Wilmore R.D 2	Farmer	
Hazel wentz	Wilmore R.D 2	wife	
Mrs. Elfreda Ginn	Wilmore R.D 2	Housewife	
David O. O'Leary	Wilmore R.D 2	Melter	
William A. Blummer		miner	R.F.D 2
John O. Blummer		laborer	R.F.D 2
Geo. E. Nelson		Farmer	R.D #2
O. Miller	Clark Beaverdale Pa.		
O. J. Conrad	Meckers Wilmore Pa.		
Mrs. Anna Conrad	Farmer Wife Wilmore Pa.		
John R. Smith	Summerhill	Sup.	
A. O. Seaman	Summerhill Sup.		

Name:

Residence:

Occupation:

Name:	Residence:	Occupation:
J. A. Reilly	Wilmore	Ashmun
George Diamond	Wilmore R.D. 1,	Farmer
Walter Shubert	Wilmore R.D. 2	Farmer
J. W. Huffard	Wilmore	Farmer
Mrs. J. W. Huffard	Wilmore	Farm wife
Mrs. J. D. Burkey	House wife,	Wilmore, R.D.
R. D. Black	Reverdale	Driver
Valentine Corderline	Wilmore Pa.	Farmer
Johannah Corderline	Wilmore Pa.	House wife
James F. Weaver	Wilmore Pa.	R.D. 2 lots
Lillie M. Weaver	Wilmore Pa.	R.D. 2 Housekeeper
Ernest L. Fitch	Wilmore Pa.	House keeper
Robert Trees	Wilmore	Laborer
Charles G. Galt	Wilmore Pa.	Farmer



We, the undersigned citizens of Summerhill Township, Cambria County, Pennsylvania, hereby petition the Honorable Board of Viewers not to vacate that certain Road, beginning at a point 1560 feet from the Plank Road, near Willow Beach, and extending along the Wilmore Dam, in Summerhill Township, said County and State, to the Munster Township line, as requested to be vacated by the Board of Supervisors of Summerhill Township:—

Name:	Residence:	Occupation:
Hugh Jones	Wilmore Pa	farming
William Jones	Wilmore Pa	farming
Sydia Jones	Wilmore Pa	farming
Gora Owens	Wilmore Pa	farming
S. P. Wright	Wilmore	Farmer
Francis O. Holsapple	Portage Pa	Farmer
Harry H. Gosh	Beaverdale Pa	
Mrs. H. Gosh	Beaverdale Pa	
Will Sevens	Beaverdale	miner
Emma Sevens	Beaverdale	
Harry Paul	Beaverdale	miner
Elizabeth Paul	Beaverdale	
H. W. Ralaid	Beaverdale	Labor.
Margaret Ralaid	Beaverdale	housewife
Elic Adleman	Beaverdale	miner
Allie Adleman	Beaverdale	housewife
Frank E. Swanson	Beaverdale	Mechanic
Wm Swanson	Beaverdale	Prime B.
Elizabeth Swanson	Beaverdale	housewife
Audre Kaufman	Beaverdale	housewife
Joseph Dill	Beaverdale	Labor
Lela Theyer		housewife
Mrs A. Bieto		housewife
Mrs. Edga Myers		housewife Lloydell

Name:

Residence:

Occupation:

Name:	Residence:	Occupation:
Hugh Ross	Beaverdale	miner
Evelyn Myers	Lloydell	Teacher
A Burmanish	Lloydell Pa	
Anton Gerbec	Marchant Lloydell Pa	
Rosalie Gerbec + wife	Lloydell	
Geoffrey + wife	Lloydell	
John Dubal	miner	Lloydell Pa
Joe Ruffal	miner	cc cc
Sue Dubal	wife	cc cc
John Estok	Beaverdale	miner
Henry Myrhit	Lloydell Pa	
Jos Whitlow - clerk	Beaverdale Pa	
W A Robinson	Lloydell	
L Burns	Beaverdale Pa	

Frank Richardson	Miner	Beavertale
Wm Gwinn	Miner	"
George H. Brown	Miner	"
Druggist	Miner	Beavertale
George Edwards	Miner	Beavertale
George Huff	Electrician	Beavertale
Frank Mitchell		Beavertale
Alfred DeLoth		Beavertale
W. H. McFarrell	Miner	Beavertale
Pat. Corrigan	Miner	Beavertale
John Delapack	Miner	Beavertale
Richard Sagers	"	"
Joseph Parks	"	"
George E. Jones	"	Beavertale
John Jones	"	"
W. J. Gannon	"	"
L. Roney	"	"
H. Roney	"	"
Frank Sutaric	"	Beavertale
Chas. Sutaric	"	Beavertale
Henry Law	Laborer	"
Patrick Moran	Miner	"
Mike Barburick	"	"
Frank Frank	Stuart	"
Robert Swanson	Miner	"
Martin Kerth	Miner	Beavertale
John Frank	Miner	Beavertale
Geo J Burns	Asst Foreman	"
Alf Burns	Miner	Beavertale
Pat Farmer	Miner	Beavertale
Ambrose Dennis		"

Edward Larson	Miner	Beaverdale	Pa
John Eldridge	Miner	Beaverdale	Pa
Alex Barr	Miner	Beaverdale	Pa
William Morse	Manager	Beaverdale	Pa
Frank Nasta	Painter	Beaverdale	Pa
C. S. Williams	J. of P.	Beaverdale	Pa
Edward Himes	Clerk	Beaverdale	Pa
George E. Harrigan	Clerk	Beaverdale	Pa
Bob Rogers	Inspector	Beaverdale	Pa
James Keenan	"	"	"
Tom Walker	"	"	"
Joseph Nasta	Truck Driver	Beaverdale	Pa
Peter Cook	Miner	Beaverdale	Pa
Mc Leene	Merchant	Beaverdale	Pa
David Carlson	Clerk	Beaverdale	Pa
John Miller	Pedagogue	"	"
L. W. Shofky	Salaman	"	"
Mac A. Caron	Clerk	"	"
Samuel Carlson	Thomson	"	"
Myrl Carlson	Merchant	"	"
Joseph Derabasse	Merchant	Beaverdale	Pa
Josephine Derabasse	Clerk	Beaverdale	Pa
Ray Tupper	Plater	Beaverdale	Pa
Mike Dornen	Miner	Beaverdale	Pa
James Burns	Miner	Beaverdale	Pa
Art Delany	Labor	Beaverdale	Pa
S. J. Johnson	Pumper	Beaverdale	Pa
Emery Konros	Miner	Beaverdale	Pa
Andy Parikupa	Manager	Beaverdale	Pa
Bertha Parikupa	Clerk	Beaverdale	Pa
Benjamin	Labor	Beaverdale	Pa
Corwella	J. of P. wife	Beaverdale	Pa

No. 1. March Term, 1930

P E T I T I O N

Filed 2 June 1930

LAW OFFICES
SCANLAN & HARKINS
001-005 FIRST NATIONAL BANK BUILDING
JOHNSTOWN, PA.

James Brown Miner Beavertdale Pa
Duncan Brown Miner Lloydell Pa
James Beatty Labor Beavertdale Pa
Thomas Fern Miner Beavertdale Pa
Gos Schuster Miner Beavertdale Pa
Ed Geary Miner Beavertdale
L. L. Over Beavertdale Pa
John Belinda Lloydell Miner
Joseph R. Atke Labor Beavertdale Pa
E. L. Archibald Labor Lloydell Pa
Ralph Arnell Miner Beavertdale Pa
Matt Shuster Miner Beavertdale Pa
John R. Wilson Labor Lloydell Pa
B. H. Anderson Miner Beavertdale
James Ingle Miner Beavertdale Pa
Mike Delapack Miner Beavertdale
Mrs Alice Jamison
W. Herman Miner Beavertdale Pa
Andrew Droblich Miner Lloydell
James Droblich Lloydell
T. O. Jones Beavertdale Pa
Stephen Maurer Beavertdale Pa
Elizabeth Johnson Housewife Beavertdale Pa

IN RE:

Petition to Vacate Portion of
Public Road Located in Summer-
hill Township, Cambria County,
Pennsylvania.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY.

No. 6 March Sessions, 1930.

DECREE

AND NOW, March 30, 1931, it appearing to the court that the Viewers in their report, while stating a number of facts upon which to base a conclusion, have overlooked reporting as to whether or not in their opinion the portion of the road in question has become useless, inconvenient and burdensome. It is now ordered and decreed that the report be referred back to the Viewers with direction to amend their report and state whether or not in their opinion the portion of the road in question has become useless, inconvenient and burdensome, and to immediately file such amended report.

BY THE COURT:

E. Evans

P.J.

No. 6 March Sessions, 1930.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY.

IN RE:

Petition to Vacate Portion of
Public Highway Located in
Summerhill Township, Cambria
County, Pa.

Decree, referring report back
to Viewers.

Filed 30 Mar. 1931 at 9.35 AM
[Signature]

No. 6 March Sess. 1930

July 2 June 1930

We, the undersigned citizens of Cambria County, Pennsylvania, hereby petition the Honorable Board of Viewers not to vacate that certain Road, beginning at a point 1560 feet from the Plank Road, near Willow Beach, and extending along the Wilmore Dam, in Summerhill Township, said County and State, to the Munster Township line, as requested to be vacated by the Board of Supervisors of Summerhill Township:-

Name:	Residence:	Occupation:
J. J. Schuba	Wilmore Pa	Laborer
James R. Fleck	Wilmore Pa	Mech Engineer
R. G. Miller	Wilmore Pa	Laborer
George Paul	Wilmore Pa	Laborer
Andrew Claycomb	Wilmore, Pa	
Ernest E. Guntt	Wilmore Pa	Minister
John Danko	Wilmore Pa	Minister
Ac. Jurek	Wilmore Pa	Laborer
Le. J. Gallagher	Wilmore Pa	Laborer
Mrs. Harriett Gallagher	Wilmore Pa	Housewife
E. E. Hess	Wilmore Pa	Foreman
Mrs. S. E. Hess	Wilmore Pa	Housewife
J. A. Sickers	Wilmore Pa	Laborer
Mrs. Elsie Sickers	Wilmore Pa	Housewife
Wm. C. Shrock	Wilmore Pa	Laborer
L. P. Rimmey	Wilmore Pa	Laborer
Mrs. H. E. Shrock	Wilmore Pa	Housewife
James Plummer	Wilmore Pa	Housewife
Clark Shaffer	Wilmore Pa	Laborer
Mary E. Shaffer	Wilmore Pa	Housewife
Miss Annie Shaffer	Wilmore Pa	Housewife
Mrs. Thomas Patten	Wilmore Pa	Housewife
E. S. Seaman	Wilmore Pa	Merchant
Gerald Gallahan	Wilmore Pa	Laborer
Mrs. Wallace Shurtz	Wilmore Pa	Housewife

Name:	Residence:	Occupation:
Gordon Charlton	Wilmore	Teacher
Paul Eggie	Wilmore	Penman
Joe Romanino	Wilmore	Se. Gov
Marie Blaisdell	Wilmore	Teacher
Mrs. P. Steen	Wilmore	Labor
Richard S. Curran	Wilmore	Labor
Geo. W. Miller	Wilmore	Wagoner
J. H. Skelly	Wilmore Pa	Malabar
Ray Clayton	Summertown Pa.	Bus Driver
Boyd Garner	Wilmore Pa	Labor
Walter Jones	Wilmore Penn.	Labor
Edward D. P.	Wilmore Pa.	Labor
R. G. Woodside	Wilmore Pa.	Labor
G. E. Blaisdell	Wilmore Pa.	Tel. Op.
E. P. Gallaher	Wilmore Pa.	Labor
J. C. ...	Wilmore Pa.	Labor
Mrs. M. ...	Wilmore Pa.	Housekeeper
W. C. Cunningham	Wilmore Pa.	Fireman
H. D. Frazer	Wilmore Pa.	Steamfitter
W. L. ...	Wilmore Pa.	J. of P.
George Koabey	Wilmore Pa.	Farmer
W. R. ...	Pa.	State Officer
J. J. Reade	Portage Pa.	Lineman
Russell Thomas	Portage Pa.	Lineman
Geo. A. ...	Wilmore Pa.	PR ...
W. W. Mangus	Wilmore	farmer
M. R. Tower	1214 Bedford St	Johnstown (Collector)
G. J. Smith	Wilmore Pa.	Statey. Fireman
Mrs. Wm Mangus	Wilmore Pa.	Housekeeper
Thomas Burford	Wilmore	Farmer R. F. D. #1
B. E. Skelly	Wilmore	Miner

Name:

Residence:

Occupation:

George W. Gallahan Wilmore Pa. Farmer
 Nellie D. Gallahan Wilmore Pa. House Keeper
 Julius Fisher Portage Pa Labor.
 Adam Moore Portage Pa Labor
 Elias F. Mulhollen Portage Pa Merchant
 Francis Glass Portage Pa Farmer
 P. M. Wright Portage Pa Merchant
 W. W. Moore Portage Pa Merchant
 Samuel Luffin Portage Pa Printer
 W. R. Ling Portage Pa Merchant
 August Busch Portage Pa Mines
 Martin Madigan Portage Pa Miner
 Peter Stanley Portage Pa Miner
 C. R. Patterson 630 Main St Portage Pa. Local Firm
 Mike Ruffing Portage Pa Miner
 Wilfred Blom Portage Pa Miner
 John Steffler Portage Pa Miner
 Harry Russell Portage Pa Miner
 Regis Madigan Portage Pa Miner
 Paul Cummins Portage Pa Miner
 Carl Bachell Portage Pa Miner
 G. S. Henry Portage Pa Laborer
 Fred Asford Portage Pa Miner
 Ream Hlowski Portage Pa. Clergyman
 Andrew Smay Portage Pa Miner
 George W. McPhelland Mines
 R. H. Koudshush Portage Pa Clerk
 A. J. Skiffy Conemaugh Pa. Firm
 W. R. Dierke Portage Pa. Auto Dealer
 George W. Samsel Portage Pa. Druggist
 L. H. Noel Portage Pa Jeweler

Name:	Residence:	Occupation:
E. J. Collett	Wilmore	Emminer
Mike Ekin	Portage	Lab
Ed Baughman	Portage	Miner
Joseph Hannon	Portage	Miner
John A. Havel	Portage	Miner
Levintan Shaw	Portage	Carpenter
Girard Cunningham	Portage	Lab.
A. H. Cullen	Portage Pa	Tel. Opr.
J. H. Dunmire	Portage Pa	Laborer
Geo Kellerman	Portage	Miner
John W. Fischer	Portage Pa	Miner
George Beck	Portage	Laborer
George Richards	Portage	Laborer
Christ Busch	Portage	Miner
T. V. McDermott	Portage	Miner
Elyer Price	Portage	Miner
Gran Lutz	Portage	Miner
Frank Sankaitis	Portage	Miner
William Price	Portage	Miner
Harry Gorman	Portage	Asst. Mine Foreman
Chas Wilson	Portage	Carpenter
Samuel Hunter	Portage	Miner
Thomas Gorman	Portage	Miner
Dr. J. J. Sevin	Portage Penna.	
Carl Herlihy	Portage Penna.	
Harry Linnay	Portage Pa	
James W. Smith	Portage Pa	Darage Prop.
Ed Wade	Portage	J. P.
Chas. Stevan	Portage	Miner
Joseph Turch	Portage	Miner
Terrence J. McDermott	Portage	Miner
F. C. Shubert	Portage	Law - Bensbury Pa

Name:

Residence:

Occupation:

Name:	Residence:	Occupation:
Chas Enderlin	Portage Pa.	Miner
Chas W Cullen	Portage	Ice Op
Rudolph G Engel	Portage	Miner
James Griffin	Portage	Miner
Glenn J. Lebel		
Sherman Sked	Portage	Shaman
Norman J Lauffer	Portage	Carpenter
A. J. Morgan	So Forks	Car Inspector
E. H. Bollenbach	So Forks	clerk
C. L. McLaughlin	Summerhill	Miner
Herbert Goda	South Fork R D # 1	
Edna Goda	South Fork R D # 1	
Joe Demontes	Cassandra Pa	Merchant
Mr Joe Demontes	Cassandra Pa	Merchant
John Poruban	Cassandra Pa	Labor
Mrs Dennis Kovach	Cassandra Pa	Labor
Dennis Kovach	Cassandra Pa	Labor
Danko Jovan	Cassandra Pa	Labor
Bruce Dick	Cassandra Pa	Clerk
Esther Dick	Cassandra	housewife
John J. Franey	Cassandra	Merchant
Ward Timmison	Cassandra	Labor
Pete M. Perin	Cassandra	Miner
Frank Galgancy	Cassandra	Miner
Joe Ruch	Cassandra	Miner
Michael Broadwell	Cassandra	his job
Clara Berschneider	Summerhill	Painter
Mrs Clara Berschneider	Summerhill Pa.	
J. W. C. L.	Summerhill Pa.	
Herbert Raylin	Summerhill Pa.	Miner
O. E. Cummie	South Fork Pa.	act. Coal

Name:	Residence:	Occupation:
Grant Lacey	Dunlos	Miner
G. J. Oaks	South Fork	Miner
Edith Schofield	South Fork Pa	Justice of the Peace
E. B. Buchanan	South Fork R D #	Plumber
H. J. George	South Fork	Merchant
W. C. George	"	Clerk
E. E. George	"	Labourer
G. K. Fitch	"	Minister
E. R. Reynolds	19 1/2 mi. S. of Hunt pa.	Lawyer
William Miller	South Fork Pa	Cashier
D. W. Sinscott	South Fork	Physician
H. C. George	South Fork	Merchant
A. Mandelstein	South Fork	Merchant
John F. Weeks	"	Justice of the Peace
John H. George	"	Merchant
George C. Clarendon	Summers Hill Pa	"
Clarence Fox	South Fork Pa	Pharmacist
H. G. Harris	South Fork Pa	Clerk
Joseph Campbell	Portage Pa	Insurance
Franklin Venn	Summers Hill Pa	Miner
J. Fontenault	South Fork Pa	"
J. F. Lane	South Fork Pa	Miner
W. T. Burkett	South Fork Pa	"
Elisha Gale	South Fork Pa	"
H. C. Brown	South Fork Pa	"
Geo. F. ...	South Fork Pa	"
M. R. Mandelstein	"	"
E. H. Gramling	South Fork Pa	Postmaster
Roy C. Bloom	South Fork Pa	Barber
W. H. Clarence	South Fork Pa	Rest Prop
E. C. Gramling	South Fork Pa	Merchant
Joseph ...	South Fork Pa	Insurance Agt
A. B. Gramling	South Fork Pa	mail-carrier

Name

Ree Sanner	Ebensburg Recorder
C. B. Ludwig	Ebensburg City Recorder
M. W. Riddles	Johnstown Pa
S. Harry Isaacson	Gallitzin Pa. Attorney
Allegan	Chg. Pa. Auditor
Jack Kane	Ebensburg Photographer
John A. Sroly	Ebensburg Pa. Garage Mgr.
John D. Kimball	Ebensburg Pa. Jan Prop.
Thomas Conzblin	Ebensburg Pa. Fire Bos.
John H. Lerner	minister, see farmer
Louis Trinst	Cresson Box 49 R. D. farmer
R. J. Still	Cottage Box 16 R. D. farmer
Adaline Glass	Cresson Pa. R. D. 1
Edward Williamson	Cresson R. D. #1 Box 79
And. Bumpford	Wilmore Pa. Farmer
J. A. Fryer	Wilmore State Fireman
Levan Slebone	Wilmore farmer
J. L. Stephens	Minster farmer
M. M. Mingo	Minster farmer
R. J. Brewster	South Fork Fireman
J. H. Wicks	" " Labor
J. E. Stiffler	" " Engineman
A. Stiffler	" " Fireman
John W. Sney	farmer Wilmore R. D. 2
Gold Dwyer	Miner St. Michaels
Wm. Joe Reese	Wilmore Farmer R. D. 1
C. J. Litzinger	Johnstown R. D. 3
H. Leventry	Johnstown R. D. 3
Joseph Kidder	Ohio St. Johnstown
Ralph Litzinger	Johnstown, R. D. 3
Ervin J. Thomas	Johnstown Minner
J. T. Lohr	Johnstown Pa. P. O. B. 192

Edward Linggell Tilly R.R. Conductor
A. V. Little Staushy Pa Civil Engineer
Herman Robine Tilly R.R. Labor
Russell Hodgson Cassandra Pa Miner
Jesse H. Thomas Wilmore R.R. former
Wm. S. Sipple Johnston Pa Salesman
L. C. Shesbire Wilmore Pa Farmer
Geo. P. Shesbire Wilmore Pa Mail Carrier

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

In re: Vacation of Road in
Summerhill Township.

PETITION TO AMEND PETITION FOR
THE APPOINTMENT OF VIEWERS.

*And now April 20th 1931,
Learned parties to file with
amendment
By the Court
Evans J.*

Filed 8 June 1931

SHETTIG & NELSON
ATTORNEYS AT LAW
EBENSBURG, PA.

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

In re Vacation of Road in Summerhill Township.

PETITION TO AMEND PETITION FOR APPOINTMENT OF VIEWERS.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the petitioners for the appointment of viewers in the above proceeding, by their attorneys Shettig & Nelson, respectfully represents:

That in the petition for the appointment of viewers there is contained the following averment:

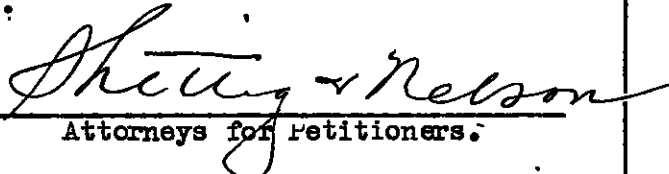
"Your petitioners further represent that the record of the original case in this court whereby the public road above mentioned was laid out and directed to be opened for public use cannot be found, and therefore your petitioners are unable to set forth in this petition a reference to the number and term of said original case, or to the number and page of the docket containing the record thereof, as required by Rule 308 of the Rules of this Court."

Your petitioners are now informed that the proceedings whereby said road was laid out and directed to be opened for public use are to be found to the number and term and in the volume and page of the Road Docket hereinafter mentioned, and that a certain change in said public road was made after the same had been laid out by the proceedings which are also hereinafter mentioned.

Wherefore, your petitioners pray the Court that they may be permitted to amend the petition for the appointment of viewers in the above proceeding by eliminating therefrom the language hereinabove quoted and substituting for the same the following:

"Your petitioners further represent that the record of the original case in this court whereby the public road above mentioned was laid out and directed to be opened for public use is found in proceedings entered in Road Docket Vol. 2 at page 122, in the Office of the Clerk of Quarter Sessions, the order to open in said proceedings bearing date the 11th day of October, 1851, and by further proceedings had in this court and found recorded in Road Docket Vol. 5 at page 180, the location of a part of said road was changed.

And they will ever pray, etc.


Attorneys for Petitioners.

State of Pennsylvania |
County of Cambria | SS:

Philip N. Shettig being duly sworn according to law says that he is of counsel for the within petitioners for the appointment of viewers, and that the matters set forth in the within petition are true and correct as he verily believes.

Sworn and subscribed before
me this 20th day of April, 1931.

Helena E. McClune
Notary Public

Philip N. Shettig

My com. expires March 2, 1933.

ORDER.

Now, April 20, 1931, the foregoing petition having been read and considered, the Court allow the amendment within prayed for.

By the Court
Evan P. J.

1750

In the Court of Quarter Sessions of
the Peace in and for Cambria County
Pennsylvania.

Muncie
No. 6 ~~June~~ Sessions, 1930.

IN THE MATTER

Of

THE PETITION TO VACATE A
CERTAIN PUBLIC HIGHWAY IN
THE TOWNSHIP OF SUMMERHILL,
COUNTY OF CAMBRIA, AND STATE
OF PENNSYLVANIA.

EXCEPTIONS BY TAXPAYERS OF SUMMER-
HILL TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA.

Filed 2 June 1930

EDWARD J. HARKINS
ATTORNEY AT LAW
FIRST NATIONAL BANK BUILDING
JOHNSTOWN, PA.

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

IN THE MATTER

Of ---

THE PETITION TO VACATE A
CERTAIN PUBLIC HIGHWAY IN
THE TOWNSHIP OF SUMMERHILL,
COUNTY OF CAMBRIA, AND STATE
OF PENNSYLVANIA.

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Munch
No. 6 ~~June~~ Sessions, 1930.

EXCEPTIONS BY TAXPAYERS OF SUMMERHILL TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA.

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

The undersigned, taxpayers in the Township of Summerhill, County of Cambria, and State of Pennsylvania, by Scanlan & Harkins, their attorneys, hereby file the following exceptions to the confirmation of the report of the Board of Viewers filed to the above number and session:

1. The exceptants aver that said report should not be confirmed for the reason that the petition for the vacation of the road in question was not in conformity with Rule 308 of the Rules for the Courts of Oyer and Terminer and Quarter Sessions of the Peace of Cambria County, in that the said petition did not contain a reference to the number and term of the original case or to the number and page of the docket containing the record thereof.

The exceptants are advised, believe and therefore aver that a public highway was laid out by Order of the Court of Quarter Sessions of Cambria County, Pennsylvania, on the 11th day of October, 1851, which public highway extended from a public road in Washington Township to a public road in Summerhill Township. That the part or section of road described in the petition is a part of the said road which is particularly described in the Report of Viewers as shown by the records in the office of the Clerk of Quarter Sessions and filed in Road Docket Vol. 2, at page 122.

Exceptants further aver that there is no record ^{in the petition} of the change of a part of said road, which record is found in Road Docket Vol. 5, at page 180, in the office of the Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania.

Exceptants aver that neither of the above stated records were referred to in any manner in the petition for the vacation of said road.

2. The exceptants are advised, believe and therefore aver, that the report should not be confirmed for the reason that the Board of Viewers nor the Court could vacate a part of a public highway.

3. The report is irregular in that it vacates a part of a public highway, leaving the remaining part of said highway public. The Board of Viewers and the Court do not have jurisdiction to vacate a part of a public highway and leave the remaining portion thereof a public highway.

Exceptants aver that the terminus of the remainder of the said public highway at the Summerhill and Munster Township lines is not a place of public resort, nor is there an intersecting public highway at said point.

4. Exceptants aver that the report of the viewers should not be confirmed for the reason that to confirm the report would permit to remain as a public highway a certain public road ending in a cul de sac.

5. The report is irregular for the reason that it is not in compliance with Rule 307 of the Rules for the Courts of Oyer and Terminer and Quarter Sessions of the Peace in and for Cambria County, Pennsylvania, in that the said report was not returned and filed within the first week of the term to which it is returnable. The said report was filed on the seventh day of May, 1930.

6. The said report is irregular in that the Board of Viewers has no authority to find as follows:

"We are all of the opinion that the piece of road in question, between the termini specified on the attached order, should be vacated and cease to be a public road; we beg leave to suggest, however, that it be left as a private road for the accommodation of such as may desire to use it at their own risk."

7. The report is irregular in that there was no testimony before the Board of Viewers to support the following findings of fact:

"That at the present time the Township of Summerhill is considerably in debt and could ill afford the expenditure."

~~8. The report is irregular in that it does not show as required by law that the viewers were sworn to perform their duties as required by law.~~

8. The record is irregular for the reason that the petition did not contain a statement of all of the facts or of any particular facts setting forth why the said public road was burdensome or inconvenient.

9. The record is irregular in that the petition fails to properly describe the public highway in question.

10. The record is irregular in that the petition was not in conformity with Rule 308 of the Rules for the Courts of Oyer and Terminer and Quarter Sessions of the Peace of Cambria County, in that the said petition did not contain a reference to the number and term of the original case or to the number and page of the docket containing the record thereof; and further did not refer to the record showing a change of location in part of said road.

<u>Philip Lynch</u>	<u>O W Husband</u>
<u>Mrs Rena Conrad</u>	<u>Mrs O W Husband</u>
<u>J Thomas Conley</u>	<u>W R Skelly</u>
<u>Leo L Conley</u>	<u>Mrs A Skelly</u>
<u>E J Hegghes</u>	<u>P H Skelly</u>
<u>John R Smith</u>	<u>Mrs Hannah Skelly</u>
<u>Owen J Jones</u>	<u>R G Woodsides</u>
<u>Joseph W Bushey</u>	

STATE OF PENNSYLVANIA

COUNTY OF CAMBRIA

SS:

O P Conrad

, being by me first duly sworn, deposes and says that he is a taxpayer of Summerhill Township, Cambria County, Pennsylvania; that the within Exceptions are not filed for the purpose of delay but because he believes that injustice has been done; that the matters of fact contained in the said Exceptions are true and correct, to the best of his knowledge, information and belief.

O P Conrad

Sworn and subscribed to before me, this 31st day of May, A. D. 1930.

W L Simmons J P

My Commission Expires 1st Nov Jan 1934

No. 6 March sess. 1930

July 2 June 1930

TO A. M. SHOEMAKER, ESQ.,
ADAM SHUMAN,
J. D. RITTER,

Viewers appointed by the Court of Common Pleas of Cambria County, Pennsylvania, on petition regarding the vacation of a certain road beginning at a point approximately 1,560 feet distant from what is known as the Oil Well in Summerhill Township, Cambria County, Pennsylvania, and extending thence along the Wilmore Dam in Summerhill Township, Cambria County, Pennsylvania, to the Munster line.

The petition of JAMES R. FLECK, GEORGE AUL, O. P. CONRAD,
J. W. HUFFORD and GEORGE GALLAGHER respectfully represents:-

1. That they, together with others, have signed petitions requesting your Honorable Board of Viewers not to vacate the road hereinabove designated, which petitions contain the names of more than 300 signers.

2. That two of your petitioners, to-wit, ^{Owen J. Jones} ~~J. W. Hufford~~ and George Gallagher, are the owners of real estate abutting upon the road above designated.

3. Your petitioners aver that the said public highway hereinabove designated is not useless, inconvenient or burdensome, and, on the contrary, aver that the said public highway is useful, convenient and during the past 15 years has not been burdensome to the supervisors or the citizens of the Township of Summerhill, County of Cambria, and State of Pennsylvania, and petitioners further deny that the public has ceased to use said highway but, on the contrary, aver that the said highway is now being used and has been used by the public.

4. Your petitioners further aver that they will be damaged in the event that said public highway is vacated and petitioners, as members of the traveling public, and two of your petitioners as citizens and residents of the Township of Summerhill, County of Cambria, and State of Pennsylvania, and also owners of land abutting upon said public highway, respectfully request your Honorable Board of Viewers to refuse to vacate the said public highway and to recommend to the Court that said public highway be not vacated. They further request that a time and place for hearing be fixed, at which time and place they may be heard with respect to the matters contained in the petition upon which the Order of View was granted, together with the matters contained in this petition, and with respect to the matter of damages which would be sustained by the vacation of said public highway. They further request that the said hearing be held in or near the Borough of Wilmore, County of Cambria, and State of Pennsylvania, which is near to the public highway in question.

James R. Fleck
George Aul
George W. Gallagher
Owen J. Jones

In the Court of Quarter Sessions
of Cambria County, Pa.
NOO 6. March Sess., 1930.

In re Vacation of Public Road
in Summerhill Township,
Cambria Co., Pa.

Amended Report of Viewers.

Filed 13 April 1931

A. M. SHOEMAKER
ATTORNEY AT LAW
EBENSBURG, PA.

In re Vacation of Public
Road in Summerhill Township,
Cambria County, Pennsylvania.

(In the Court of Quarter Sess-
{ ions of Cambria County, Pa.
{ No. 6. March Sessions, 1930.

To the Honorable, the Judges of the Court of Quarter Sess -
ions of Cambria County, Pennsylvania.

Whereas the undersigned Viewers appointed by your honor -
able Court, in the above referred to proceedings did, on the 7th.
day of May, 1930, file their report to the above mentioned num-
ber and term; and having therein inadvertently omitted to state
that the said piece of road in question has become useless, in-
convenient and burdensome, as a public highway, and

Whereas the said Court of Quarter Sessions of Cambria Coun-
ty, did on the 30th. day of March, 1931, referr said Report of
Viewers back for amendment.

Accordingly, the undersigned Viewers do hereby affirm the
findings set forth in the above mentioned original report, as
filed to the number and term stated, and in addition thereto,
further find and report that the piece of road as viewed, re-
ported on and definitely described in said referred to report,
has and had become useless, inconvenient and burdensome, as a
public road, and by reason of the recent improvement and con-
struction of other roads near and in the vicinity of the piece
of road therein described, altogether unnecessary for the use
and convenience of the traveling public.

Respectfully submitted this day of April, A. D., 1931.

Adam Shuman

J. D. Ritter

A. M. Shoemaker

Viewers.

IN RE:
Petition to Vacate Portion of
Public Road Located in Summer-
hill Township, Cambria County,
Pennsylvania.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY.

No. 6 March Sessions, 1930.

DECREE

AND NOW, March 30, 1931, it appearing to the court that the Viewers in their report, while stating a number of facts upon which to base a conclusion, have overlooked reporting as to whether or not in their opinion the portion of the road in question has become useless, inconvenient and burdensome. It is now ordered and decreed that the report be referred back to the Viewers with direction to amend their report and state whether or not in their opinion the portion of the road in question has become useless, inconvenient and burdensome, and to immediately file such amended report.

BY THE COURT:

EVANS

P.J.

certified March 30-1931
Frank L. Robb
clerk.

NO. 6 March Sessions 1930 R.D.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY.

IN RE:

Petition to Vacate Portion of
a Public Highway situate in
Summerville Township, Cambria
County, Pa.

Opinion of the Court over-
ruling exceptions to Report
of Viewers.

Filed 30 April 1931.

CLAIR W. LUTHER
OFFICIAL STENOGRAPHER
FOR THE
FORTY-SEVENTH JUDICIAL DISTRICT.
PENNSYLVANIA

CLAIR W. LUTHER, OFFICIAL STENOGRAPHER, FORTY-SEVENTH JUDICIAL DISTRICT EBENSBURG, PA.

IN RE:
Petition to Vacate Portion of a
Public Highway situate in Summer-
hill Township, Cambria County,
Pennsylvania.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY.
No. 6 March Sessions, 1930, R.D.
Exceptions to Report of Viewers.

* OPINION OF THE COURT *

Heard before Evans, P.J., McCann, J., McKenrick, J. and
Reed, P.J., O.C., S.P.

EVANS, P.J.:

The first complaint made by the exceptants is that the
petition is defective in that it violates Rule 308 of the Rules of
Court of this county, which rule requires that a reference be made
in all petitions to vacate and supply highways to the place of record
of the proceedings in which the original road was laid out.

The petitioners have averred in their petition, however,
that they have been unable to find the record of the proceeding of
the laying out of the original road, and, following the practice
which has been recognized by the courts in this county for some con-
siderable time, they set up in their petition their inability to find
the record of the proceeding as an excuse for not complying strict-
ly with rule 308. Exceptants further set forth in their exceptions
that there are original road proceedings to be found in Road Docket
Vol. 2, Page 122, and in Vol. 5, Page 180. If it is true that either
or both of these records are records of the original laying out of
the road affected in the present proceeding, the petitioners should
amend their petition so as to have it contain this data. An examin-
ation of the record now discloses that counsel for petitioners have
amended their petition so as to have it include the matters about
which complaint is made. This rule of court is one for convenience
and is not a jurisdictional requirement, nor is the right of any
person affected by the allowing of such amendment. Therefore, it

L O C L

may be made even after the return of the report of viewers. See proceeding to Vacate Public Road in Cresson and Washington Townships, No. 3 September Sessions, 1930, R.D., decided and filed April 13, 1931.

CLAIR W. LUTHER, OFFICIAL STENOGRAPHER, FORTY-SEVENTH JUDICIAL DISTRICT EBERSBURG, PA.

The second exception complains that the board of viewers and the court are without authority to vacate a part of a public highway, the contention being that to vacate a part of a public highway so as to leave the part remaining at the end which is not another public highway or public place is without the jurisdiction of the court. There was a feeling for a number of years, by reason of some lower court decisions, that a portion of a public highway could not be vacated unless the remaining part was left to end in another public road or a public place. However, it has now been determined that this is not the law of this state. In the case of Schuylkill River Road, 19 Pa. Superior Ct. 376, Judge Oriady, in the opinion of the court as found on page 378, in indicating that a road may be vacated so that the ends of the remaining are in a cul de sac, quotes with approval the following: "In what shape or condition the part not vacated will remain after the vacation of the other part is a question we can not inquire into. That is a matter solely for the judgment of the court of quarter sessions from which there is no appeal. We can conceive of many reasons why a road may be vacated to a particular line, and no further: 'Stowell's Appeal, 1 W.N.C. 383. A public highway may terminate in a cul de sac: Elliot on Roads and Streets, 1, and cases cited: In re Melon Street, 1 Pa. Superior Ct. 63, affirmed in 182 Pa. 397.'"

In the present case, the fact that the part to be vacated ends at the township line between Summerhill and Munster Townships at one end, and in a public road at the other end, would be amply sufficient for sustaining the findings and conclusions of the viewers.

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The third and fourth exceptions are to the same effect as the second, and all three of them should be overruled.

The fifth exception complains that the report of the viewers is irregular in that it is not in compliance with Rule 307 of our Rules of Court, in that the report was not filed within the first week of the term to which it is made returnable. This exception was fully discussed and determined in the proceeding to Vacate a Portion of a Public Highway in Cresson and Washington Townships, No. 3 September Sessions, 1930, K.D., filed April 13, 1931, and, without repeating this recent discussion, we refer to the opinion filed therein in support of the conclusion that the fifth exception must be overruled.

The sixth exception complains of the recommendation of the viewers that a portion of the public highway to be vacated should be left as a private road for certain persons living along the same. From the brief submitted, we conclude that the contention is that the suggestion of the viewers is ineffective and makes their report erroneous because in suggesting that the road be left as a private road they have added the words, for the use of such as may desire to use it at their own risk. This suggestion is beyond any authority given viewers in the act of assembly and is mere surplussage, and should be disregarded.

The seventh exception, counsel states, is withdrawn for the reason that no depositions were taken in support thereof.

The eighth and ninth exceptions complain of the regularity of the petition and aver that it does not contain a statement of all the facts or any particular facts set forth why the public road has become burdensome or inconvenient, and further that it does not sufficiently describe the public highway. As to the last mentioned matter which is covered by the ninth exception, an ex-

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amination of the description seems to us to be amply sufficient to identify the road affected by the proceeding. As to the complaint covered by the eighth exception, it is fully answered in the second paragraph of the petition where it is alleged that the road is difficult to keep in repair, and where the particular reason alleged for its vacation is that the public have ceased to use the road. This is amply sufficient reason for the vacation of any highway.

The tenth exception complains that the petition is irregular in that it did not comply with Rule 308 of our Rules of Court, in that it did not set out or contain a reference to the number and term of the original case or proceeding, or to the number and page of the Docket containing the record, and further, that it did not refer to the record showing a change of location of part of the road. This is the same complaint as is made in the first exception and we have discussed and indicated our conclusions there.

We, therefore, enter the following decree:

DECREE

AND NOW, APRIL ^{9th} 29, 1931, after due consideration, all of the exceptions are overruled and the report of the viewers confirmed.

BY THE COURT:

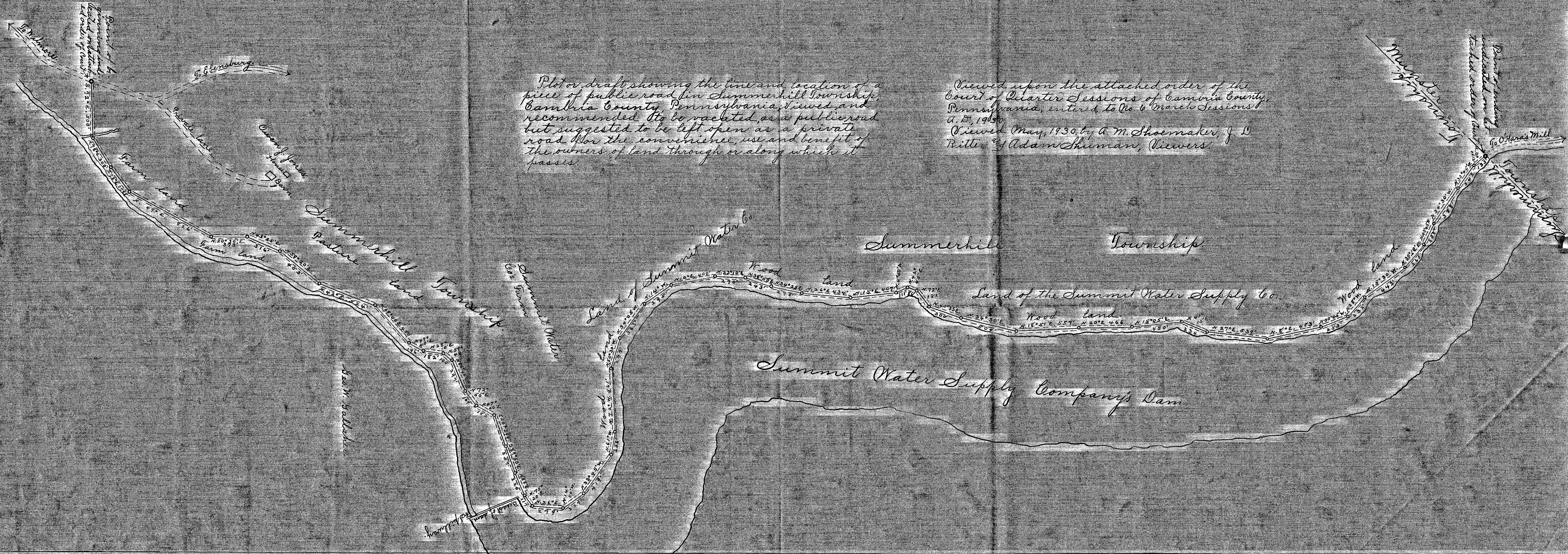
Evans

P. J.

EXCEPTION

To all of which counsel for exceptants excepts and prays that an exception be noted and bill sealed; all of which is, the day and year aforesaid, accordingly done.

John E. Evans, P.J. (Seal).



Plot or draft showing the line and location of a piece of public road in Summerhill Township, Cambria County, Pennsylvania, viewed and recommended to be vacated, as a public road but suggested to be left open as a private road for the convenience, use and benefit of the owners of land through or along which it passes.

Viewed upon the attached order of the Court of Quarter Sessions of Cambria County, Pennsylvania, entered to the 6 March Sessions A. D. 1930.
Viewed May, 1930, by A. M. Shoemaker, J. D. Ritter & Adam Shuman, Viewers.

Summerhill Township

Summerhill Township

Summit Water Supply Company's Dam

Land of Summit Water Co.

Land of the Summit Water Supply Co.

Barn

Summit Water

Wood land

Wood land

Wood land

To Ebensburg

Munster

Point of Beginning

Go O'Hara's Mill

Point of Beginning

Cows of James

Small lane

Farm land

Farm land

Wood

Wood

Point of Beginning

Point of Beginning