

No. 5 September Term. 1936

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

IN RE PUBLIC ROAD IN
GALLITZIN TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA.

1941

SUPPLEMENTAL EXCEPTIONS.

Now, this 8 day of
March, 1938, on motion of
Albert L. O'Connor, Attorney
for the proponents of the road
leave to file supplemental
exceptions is granted.

By the Court:

M. Kenney

Judge.

Filed: March 8-1938

ALBERT L. O'CONNOR
ATTORNEY AT LAW
EBENSBURG & LORETTO, PA.

Oct 3-1938 the
Supplemental
Acceptance are
Dismissed
Per Bureau -

IN RE PUBLIC ROAD IN
GALLITZIN TOWNSHIP,
CAMBRIA COUNTY, PENN-
SYLVANIA.

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

No. 5 September Term, 1936,
ROAD DOCKET

SUPPLEMENTAL EXCEPTIONS ON PART OF PROPONENTS OF THE ROAD TO
MAKING A RULE TO SHOW CAUSE ABSOLUTE AND NISI DECREE.

Exceptions were filed to the entire opinion and decree of
the Court, dated February 9, 1938, in order to comply with said
decree, and by leave of Court, the following supplemental
exceptions are filed:

4.

The proponents of the road except to the Court making the
rule absolute "Not only on the ground of lack of necessity under
the circumstances" That question was not before the Court, and
could not, under the law, be considered by the Court at this
time. The Court, after a prior hearing or argument, found the
road is necessary.

5.

The proponents of the road except to "but also because of
the unusual expense attendant upon the adequate opening of the
road desired, having in mind the present financial condition of
Gallitzin Township." This question was not before the Court,
and could not be brought before the Court, at this time. It, too,
was decided, in the affirmative, by the Court at a prior hearing.

6.

The proponents of the road except to that part of the
Court's opinion "Wherefore the rule is made absolute." The rule
to show cause was granted because the Court confirmed the report
of the original Board of Viewers absolute when there were
exceptions before the Court and not disposed of. The Court

made the rule absolute on grounds entirely foreign to the issue before it, and not because of error on the face of the record, which is the only reason, under the law, for which the rule could be made absolute.

"After the report has been confirmed absolutely, the Court has power to open the confirmation. In doing so, however, the Court cannot consider questions of fact or expediency, but is confined to such irregularities as appear upon the face of the record." Bean's Road 35 Pa. at Page 280-- and consistently and uniformly sustained by our Courts to the present date!

Sewickley Township Road 23 Sup. 170 at 172, "Unless the reasons to quash were fundamental and jurisdictional, the order over ruling them cannot be considered here, because the confirmation absolute from which no appeal was taken would be conclusive."

Hector Township Road No. 1, 19 Sup. 120 at 122, "Further, no irregularity in the proceedings which did not go to the jurisdiction of the Court to make the original decree, or present on the face of the record an insuperable barrier to the execution of an order to open, can now be considered."

7.

The proponents of the road except to making the rule absolute and aver the Court erred in so doing and ignored the law as set forth in Kelly et al vs. the International Clay Products Company 291 Pa. at 282, wherein a rule to show cause was granted; Plaintiff answered; and the matter was disposed of upon petition and answer. The lower Court discharged the rule and the Supreme Court affirmed stating :

"Under such circumstances, we are required to determine only the relevant issues raised by the petition and answer, and, in doing so, must accept as true the pertinent facts set forth in the

answer, and reject those which are alleged in the petition,
but are denied by the answer.

Under this ruling of our Supreme Court, proponents of the
road aver the order of your Honorable Court, dated February 9,
1938, making the rule absolute should be quashed and the order
to open the road reinstated.

Respectfully submitted,


Attorney for proponents of the road.

No. 171

of April Term, 1939

Superior Court

In the Matter of the Petition of Citizens of Township of Gallitzin for the opening of a road leading from the Village of Amsbry to a point on the Gallitzin-Coupon Road near the juncture of the Glenn White Road with the Gallitzin-Coupon Road.

CERTIORARI to the

Court of Quarter Sessions

For the County of

CAMBRIA

Returnable the third Monday

of April, A. D. 19 39

Neice A. Malloy, Esq.

Albert L. O'Connor, Esq.

Attorneys for Appellant

Filed: Nov. 21, 1938
gungamer
clerk

To the Honorable the Judges of the Superior Court of Pennsylvania, sitting at Pittsburgh.

The record and process, and all things touching the same, so full and entire as before us they remain, we certify and send, as within we are commanded.

(L. S.)

Francis Keenan

(L. S.)

Judge

The Superior Court of Pennsylvania,
SITTING AT PITTSBURGH } SS:

The Commonwealth of Pennsylvania

TO THE JUDGES of the Court of Quarter Sessions for the County of CAMBRIA

GREETING: We being willing for certain causes to be certified of the matter of the Appeal of

Petitioners for Road in Gallitzin Township

from the decision of your said Court at No. 5 September Term, 1936 Road Docket,

In the Matter of the Petition of Citizens of Township of Gallitzin for the opening of a road leading from the Village of Amsbry to a point on the Gallitzin-Coupon Road near the juncture of the Glenn White Road with the Gallitzin-Coupon Road,

before you, or some of you, depending, DO COMMAND YOU, that the record and proceedings aforesaid with all things touching the same, before the Judges of our Superior Court of Pennsylvania, at a Superior Court to be holden at Pittsburgh, on the third Monday of April, 19 39, so full and entire as in your Court before you they remain, you certify and send, together with this Writ, that we may further cause to be done thereupon that which of right and according to the laws of the said State ought.

Witness the Honorable WILLIAM H. KELLER, Doctor of Laws, President Judge of our said Superior Court, at Pittsburgh, the 15th day of November in the year of our Lord one thousand nine hundred and thirty-eight.

Charles H. Keller
Deputy Prothonotary

October 5, 1938.

Secretary of Highways,
Harrisburg, Pa.

Attention: Township Engineer

Dear Sir:

In re: Public Road In Gallitzin
Township, Cambria County.
No. 5 Sept. Sessions 1936.

On October 27, 1937 I certified to your department
the record in the above entitled case. This road had at that
time been ordered opened as a public highway.

Further litigation in the matter resulted in the
Court setting aside their order to open the road and as the
matter now stands the road will not be opened unless an appeal
to the Superior Court results in the lower court be reversed.

Yours truly

Clerk of Courts

No. 5 September Term, 1936

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

IN RE PUBLIC ROAD IN
GALLITZIN TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA.

EXCEPTIONS ON PART OF PROPON-
ENTS OF ROAD TO MAKING A RULE
TO SHOW CAUSE ABSOLUTE AND TO
WISI DECREE.

*Oct 9 1938 the
Exceptions are
dismissed.
Per Curiam*

Filed Feb-16-1938

ALBERT L. O'CONNOR
ATTORNEY AT LAW
EBENSBURG ^{AND} LORETTO, PA.

IN RE PUBLIC ROAD IN GALLITZIN
TOWNSHIP, GAMBRIA COUNTY, PENN-
SYLVANIA.

IN THE COURT OF QUARTER SESSIONS
OF GAMBRIA COUNTY, PENNSYLVANIA

No. 5 September Term, 1936,
Road Docket

EXCEPTIONS ON PART OF PROPONENTS OF THE ROAD TO MAKING A RULE
TO SHOW CAUSE ABSOLUTE AND TO NISI DECREE

1.

The Proponents except to the statement that the argument
was heard before McCann, P. J., McKenrick, J. and Greer, J.

2.

The Proponents except to "We have given this case and the
arguments made by the respective counsels more than the usual con-
sideration, and are constrained to make the rule absolute, not
only on the ground of lack of necessity under the circumstances,
but also because of the unusual expense attendant upon the adequate
opening of the road desired, having in mind the present financial
condition of Gallitzin Township.

Wherefore the rule is made absolute."

3.

The Proponents except to the Decree Nisi, viz.:

"And now, February 9, 1938, the rule is made absolute, with
the usual time allowed for exceptions in such cases, if desired on
the part of the proponents of the road."

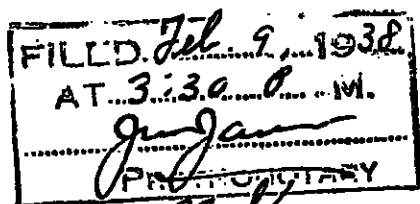
Respectfully submitted,


Attorney for Proponents of the Road.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENN'A
No. 5 September Term, 1936, R. D.

IN RE PUBLIC ROAD IN GALLIT-
ZIN TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA.

** OPINION OF THE COURT **



IN RE PUBLIC ROAD IN GALLITZIN
TOWNSHIP, CAMBRIA COUNTY, PENN-
SYLVANIA.

IN THE COURT OF QUARTER SESSIONS OF CAM-
BRIA COUNTY, PENNSYLVANIA.

No. 5 September Term, 1936, Road Docket.

*** OPINION OF THE COURT ***

Heard before McCann, P. J., McKenrick, J. and Greer, J.

PER CURIAM:

A rule has been granted in this case to show cause why the decree of the Court affirming the report of viewers should not be vacated and annulled, ~~and the report of the original viewers confirmed and approved.~~

We have given this case and the arguments made by the respective counsels more than the usual consideration, and are constrained to make the rule absolute, not only on the ground of lack of necessity under the circumstances, but also because of the unusual expense attendant upon the adequate opening of the road desired, having in mind the present financial condition of Gallitzin Township.

Wherefore the rule is made absolute.

DECREE

And now, February 9, 1938, the rule is made absolute, with the usual time allowed for exceptions in such cases, if desired on the part of the proponents of the road.

Per Curiam

PER CURIAM.

P. J.

J.

J.

EXCEPTION

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

PER CURIAM (SEAL)

No. 5 Sept Sess. 1936

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

IN THE MATTER OF THE PETITION
OF CITIZENS OF TOWNSHIP OF
GALLITZIN FOR THE OPENING OF
A ROAD LEADING FROM THE
VILLAGE OF AMSBRY TO A POINT
ON THE GALLITZIN-COUPON
ROAD NEAR THE JUNCTURE OF
THE GLENN WHITE ROAD WITH
THE GALLITZIN-COUPON ROAD

ANSWER TO RULE TO VACATE
DECREE

Filed - December - 1 - 1937

ALBERT L. O'CONNOR
ATTORNEY AT LAW
EBENSBURG AND LORETTO, PA.

Court of Pennsylvania, reported in 3 S. and R., Page 236.

10

The averments contained in paragraph ten of the petition are denied. The exceptants, the original petitioners, aver that no assurance was given to anyone by the Court that they would be given an opportunity to be heard before the Court would dispose of the two conflicting reports of the Viewers on their merits. It is further averred by the exceptants, the original petitioners, that what the Court did promise to Counsel and all the parties concerned was that:

"Before any action is taken by the Court on a request or petition for the appointment of re-reviewers, it would give all parties concerned an opportunity to be heard by themselves and their Counsel."

and since no Petition for the Appointment of Re-reviewers was presented to the Court, the Court was under no obligation to hear anyone, and free to dispose of the case as it saw fit upon its merits as contained in the conflicting reports of the two Boards of View, which it did in conformity with law and without violating its assurances to anyone or causing anyone injury thereby.

11

The exceptants, the original petitioners, deny that the absolute Decree of the Court dated October 27, 1937 was inadvertently made or that it was prematurely made. The Court had from August 18, 1937 to October 27, 1937 to consider the merits of the case before rendering its decision. It is further averred that when the Court made its Nisi Decree of December 14, 1936 absolute, it was not necessary for it to make formal disposition of the report of the reviewers, confirmed Nisi on June 14, 1937, or of the exceptions filed June 29, 1937 as they fell by virtue of the absolute confirmation of the original Nisi Decree.

WHEREFORE, the Exceptants, the Original Petitioners,
pray your Honorable Court to discharge the rule to show cause,
heretofore granted, why the absolute Decree of October 27, 1937
should not be vacated, at the cost of the Petitioners.

Paul Madigan

Sworn and subscribed to before me this 1
^{Dec.}
day of November, A. D., 1937.

John L. White
Prothonotary

No. 5 Sept. Sess. 1936

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF THE PETITION OF
CITIZENS OF TOWNSHIP OF GALLITZIN
FOR THE OPENING OF A ROAD LEAD-
ING FROM THE VILLAGE OF AMSERY
TO A POINT ON THE GALLITZIN-
COUPON ROAD NEAR THE JUNCTURE OF
THE GLENN WHITE ROAD WITH THE
GALLITZIN-COUPON ROAD

PETITION TO HAVE DECREE
VACATED

Filed: Nov. 22, 1937

C. RANDOLPH MYERS
ATTORNEY AT LAW
EBENSBURG, PENNSYLVANIA

I hereby accept service of a copy of this
Petition and waive the issuing of the
Rule.

November 22, 1937

Albert L. ³ Lawson
Attorney for Deborah

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF THE PETITION OF THE CITIZENS OF
THE TOWNSHIP OF GALLITZIN FOR THE OPENING OF A
ROAD LEADING FROM THE VILLAGE OF AMSBRY TO A POINT
ON THE GALLITZIN-COUPON ROAD NEAR THE JUNCTURE OF
THE GLENN WHITE ROAD WITH THE GALLITZIN-COUPON ROAD

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of Henry Myers, Earl Godfrey, and T. Warren Delozier,
respectfully represents:

1.

That they are the duly qualified and acting Supervisors for the
Township of Gallitzin, Cambria County, Pennsylvania.

2.

That on November 9, 1936 a petition was presented by certain citizens
of the Township of Gallitzin, asking for the appointment of viewers to
view the ground and make report relative to the road leading from the
Village of Amsbry to a point on the Gallitzin-Coupon Road near the juncture
of the Glenn White Road with the Gallitzin-Coupon Road, and accordingly,
an order was made on said date, appointing three members of the permanent
Board of Viewers for that purpose.

3.

That on December 7, 1936 the report of said viewers was filed,
recommending that the road be laid out between the termini shown on a
plot or draft which was attached to and made a part of said report.

4.

That on December 14, 1936 said report was approved by the Court and
and breadth of said road fixed at forty feet.

5.

That on February 15, 1937 a number of the citizens and property owners
of Gallitzin Township filed their petition with your Honorable Court,
wherein they averred that there was no occasions or necessity for such
road and that in the event the report of the said viewers was confirmed

it would be injurious to them and burdensome to the inhabitants of said Township of Gallitzin, and asking that three members of the Board of Viewers be appointed to review the ground proposed for said road and to make report of their proceedings at the next term of Court. Whereupon the Court on said date made an order appointing L. E. Kaylor, S. E. Dickey, and Dixon Tomb, three members of the permanent Board of Viewers of Cambria County, to view the road and made a report.

6.

That on April 21, 1937 the report on the review was duly filed, and on June 14, 1937, the following notation was made thereon: "14 June 1937, Approved - By the Court, McKenrick, J."

7.

That in said last mentioned report the viewers stated that they were attended at the time of the view by a large number of citizens and taxpayers of Gallitzin Township who indicated their opposition to the proposed road, and they emphatically recommended that by reason of a lack of necessity, the said road should not be opened.

8.

That on June 29, 1937 exceptions to the report of the re-viewers were duly filed and on August 18, 1937 the proceedings were listed for argument.

9.

That on said last mentioned day your petitioners, with their counsel, appeared in Court, at which time the exceptions filed to the review were considered. It was the consensus of opinion of the Court that the exceptions raised purely legal questions, and the matter was taken under advisement.

10.

That at the time of said hearing your petitioners were given the assurance by the Court that before the reports of the viewers were finally disposed of, that they would be given an opportunity to be heard, and that the Court would consider the merits of the two conflicting

reports of viewers.

11.

That notwithstanding the fact that the report of the re-viewers was confirmed nisi on June 14, 1937 and no final disposition was made of the report of the re-viewers, nor the exceptions filed to the report of the re-viewers, an order was made by your Honorable Court on October 27, 1937, making the Decree of December 14, 1936 on the original view absolute.

WHEREFORE, your petitioners pray the Court that the absolute Decree of October 20, 1937, which was inadvertently made, be vacated.

J. W. Rebozin
Henry Myers
Carl Godfrey

State of Pennsylvania :
County of Cambria : ss.

Henry Myers, being duly sworn according to law, did depose and say that he is a member of the Board of Supervisors of Gallitzin Township; that he is authorized to make this affidavit; and that the statements 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 22nd day of November, A. D.
1937.

Henry Myers

John L. Hite
Prothonotary

DECREE

And Now, November ^{22nd}, 1937, the foregoing petition having been read and considered, it is ordered that a rule be granted to show cause why the order of absolute confirmation dated October 20, 1937, relative to the within mentioned road, should not be vacated. Returnable Nov

~~First Monday of Dec. 1937.~~

First Monday of Dec. 1937.

By the Court
Wm. H. J.

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

NO. 5 SEPTEMBER TERM, 1936.

ROAD DOCKET

FINAL DECREE

Filed: Oct. 20, 1937

IN RE: REPORT OF REVIEWERS TO
VIEW AND LAY OUT A PUBLIC ROAD
IN GALLITZIN TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA, LEADING
FROM AMSBRY EASTWARDLY TO
JUNCTION OF GALLITZIN COUPON
ROAD.

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

NO. 5 SEPTEMBER TERM, 1936.

ROAD DOCKET

D E C R E E

And now October 20th 1937, after a hearing and due
consideration the NISI DECREE of December 14, 1936, approving
the report of the Board of Viewers is made absolute.

BY THE COURT

*McKenrick &
Tunstall*

1037, 05-19-37

No. 5 September Term, 1936

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

IN RE: Report of Re-Viewers
to lay out a public road
in Gallitzin Township,
Cambria County.

EXCEPTIONS.

NOW *June 29*, 1937, the within
exceptions presented in Open
Court and are ordered to be
filed.

By the Court.

W. H. ...
Judge.

Filed - June - 29 - 1937

ALBERT L. O'CONNOR
ATTORNEY AT LAW
EBENSBURG & LORETTO, PA.

IN RE:REPORT OF RE-VIEWERS TO	:	IN THE COURT OF QUARTER
VIEW AND LAY OUT A PUBLIC ROAD	:	SESSIONS OF CAMBRIA COUNTY,
IN GALLITZIN TOWNSHIP, CAMBRIA	:	PENNSILVANIA.
COUNTY, OHENNSYLVANIA, LEADING	:	
FROM AMSBRY EASTWARDLY TO	:	No. 5 September Term, 1936.
JUNCTION OF GALLITZIN COUPON	:	
ROAD.	:	ROAD DOCKET.
	:	

EXCEPTIONS TO REPORT OF RE-VIEWERS.

And now, June 26, 1937, come the original petitioners for the appointment of Viewers to lay out said road, by their attorney, Albert L. O'Connor, and file exceptions to the report of the Viewers on Re-View:

1. The Viewers erred in not recommending approval of the Report submitted by the original board of Viewers, which report was approved by the Court December 14, 1936.
2. The Viewers erred grievously in accepting the raised hands of "perhaps forty-eight" citizens of Gallitzin Township, most of whom were in no wise affected by the opening of this proposed new road, as determining the necessity for its opening.
3. The Viewers erred in substituting the effect of raised hands for their own mature judgment.
4. The Viewers erred in submitting a history of the town of Amsbry instead of a correct description of the route of the proposed new road as was done by the original board of Viewers.
5. The Viewers erred in submitting a report basing their conclusions on the condition of the weatherboarding of the houses in Amsbry.
6. The Viewers erred in submitting a report basing their conclusions on the number of tax-payers immediately benefited - non tax payers sometimes find it convenient to travel too.
7. The Viewers erred in submitting a report basing their conclusions on the fact that a mining company had removed the rails and equipment from its mines.
8. The Viewers erred in submitting a report basing their conclusions on the necessity of said road for Amsbry alone.
9. The Viewers erred in submitting a report based on fear that damages, for what they describe as worthless property, will be demanded by the owner; if any damages are to accrue, it was the Viewers' duty to assess same.

The fact that the Viewers failed to assess any damages in either view, negatives this conclusion.

10. The Viewers erred in submitting a report based on the "decency" of the excuse for the expense of opening the road and challenging the honesty of its advocates and the report of the original Viewers instead of basing their report on the present and future needs of the traveling public and convenience of the citizens of Gallitzin Township.


Attorney for Exceptants.

STATE OF PENNSYLVANIA:

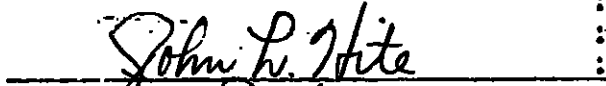
SS.

COUNTY OF CAMBRIA, ::

PAUL MADIGAN, being duly sworn according to law, deposes and says that he is one of the original petitioners and exceptants of Gallitzin Township, in Cambria County, Pennsylvania; that he is familiar with the facts set forth in the foregoing exceptions; and that the matters set forth in the foregoing exceptions are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before me
this 28 day of June, A.D. 1937.




Prothonotary

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 under the attached order by your Honorable Court to view and determine on the premises as to the advisability of building a new Public Road from the Village of Amsbry to a point on the Gallitzin and Coupon Road, both in Gallitzin Township, as defined by the attached order of Your Honorable Court, respectfully report as follows:

That having given due legal notice, as required by law, by posting notices of the time and place of the view at the terminals and along the route of the proposed road, as per the attached copy of said notice and by serving said notice on the supervisors of Gallitzin Township and on the Board of Commissioners of Cambria County, as per the attached copies of said notice, acknowledged by them,

We met at the time and place specified and found there representative bodies of citizens and taxpayers. We proceeded to perform the duties of our appointment by walking over the entire course of the proposed road. When we arrived at the Eastern terminus of the road prayed for by the original petitioners we found a similar assembly of citizens and taxpayers, perhaps fifty in all, manifesting much interest and concern in the decision of the viewers.

The viewers called for a vote as to the desire of the taxpayers of Gallitzin Township and only two did not raise their hand AGAINST the proposed road and these two did not vote in favor of the proposed road

The result of the investigation by the viewers was as follows;

The course of the proposed road is through rough, rocky and hilly mountain lands and the construction of a road there would be difficult and expensive and burdensome to maintain even if the road was needed, which we declare it is not, and the grade necessarily heavy. The distance and course of the proposed road is set forth on attached blue print accompanying this report. One 10 foot bridge is required. We report that there are but a couple of paying taxpayers in the town of Amsbry that the town is a thing of the past. The company houses have been torn down and removed and the houses remaining are being destroyed, the siding being torn off and burned, also the porches doors and steps. The coal company have removed the rails and mining equipment. The towns of Ashville, Coupon, Gallitzin and Cresson are readily reached by improved state highways.

The Township of Gallitzin receives little or no taxes from Amsbry. The coal company which owns the greater part of the land traversed will demand damages if the road should be built. Also Mrs. Benden and other property owners on the Gallitzin-Coupon Road terminal.

Finally we report that the building of this proposed road, even if it were needed, and we say it is not needed, would entail on the taxpayers of Gallitzin Township an additional tax burden for which there would be no decent excuse. If the town of Amsbry was a going concern, paying its share of the cost, the building of this additional road could not be honestly advocated and under existing conditions such a procedure would be utterly folly and absolutely unjustified. The opinion of the viewers therefore is unanimous that this proposed road SHOULD NOT BE BUILT UNDER ANY CIRCUMSTANCES.

6

Louis G. Taylor

Dwight Tombs

N. E. Dickey VIEWERS

In Re: Review of a proposed
Public Road in Gallitzin
Township, Cambria County,
Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 5, September Term, 1936

To S. E. DICKEY Dr.

Making View	\$ 12.00	
Mileage, 77 miles @ 10 cts.	7.70	
Data and preparing draft	12.00	
Tracing paper, 1 linen blue print & 2 paper blue prints	<u>2.55</u>	
	\$ 34.25	\$ 34.25

To DIXON TOMB Dr.

Making View	\$ 12.00	
Mileage, 77 miles @ 10 cts.	<u>7.70</u>	
	\$ 19.70	\$ 19.70

To L. E. KAYLOR Dr.

Preparing, posting & serving notices of view	\$ 18.00	
Mileage, 40 miles @ 10 cts.	4.00	
Stenographer, Stationery, etc.	1.50	
Making View	12.00	
Mileage, 40 miles @ 10 cts.	4.00	
Making & filing report of Viewers	<u>12.00</u>	\$ 51.50

Total cost of View \$ 105.45

APPROVED FOR PAYMENT

John Thomas

Frank P. Holler
COMMISSIONERS

CERTIFIED
Frank P. Holler
COUNTY CONTROLLER

IN RE: Ha-view of a proposed Public Road in Gallitzin Township, Cambria County Pennsylvania. : In the Court of Quarter Session of Cambria County

In Re: Review of a proposed Public Road in Gallitzin Township, Cambria County, Pennsylvania. : In the Court of Quarter Sessions, of Cambria County, Pennsylvania, No. 5 September Term, 1936

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court to view and determine as to the necessity for a Public Road, as prayed for by the original petitioners, "Between the VILLAGE OF AMSERY AND A POINT ON THE GALLITZIN-COUPON ROAD" both in the Township of Gallitzin, County of Cambria and the State of Pennsylvania, will meet for the purpose of performing the duties of our appointment at THE VILLAGE OF AMSERY on Friday, the 16th. day of April, at 10:00 O'clock, A. M. A. D. 1937 at which time and place all persons interested should be present.

L. E. Kaylor,
S. E. DICKEY,
DIXON TOMB, VIEWERS.

I HAVE RECEIVED AND ACCEPT
SERVICE OF THIS NOTICE,

Warren DeLozier
SUPERVISOR OF GALLITZIN TOWNSHIP.

This *6th* day of April, 1937

Carl Gudfry
Henry Myers

In Re: Review of a proposed : In the Court of Quarter Sessions
Public Road In Gallitzin Township, : of Cambria County, Pennsylvania:
Cambria County, Pennsylvania. : No. 5 , September Term, 1936.

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to re-view the premises to determine as to the necessity for a Public Road, as prayed for by the original petitioners, "Between the Village of Amsbry and a point on the Gallitzin-Coupon Road, both in Gallitzin Township, Cambria County and State of Pennsylvania, will meet for the purpose of performing the duties of our appointment at the Village of AMSBRY, Cambria County, on FRIDAY, the 16th. day of April at 10:00 O'clock, A.M. 1937. where all persons interested may be present .

L. E. KAYLOR,
S. E. DICKEY,
DIXON TOMB, VIEWERS.

We have received and acknowledge service of this notice of view
this 6 day of April, 1937

Commissioners of Cambria County, per,

H. F. L...

In Re: Review of a proposed Public : In the Court of Quarter
Road in Gallitzin Township, : Sessions, of Cambria County,
Cambria County, Pennsylvania. : Pennsylvania.
No. 5, September Sessions, 1936

NOTICE OF REVIEW

We, the undersigned Viewers, appointed by the above named Court, to re-view the premises to determine as to the necessity for a Public Road, as prayed for by the original petitioners, "BETWEEN THE VILLAGE OF AMSBRY AND A POINT ON THE GALLITZIN COUPON ROAD," in the Township of Gallitzin, County of Cambria and State of Pennsylvania, will meet for the purpose of performing the duties of our appointment, ON FRIDAY, THE 16th. DAY OF APRIL, 1937, at 10:00 o'clock A. M. at the Village of Amsbry, Cambria County, at which time and place all interested persons may appear.

VIEWERS,

L. E. KAYLOR,
S. E. DICKEY,
DIXON TOMB,

No. 5 September Sessions 1936.

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

IN THE MATTER OF NEW TOWNSHIP
ROAD IN THE TOWNSHIP OF GALLITZIN
CAMBRIA COUNTY, PENNSYLVANIA.

CERTIFIED COPY OF PETITION FOR
APPOINTMENT OF REVIEWERS AND
ORDER TO REVIEW. And

Report of Viewers on
Review, prepared by
L. E. Kaylor, Chairman

L. E. Kaylor
Dixon Tomb
S. E. Dickey

Viewers

Filed: April 21, 1937

FILED
APR 21 1937
CLERK OF COURT

14 June 1937. Approved

By the Court
McKenrick

Road refused

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

IN THE MATTER OF THE PETITION OF CITIZENS
OF THE TOWNSHIP OF GALLITZIN FOR THE OPEN-
ING OF A ROAD LEADING FROM THE VILLAGE OF
AMSBRY TO A POINT ON THE GALLITZIN-COUPON
ROAD NEAR THE JUNCTURE OF THE GLEN WHITE
ROAD WITH THE GALLITZIN-COUPON ROAD.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned, citizens and/or property owners of
the said Township, respectfully represent:

1.

That on the 9th day of November, 1936, 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 Gallitzin, Cambria County,
Pennsylvania, between the Village of Amsbry, Gallitzin Township, and a
point on the Gallitzin-Coupon road near the juncture of the road leading
to Glen White with the said Gallitzin-Coupon road, said proceedings being
entered to No. 5 September Term 1936.

2.

That on December 7, 1936, 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 the said viewers
is confirmed it will be injurious to them and burdensome to the inhabitants
of the Township of Gallitzin through which the said road will pass.

Your petitioners, therefore, respectfully pray your Honorable Court
to appoint three members of the Board of Viewers to review the ground proposed
for said road and to make report of their proceedings at the next term of Court.

D E C R E E

And now, Feby. 15, 1937, the foregoing petition having been read and
considered, it is ordered that L. E. Kaylor, S. E. Dickey and Dixon Tomb, 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.

Extract from the Record.
Certified this 17th day
of February, A. D. 1937.

James M. Jones
CLERK OF COURTS

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

No. 5 September Term, 1936

IN THE MATTER OF THE PETITION OF CITIZENS OF THE
TOWNSHIP OF GALLITZIN FOR THE OPENING OF A ROAD
LEADING FROM THE VILLAGE OF AMSERY TO A POINT ON
THE GALLITZIN-COUPON ROAD NEAR THE JUNCTURE OF THE
GLEN WHITE ROAD WITH THE GALLITZIN-COUPON ROAD

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of L. E. Kaylor, respectfully represents:

1.

That he is a member of the Board of Viewers of Cambria County.

2.

That by decree of your Honorable Court, bearing date February 15, 1937, your petitioner, with S. E. Dickey and Dixon Tomb, was appointed to review the road laid out in the above entitled proceedings and to make report of their proceedings to the next Court of Quarter Sessions.

3.

That it is impossible for the said viewers to make their report in accordance with the provisions of said order, on account of the insufficiency of time.

WHEREFORE, your petitioner prays the Court for an order continuing the return day for said report until the first week of June Term, 1937.

L. E. Kaylor

State of Pennsylvania :

ss.

County of Cambria :

L. E. Kaylor, being duly sworn according to law, did depose and say that the statements set forth in the foregoing petition are true and correct.

L. E. Kaylor

Sworn and subscribed before me

this 23rd day of February, A. D. 1937.

John L. Hite
Prothonotary

No. 5 Sept. Term 1936

Petition for Order
Continuing Return Day
of Report of Reviewer

Filed: Feb. 23, 1937

D E C R E E

And Now, February 23 1937, the foregoing petition having been read and considered, and it appearing that the viewers appointed in the above entitled proceeding are unable to make their report within the first week of the next term, it is ordered that the said viewers make report of their proceedings to the June Term, 1937, of the Court of Quarter Sessions for the County of Cambria.

By the Court
J. J. Kennerly
8

No. 5 September Term, 1936

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF THE PETITION OF
CITIZENS OF THE TOWNSHIP OF
GALLITZIN FOR THE OPENING OF A
ROAD LEADING FROM THE VILLAGE OF
AMSBRY TO A POINT ON THE GALLIT-
ZIN-COUPON ROAD NEAR THE JUNCTURE
OF THE GLEN WHITE ROAD WITH THE
GALLITZIN-COUPON ROAD

PETITION FOR APPOINTMENT OF
VIEWERS TO REVIEW

Filed: Feb. 15, 1937.

C. RANDOLPH MYERS
ATTORNEY AT LAW
EBENSBURG, PENNSYLVANIA

January 4, 1936

Receipt of a copy of the within petition is hereby accepted and notice of the presentation thereof to the Court on January 4, 1937, at 10 o'clock A. M. is hereby acknowledged.

H. J. Jones

Chief Clerk, County Commissioners

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF THE PETITION OF CITIZENS OF THE
TOWNSHIP OF GALLITZIN FOR THE OPENING OF A ROAD
LEADING FROM THE VILLAGE OF AMSERY TO A POINT ON
THE GALLITZIN-COUPON ROAD NEAR THE JUNCTURE OF THE
GLEN WHITE ROAD WITH THE GALLITZIN-COUPON ROAD

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned, citizens and/or property owners of
the said Township, respectfully represents:

1.

That on the 9th day of November, 1936, 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 Gallitzin, Cambria County,
Pennsylvania, between the Village of Amsbry, Gallitzin Township, and a
point on the Gallitzin-Coupon road near the juncture of the road lead-
ing to Glen White with the said Gallitzin-Coupon road, said proceedings
being entered to No. 5 September term 1936.

2.

That on December 7, 1936, 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 the said
viewers is confirmed it will be injurious to them and burdensome to
the inhabitants of the Township of Gallitzin through which the said
road will pass.

Your petitioners, therefore, respectfully pray your Honorable
Court to appoint three members of the Board of Viewers to review the
ground proposed for said road and to make report of their proceedings
at the next term of Court.


Supervisor of Gallitzin Township

+ Caro. Godbey

Henry Myers

Supervisor of Gallitzin Township

Pennsylvania Coal and Coke Company

By

+ Mary M. Benden.

Valentine Gavalanski.

Joe Salanski

Mike Mastalke

Lloyd McMiller

R. A. Luther,

Mrs. Pearl Luther

Charles Luther

Fred Marchi

Mrs. Harold Luther

Harold Luther

Elroy Ball

John Polinski

Matilda Delgier

Carl A. Delgier

Louise Delgier

James Melkon

Michael Christy

Mrs. Robert A. Christy

Joseph Muscavage

Raymond T. Rice

Thos. H. Myerall J.P.

State of Pennsylvania :
County of Cambria : ss.

Henry Myers, being duly sworn according to law,
did depose and say that he is one of the signers of the foregoing
petition and that the statements contained therein are true and correct,
to the best of his knowledge, information and belief.

Sworn and subscribed before me |
this 30 day of December, 1936 |

Henry Myers

John L. Witz
Prothonotary

DECREE

And Now, ~~December~~ Feby 15, 1936, the foregoing petition having been
read and considered, it is ordered that L. E. Taylor,
S. E. Dickey and Dixon Tombl, 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

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 directed to view and determine as to the necessity for a public road in Gallitzin Township, said county and state, between the termini therein specified, 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 the Supervisors of the Township of Gallitzin by serving notices upon them as required by law and having posted ten notices near the termini and along the route of the proposed new road; and having been first duly qualified according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability:

X All of us met at the time and place appointed and having gone over the route of the proposed road and enquired into the necessity for same, and having agreed there was occasion and necessity for such a road as prayed for in the petition, we proceeded to lay out a road between the termini specified; a plot or draft of which is hereto attached and made a part of this report.

The courses and distances of the piece of road as laid out and as indicated on the attached draft are as follows, viz: Beginning at the westerly termini, in the Village of Ambry, and more particularly designated on the attached order, and extending thence through said village south 77 degrees 40 minutes east 256 feet, south 78 degrees 10 minutes east 307.6 feet, south 32 degrees west 486 feet, south 68 degrees east 96 feet, south 84 degrees east 102 feet south 14 degrees east 871 feet and south 1 degree 58 minutes west 811 feet, thence through unimproved land of the Pennsylvania Coal and Coke Company as follows, south 14 degrees 20 minutes west 603 feet, south 23 degrees west, 170.5, south 9 degrees west 179.5 feet, south 8 degrees 15 minutes west 169 feet, south 21 degrees 20 minutes west 873 feet, south 30 degrees 15 minutes west 469 feet, south 28 degrees 30 minutes west 213 feet, south

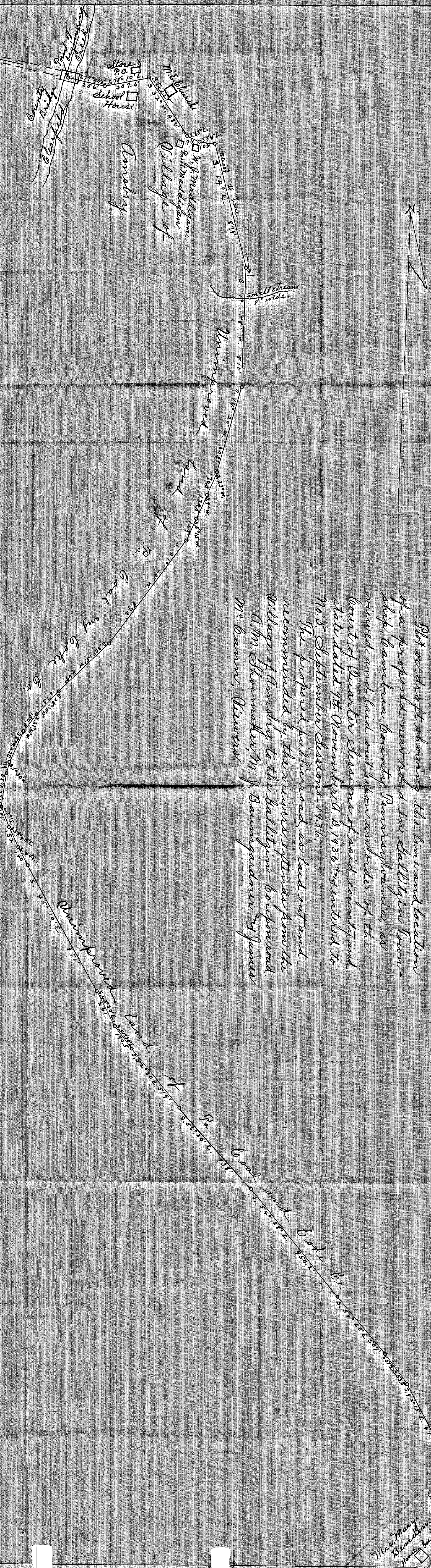
21 degrees 30 minutes west 150.5 feet, south 8 degrees 226 feet, south 1 degree 30 minutes west 79 feet, south 8 degrees east 236 feet, south 35 degrees east 151 feet, south 39 degrees 45 minutes east 152 feet, south 44 degrees east 140 feet, south 45 degrees 10 minutes east 971 feet, south 43 degrees 30 minutes east 261 feet, south 51 degrees 30 minutes east 190.5 feet, south 52 degrees 30 minutes east 519 feet, south 56 degrees 30 minutes east 738 feet, south 54 degrees 28 minutes east 950.2 feet, south 54 degrees 40 minutes east 507 feet, south 51 degrees east 253.5 feet and south 42 degrees 15 minutes east 477 feet to land of Mrs. Mary Benden, thence across the northerly side of land of said Mary Benden south 32 degrees 25 minutes east 580 feet to the Gallitzin - Coupon road, thence along said public road south 30 degrees west 204 feet to the easterly termini at the juncture of the Glenn White road with said Gallitzin - Coupon road.

The Viewers being of the opinion that no substantial damages would accrue to any of the property owners over whose land the road as laid out would pass have assessed no damages.

The above piece of road would very materially reduce the distance between the Village of Amsbry and the City of Gallitzin and be of much benefit to the traveling public generally and as laid out would have a quite uniform grade, probably averaging around seven and one half per cent, from the Village of Amsbry to the top of the hill and not exceeding one and one half percent for the remainder of the distance, and the expense of constructing same would be very reasonable.

Witness our hands this fifth day of December, A. D., 1936.

A. M. Shoemaker
James M. Cannon
Mark J. Brumby
Viewers.



Not on draft showing the line and location of a proposed new road in Salisbury Township, Cambria County, Pennsylvania, as revised and laid out upon an order of the Court of Quarter Sessions of said county and state dated 9th November, A. D. 1936 and entered to No. 5, September Division, 1936.

The proposed public road, as laid out and recommended by the survey, extends from the Village of Amudby to the Saltygin backroad. A. M. Shoemaker, M. J. Baungardner and James M. Bann, Divers.

N O T I C E O F V I E W .

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 necessity for a public road in Gallitzin Township, said county and state:

Beginning at a point in the township road leading from the village of Amsbry to Ashville, at a point about six hundred feet east of the point where said township road leading into the Village of Amsbry intersects said highway leading from Syberton to Ashville and thence in an easterly direction for a distance of about two and one half miles to a point in the public road leading from Gallitzin to Coupon, intersecting said last mentioned road at a point about two miles west of where the Sugar Run Highway intersects said Gallitzin - Coupon road. Both the point of beginning and the point of ending being in Gallitzin Township, Cambria County, Pa.

Said viewers will meet at the point of beginning, above indicated, in Gallitzin Township, Cambria County, Pa. ^{November 23rd 1936,} at 10:30 O'clock a. m., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,
James McCann and
M. J. Baumgardner,
Viewers.

Now, November 1936, service of the above notice is hereby accepted for the Commissioners of Cambria County, Pa.

H. J. [Signature]
Clerk

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the necessity for a public road in Gallitzin Township, said county and state:

Beginning at a point in the township road leading from the Village of Ambry to Ashville, at a point about six hundred feet east of the point where said township road leading in to the village of Ambry intersects the State Highway leading from Syberton to Ashville, and extending thence in an easterly direction for a distance of about two and one half miles to a point in the public road leading from Gallitzin to Coupon; intersecting said Gallitzin - Coupon road at a point about two miles west of where the Sugar Run Highway intersects said last mentioned road. Both points of beginning and ending being in Gallitzin Township, Cambria Co., Pa.

Said above referred to viewers will meet at the point of beginning, above indicated, ^{10:30} ~~at~~ ^{23rd.} ~~at~~ 10'clock a. m., November ~~23rd.~~ 1936, to perform the duties of their said appointment.

A. M. Shoemaker,
Janes McCann and
M. J. Baumgardner,
Viewers.

Copy of notice mailed to Warren DeLozier, Supervisor of Gallitzin Twp.

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the necessity for a public road in Gallitsin Township, said county and state.

beginning at a point in the township road leading from the Village of Ambry to Ashville, at a point about six hundred feet east of the point where said township road leading into the Village of Ambry intersects the state highway leading from Syberton to Ashville, and extending thence in an easterly direction for a distance of approximately two and one half miles to a point in the public road leading from Gallitsin to Coupon; intersecting said Gallitsin - Coupon road at a point about two miles west of where the Sugar Run Road intersects said last mentioned road.

Both points of beginning/and ending being in Gallitsin Township, Cambria Co., Pa.

Said Viewers will meet at the point of beginning, above indicated, at 10:30 a. m., November 23rd., 1936, to perform the duties of their said appointment.

A. M. Shoemaker,
James McCann and
M. J. Baumgardner,
Viewers.

APPROVED FOR PAYMENT

John [Signature]
Grant P. [Signature]
COMMISSIONERS

Cost of View

A. M. Shoemaker

Preparing, posting & serving notices of view & notifying viewers	_____	\$18.00
Thirty two miles @ 10¢ per mi	_____	3.20 ✓
Stenographer & stationery	_____	1.25
Day on view	_____	12.00
Twenty eight miles	_____	2.80 ✓
Survey, plotting & draft 3 1/2 days	_____	30.00
Twenty eight miles	_____	2.80 ✓
Tracing cloth & two prints	_____	2.75
Report of viewers	_____	12.00
Stenographer & stationery	_____	.75
		<hr/> \$85.55

CERTIFIED
[Signature]
COMMISSIONERS

M. J. Baumgardner

Day on view	_____	\$12.00
sixty eight miles	_____	6.80
		<hr/> \$18.80

CERTIFIED
[Signature]
COMMISSIONERS

James McCann

Day on view	_____	\$12.00
fifty six miles	_____	6.60
		<hr/> \$18.60

CERTIFIED
[Signature]
COMMISSIONERS

NO. 5, September SESSIONS, 1936

Order to view

New Township Road in Gallitzin
Township, Cambria County, Pa.

and

Report of Viewers

~~CERTIFIED~~

Maugh

COUNTY

Filed - Dec: 7-1936

A. M. Shoemaker

James McCann

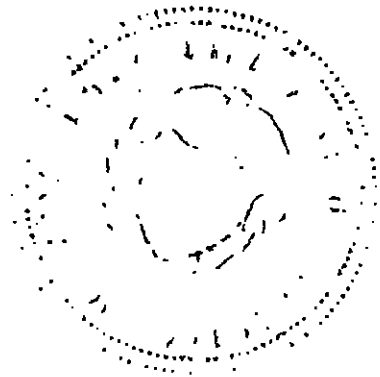
Mahlon J. Baumgardner

Viewers

Clerk 90 cts.

14 Dec 1936 Approved and breadth
fixed at forty feet

By the Court
McKenrick



40 ft.

NOTE. "It is 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 a 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."

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 9th day of November A. D. 1936, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Gallitzin, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from beginning in the Township of Gallitzin, at a point in the Township road leading from the Village of Amsbry to Ashville, about six hundred feet East of the point where said Township road leading into the Village of Amsbry intersects the State Highway leading from Syberton to Ashville and continuing in an Easterly direction through Amsbry a distance of approximately two and one-half miles to a point in a public highway leading from Gallitzin to Coupon, intersecting said public highway from Gallitzin to Coupon at a point about two miles West of the point where Sugar Run Highway intersects said Gallitzin-Coupon Highway.

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 James McCann and Mahlon J. Baumgardner

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.

John H. McCann, P. J.

Attest:

James M. Jones Clerk.

File No. 5 Sept. Sess. 1936

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

IN THE MATTER OF A NEW
TOWNSHIP ROAD IN GALLITZIN
TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA

PETITION FOR APPOINTMENT
OF VIEWERS.

Filed Nov. 9 - 1936

ALBERT L. O'CONNOR

ATTORNEY AT LAW

EBENSBURG AND LORETTO, PA.

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

IN THE MATTER OF A NEW :
TOWNSHIP ROAD IN GALLITZIN :
TOWNSHIP, CAMBRIA COUNTY, : FILE NO.
PENNSYLVANIA. :

PETITION FOR APPOINTMENT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned citizens, residents and property owners of Gallitzin Township, Cambria County, Pennsylvania, respectfully represents:

That they labor under great inconvenience for want of a public road, beginning in the Township of Gallitzin, at a point in the Township road leading from the Village of Amsbry to Ashville, about six hundred feet East of the point where said Township road leading into the Village of Amsbry intersects the State Highway leading from Syberton to Ashville and continuing in an Easterly direction through Amsbry a distance of approximately two and one-half miles to a point in a public highway leading from Gallitzin to Coupon, intersecting said public highway from Gallitzin to Coupon at a point about two miles East West of the point where the Sugar Run Highway intersects said Gallitzin-Coupon highway.

Your petitioners pray your Honorable Court to appoint Viewers to view the ground and report to the Court in accordance with the Act of Assembly in such case made and provided.

And they will ever pray.

NAME

Earl Godfrey

Ambsy Pa Sup.

Michael Godfrey

Ambsy Pa

Paul W. Madison

Ambsy Pa

H E Cox

Gallitzin Pa R D

Della Magee

Gallitzin Pa R D

John Watt

G Shville Pa R D

Leo Watt

G Shville Pa R D

Gandy Mabeley +

Ambsy Pa

Mary M. Bender

Altont. P. S. R.

Joseph Butterbaugh

Gallitzin Pa R D

Joseph Kordina

Gallitzin Pa R D

Samuel Nierenstein

" " "

Charles Pugh

" " "

James Crolley

Gallitzin Pa R D

Howard Cox

Gallitzin Pa R D

Jadie Glass

Gallitzin Pa R D

W P Taylor

Gallitzin Pa R D #1

Mrs Howard Pugh

Gallitzin Pa R D #1

Mrs Howard Glass

Gallitzin Pa R D #1

Elizabeth Madison

Ambsy Pa

Martin Kerchensky

Ambsy Pa

D E C R E E

And now, this 9th day of November, 1936, the foregoing petition read and considered and upon Motion of Albert L. O'Connor, Esq., the Court do appoint, R. M. Chremaker Esq.,

James M. [unclear], and M. J. [unclear]

Viewers to view the road herein referred to and make report to the next term of the Court of Quarter Sessions of Cambria County Pennsylvania.

BY THE COURT:

[Signature]
Judge.

14 June 1937. Approved.

By the Court
McKenrick, J.

29 June 1937. Exceptions filed.

Now, June 29, 1937, the within exceptions presented in open court, and are ordered to be filed.

By the Court
McKenrick, J.

18 August 1937. On Argument List.

20 October 1937. Final Decree filed.

And now, October 20th, 1937, after a hearing and due consideration the Nisi Decree of December 14, 1936, approving the report of the Board of Viewers is made absolute.

By the Court
McKenrick, J.
Greer, J.

27 October 1937. Order to Open issued.

27 October 1937. Certified to Department of Highways.

22 November 1937. Petition to have Decree vacated filed.

And now, November 22nd, 1937, the foregoing petition having been read and considered, it is ordered that armule be granted to show cause why the order of absolute confirmation dated October 20, 1937, relative to the within mentioned road, should not be vacated, Returnable First Monday of Dec. 1937.

By the Court
McCann, P.J.

22 November 1937. I hereby accept service of a copy of the Petition and waive issuing of the Rule.

Albert L. O'Connor
Attorney for Petitioners.

1 December 1937. Answer to Rule to vacate Decree filed.

19 January 1938. On Argument List.

9 February 1938. Opinion of the Court filed.

And now, February 9, 1938, the rule is made absolute, with the usual time allowed for exceptions in such cases, if desired on the part of the proponents of the road.

Per Curiam.

16 February 1938. Exceptions on part of proponents of road to making a Rule to show cause absolute and to Nisi Decree filed.

8 March 1938. Supplemental Exceptions filed.

Now, this 8th day of March, 1938, on motion of Albert L. O'Connor, Attorney for the proponents of the road, leave to file supplemental exceptions is granted.

By the Court
McKenrick, J.

20 April 1938. On Argument List.

3 October 1938. The Exceptions are Dismissed.

Per Curiam.

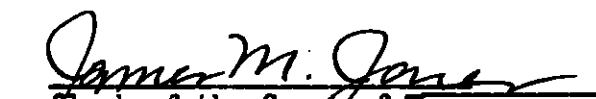
3 October 1938. The Supplemental Exceptions are Dismissed.

Per Curiam.

21 November 1938. Certiorari from Superior Court filed.

Extract from the Record.

Certified this 1st day of
December, A. D. 1938.


Clerk of the Court of Quarter
Sessions.

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

NO. 5 September Sessions 1936

ROAD DOCKET

IN RE: New Township Road in Gallitzin Township, Cambria County,
Pennsylvania.

9 November 1936. Petition for the appointment of Viewers filed.

And now, this 9th day of November, 1936, the foregoing petition read and considered and upon motion of Albert L. O'Connor, Esq., the Court do appoint A. M. Shoemaker, Esq., James McCann and Mahlon J. Baumgardner, Viewers to view the road herein referred to and make report to the next term of the Court of Quarter Sessions of Cambria County, Pennsylvania.

By the Court
John H. McCann,
Pres. Judge.

9 November 1936. Order to View issued.

7 December 1936. Report of Viewers filed.

14 December 1936. Approved and breadth fixed at forty feet.

By the Court
McKenrick, J.

15 February 1937. Petition for Appointment of Reviewers filed.

And now, February 15, 1937, the foregoing petition having been read and considered, it is ordered that L. E. Kaylor, S. E. Dickey and Dixon Tomb, 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 said County, stating particularly whether they judge the same necessary for a public road.

By the Court
McKenrick, J.

17 February 1937. Order to Review issued.

23 February 1937. Petition for order continuing return day of Report of Reviewers filed.

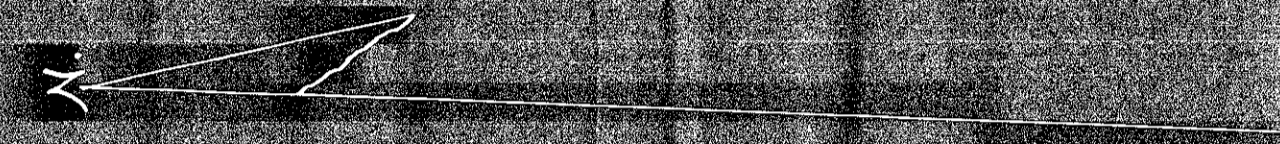
And now, February 23, 1937, the foregoing petition having been read and considered, and it appearing that the Viewers appointed in the above entitled proceeding are unable to make their report within the first week of the next term, it is ordered that the said viewers make report of their proceedings to the June Term-1937, of the Court of Quarter Sessions for the County of Cambria.

By the Court
McKenrick, J.

21 April 1937. Report of Viewers on Review filed.

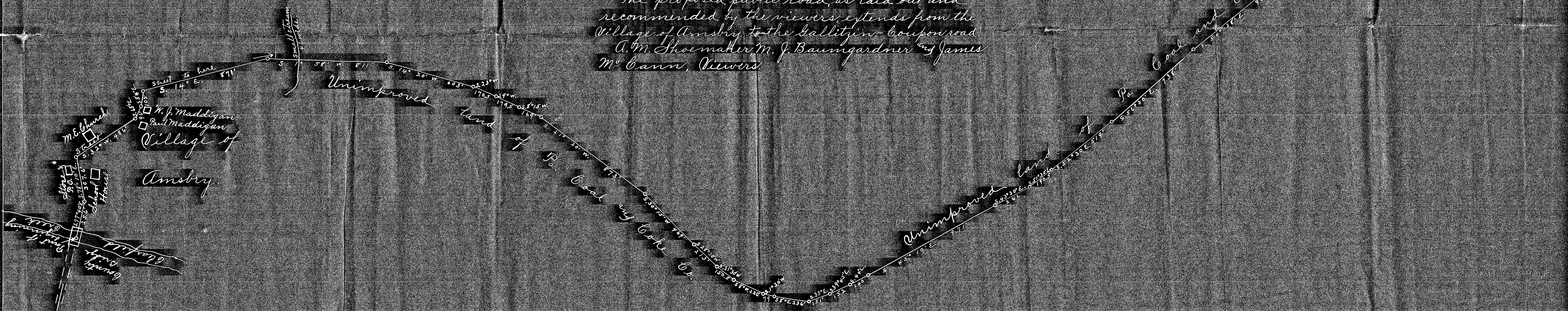
R.D. #5 Sept. 1932

Map #1
Not Microfilmed



Plot or draft showing the line and location of a proposed new road in Gallitzin Township, Cambria County, Pennsylvania as viewed and laid out upon an order of the Court of Quarter Sessions of said county and state dated 9th November A. D. 1936 and entered to No. 5. September Sessions 1936.

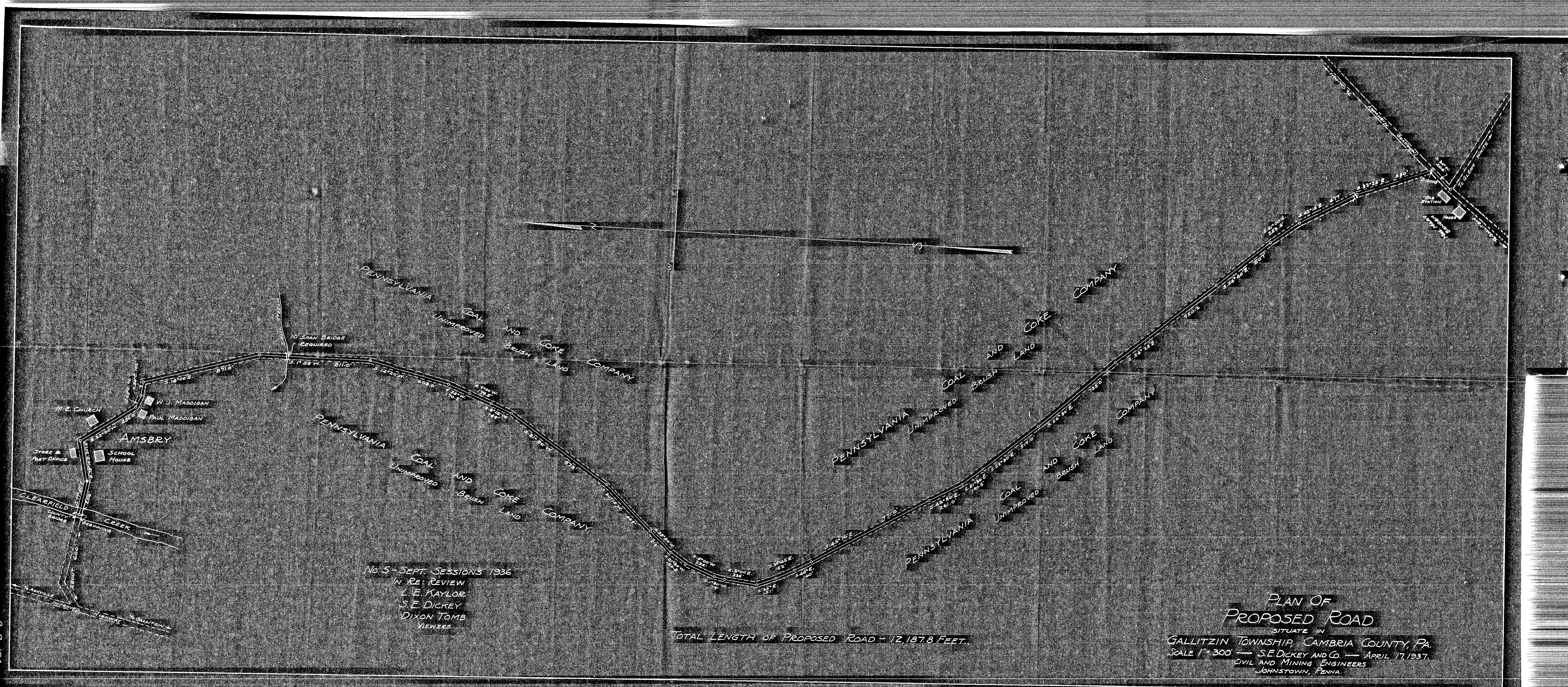
The proposed public road, as laid out and recommended by the viewers, extends from the Village of Ambsry to the Gallitzin-Coupon road.
 A. M. Shoemaker, M. J. Baumgardner and James M. Cann, Viewers.



R.D. # 5 Sept. 1936

Map #2

Rat Microfilmed



No 5-SEPT. SESSIONS 1936
 IN RE: REVIEW
 L. E. KAYLOR
 S. E. DICKEY
 DIXON TOMB
 VIEWERS

TOTAL LENGTH OF PROPOSED ROAD - 12,187.8 FEET.

PLAN OF
 PROPOSED ROAD
 SITUATE IN
 GALLITZIN TOWNSHIP, CAMBRIA COUNTY, PA.
 SCALE 1" = 300' — S. E. DICKEY AND CO. — APRIL 17, 1937.
 CIVIL AND MINING ENGINEERS
 JOHNSTOWN, PENNA.

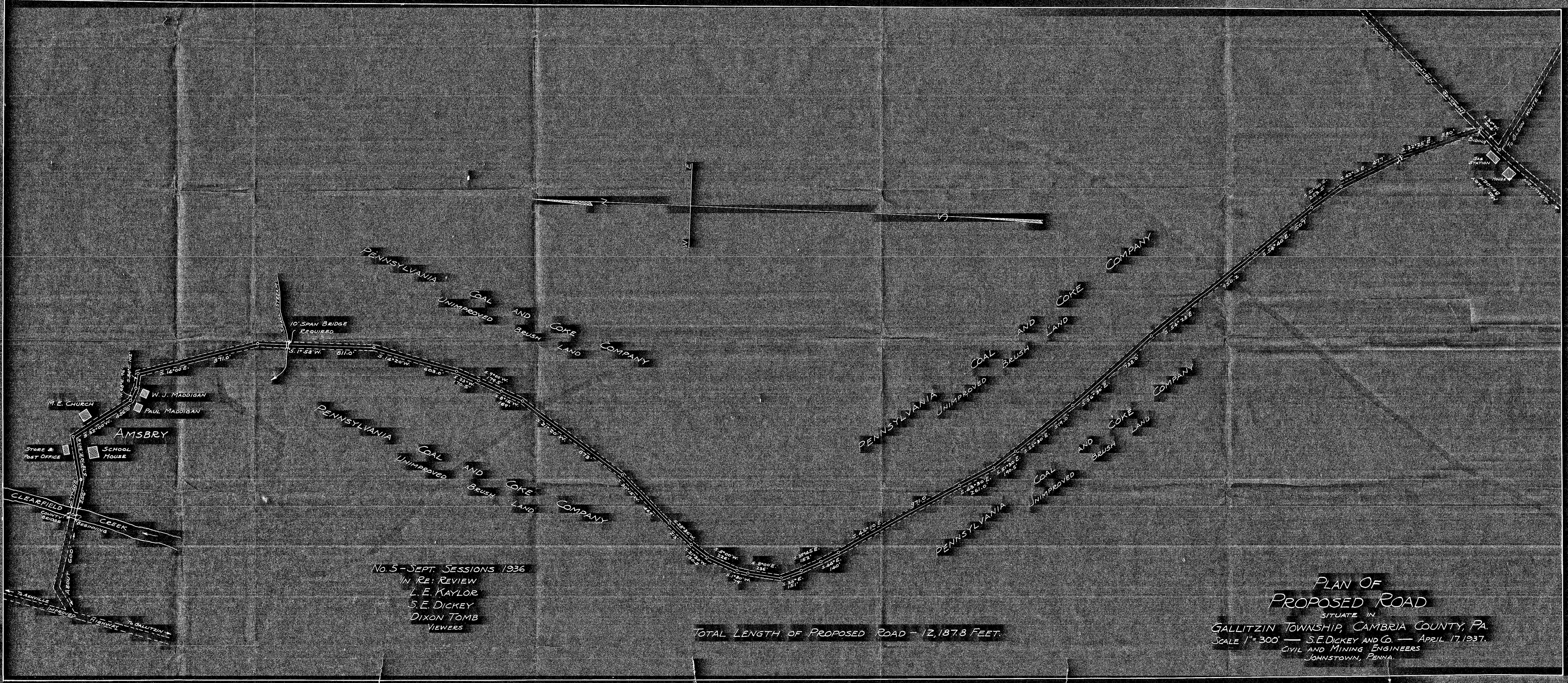
In the Court of Quarter Sessions
of Cambria County, Pa.
No. 5, September Term, 1936

In Re: Review of a proposed
Public Road in Galitzin
Township, Cambria County,
Penna.

L. E. Kayser
L. E. Dickey
John Tompff
Viewers

Map #3

Not microfilmed



No. 5 - SEPT. SESSIONS 1936
 IN RE: REVIEW
 L. E. KAYLOR
 S. E. DICKEY
 DIXON TOMB
 VIEWERS

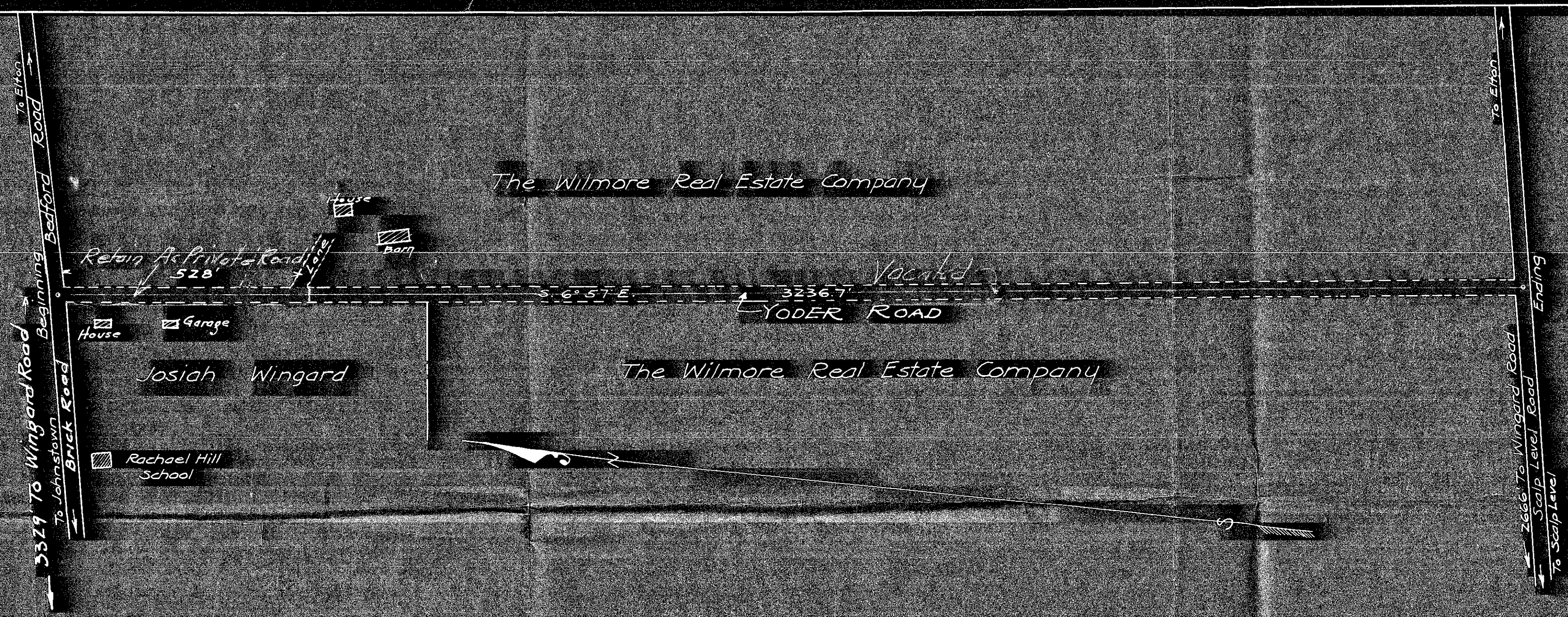
TOTAL LENGTH OF PROPOSED ROAD - 12,187.8 FEET.

PLAN OF
 PROPOSED ROAD
 SITUATE IN
 GALLITZIN TOWNSHIP, CAMBRIA COUNTY, PA.
 SCALE 1" = 300' — S. E. DICKEY AND CO. — APRIL 17, 1937.
 CIVIL AND MINING ENGINEERS
 JOHNSTOWN, PENNA.

8-B-154

R.O. #5 Dec. 1936

Not Microfilmed



The Wilmore Real Estate Company

The Wilmore Real Estate Company

No. 5 - Dec. Sessions 1937
 James M. Cann
 Dixon Tomb
 S. E. Dickey
 Viewers

VIEW OF
 ROAD TO BE VACATED

SITUATE IN
 RICHLAND TWP, CAMBRIA CO., PA.
 SCALE 1"=200 - S. E. DICKEY & Co. - APR. 7, 1937
 CIVIL AND MINING ENGINEERS
 JOHNSTOWN, -PA.

In Re: Vacating two roads and
Supplying one road in the
Township of Richland, County
of Cambria and State of Penna. | In the Court of Quarter Sessions
of Cambria County, Penna.
No. 5, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing certain roads to be vacated and supplied in Richland Township, Cambria County, Pennsylvania, described as follows:

(1) To be Vacated: Beginning at a point in a public road State Route 11009 known as the Brick Road between Geistown and Elton, said point of beginning being in a southeasterly direction a distance of 1526.7 feet measured along the center line of said Brick Road from the intersection of another public road known as Louthier Road and designated as State Route 11005, and ending in a public road designated as Township Route 305, said place of ending being in a southwesterly direction a distance of 1.5 miles measured along the center line of said Township Route 305 from its intersection with State Route 11009 or the Brick Road leading from Geistown to Elton, this section proposed to be vacated being designated as Township Route 312 or Wingard Road.

(2) To be Vacated: Beginning at a point in a public road State Route 11009 known as the Brick Road between Geistown and Elton, said point of beginning being in a southeasterly direction a distance of 4855.0 feet measured along the center line of said Brick Road from the intersection of another public road known as Louthier Road and designated as State Route 11005, and ending in a public road designated as Township Route 305, said place of ending being in a southwesterly direction a distance of 1.0 mile measured along the center line of said Township Route 305 from its intersection with State Route 11009 or the Brick Road leading from Geistown to Elton, this section proposed to be vacated being designated as Township Route 314 or Yoder Road.

(3) To be Supplied: Beginning at a point in a public road State Route 11009 known as the Brick Road between Geistown and Elton, said point of beginning being in a southeasterly direction a distance of 3837.0 feet measured along the center line of said Brick Road from the intersection of another public road known as Louthier Road and designated as State Route 11005, and ending in a public road designated as Township Route 305, said place of ending being in a southwesterly direction a distance of 1.25 miles measured along the center line of said Township Route 305 from its intersection with State Route 11009 or the Brick Road leading from Geistown to Elton.

Will meet at the intersection of Township Route 312 or Wingard Road with the Brick Road leading from Geistown to Elton first above described, on the 7th day of April A. D. 1937 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

March 25, 1937

S. E. DICKEY
DIXON TOMB
JAMES McCANN
Viewers