

In the Court of Quarter
Sessions of Cambria County,
Pennsylvania

No. 2 June Sessions
1937

In re: Petition for
Township Road
in Gallitzin
Township.

Filed: Sept. 2, 1937.

Sept 2,

W. P. Hibler

June-11-1937

We hereby accept notice of the within petition and waive
the issuance of a rule as provided by rule No 301 $\frac{1}{2}$ of the
rules of court

By Cambria County Commissioner
Per H. J. Decker

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

To the Honorable, the Judges of said Court:

The Petition of the undersigned, inhabitants
of the Township of Gallitzin, in said County, respectfully rep-
resents:

That your petitioners labor under great in-
convenience for want of a public road or highway in said Town-
ship of Gallitzin, to begin at a certain point which said point
of beginning is at State Route No. 11035 at the point of inter-
section of the road known as the Horseshoe Curve Road, State
Route No. 21023 with the said State Route No. 11035 and extending
thence by a convenient route to another point of ending, which
said point of ending is at State Route No. 53 at the point of
intersection of State Route No. 553 with said State Route No. 53.

Your petitioners therefore pray the Court to
appoint proper persons to view and lay out the same according
to law.

E. W. Carroll
William Hammond
Fred La Rue
Mary M. Bender
Joseph Lynch
Eveline M. Statters
Frank Lynch
Thos. H. Miller
Chas. J. Rittius
W. J. Robbins
Ted Will
Frank Land
Joe Lane
Wm. H. Robbins

Karren Dibosky
Mike Wilk
Stanley Milk
George Piffner
Rachel Piffner
Harry C. Dibble
Alvin Trepler
Mrs. Frank Trepler
Frank Trepler
Frank J. Koone
Harold Summers
Ora Koone
Robert L. Koone
Leta Koone
James Seman
Anna Seman
Alvin Burick
Paul Kurash
Helen Burick
Frank A. Kozan
Raphael P. Kozan
Mike Lubert
Rose Lubert
John C. Ferrant
Loretta Ferrant
Louis Kurash
Marian Kurash
Walter Milk
Miss Fied La Rue
Lillie O. Doud
Walter Eichenlaub

Herman Smithbauer
Mrs. Herman Smithbauer
Mrs. Walter Eichenlaub
Joe Yankosky
Mrs. Susan Reihler
Harry Eichenlaub
George Eichenlaub
Blifford Eichenlaub
Thomas Mack
Annie Mack
Charles Larue
Rita La Rue
Cloyd J. Lattimer
Mr. Cloyd J. Lattimer
Wm. C. Dibble
Mrs. Wm. C. Dibble
Mrs. M. J. Wernig
Mr. Joseph Wernig
Mrs. Stanley Wilk
Mrs. John Kless
Walter Zelinski
Sanford Nagle
Albert Mc Muller
Michael Mazko
Pearl Mc Muller
Mary Klenzies
Howard Dibble
George Berninger
Sophia Werninger
Bobby Sabash

^{mrs} Anna Sabach
Pedro Hernandez
Geo L. Craig
Pearl Craig
Stephen Smith
Stanley P. Nagle
Joe W. Blucher
James Hunt
Evelyn Hunt
Louis Dominio
Anna Dominio
Walter Conrad
Harry Lewis
Mrs. Tom Hammond
Mrs. P. P. Gallagher
S. P. Gallagher
George Koenig
Bert Seymour
Mrs. Mary E. Seymour
Eugene Seymour
Alfred D. Taddy
Mrs. Anna Taddy
Mr. Harry Wills

Mrs. Harry Wills
John H. Witt
Mrs. John Watt
Leo Witt
Mrs. Leo Watt
Mrs. Phas Gauntier
Sister O'Brien
C. A. Beck
R. A. Beck
Harrison J. Conrad
Mrs. Harrison Conrad
Bernard Riley
Lewis Patz
Sherlock Nelson
Cecil Burp
Lawrence Hockenshaw
Mary Hockenshaw
Mrs. Irene Eichenlaub
Joseph Stasik
Mrs. Mary Sastowsky
Catherine Currier
William Currier

David L. Eichenlaub
Eugene M. Eichenlaub
Esther Lynch
Mary Lynch
Helen Ball
Clarence Frosty
Mildred Frosty
L. H. Bloom
Bertha Bloom
Isaiah Hughes
E. Hughes
James Noonan
Mrs Jas Holmberg
James Holmberg
Marie Holmberg
R. W. Luther
Mrs Raymond Luther
Charles Luther
Eugene Seymour
Alma Seymour
Elizabeth Dall
Geo D. Smith

Catherine Parrish
Bob Thomas
Ethel Kruszewski
Andy Kowalczuk Jr
A. R. Lockard
Mrs Lee R. Lockard
Oliver Durcovi
Albert Koeck
Miry Koeck
Joe Koeck
George Koeck
William McCloskey
Helen McCloskey
Frank Gachinsky
Grace Gachinsky
Joseph Subala
Sophia Subala
John Koeck
Victoria Koeck
Joseph Mastaluk
Fannie Mastaluk
Kare Morris
Ema Morris

Elizabeth Dorney
Nelson Kinney
John Stasik
Catharine Stasik
H. C. Jenner.

Soc. Servants
Mary Servants
Charles Bernuzzi
Annibale Bernuzzi
Walter Stepmack
*

Andy Kowacz
Eusebio Fulekier
Margaret Robbins
Albert Wakamanski
Louis Labella

Frank Gavelanski
Harold Delaney
Thomas Dinbar
Mary Laffey
John Deid
Joseph Vecellio
Eugene Bernuzzi

John Fulekier
Andrew Biel

Michael Ziemniowski
Stefan Ziemniowski

Andy Potyvala
Giulio Martini
Baldassarre Mazzarano

Elisabetta Mazzarano
Luigi Petronetti
E. C. Johnston
Iveta Johnston

Anthony Krucenaki
Mildred M. Smith
Margaret Smith
D. S. Eichenlaub
Jessie Wahn.

Charles Hahn
Cetus Bender.

Andy Salanick
+ Make abretski
Delsera abretski
R. V. High
Mary Hahn

Louis Serucent	Shelma Eichenlaub
Ines Serucent	John Vetrak
John Serucent	Anna Wilk
Jan Jankowski	W C Fulton
Katarzyna Jankowski	Mrs Gladys Fulton
Lucius Chivins	Harry C Madaw.
Andrew Urbanek	Catherine M. Madara
Betha Urbanek	Joseph Kulak
Mrs M L H. only	Stella Kulak
Stephen Morris	John Kristock
Nellie Morris	Anna Kristock
Alex Gardini	Michael Kristock
Melania Gardini	Arbutus Watta
Cleofonte Gardini	Mrs S L Barnes
Andy Guchestny	Mrs J H Rhodes
Hanna Guchestny	Mrs Margaret Kroff
Frank Mastalski	Frank Kroff
Mary Malinofski	Mrs R A Christy
Helen Gandura	Mrs E J Glass
John Gandura	Mr E J Glass
Mrs Matilda Belgien	Mrs Lou Pugh
Eloy Bally	C. P. Jaeger
Howard Eichenlaub	M. C. P. Jaeger

H. E. Cox	Mike Mastalaski
Mrs H E Cox	Harro Delozier
Mrs John Glass	Paul Delozier
John A Glass	Joe Galanick
Joseph Butterbaugh	Maude Galanick
Mrs. Jas. Butterbaugh	R. A. Swope
Raymond T. Rice	Mrs Cassa Mae Swope
Mrs Raymond Rice	Mrs Virginia Myers
Valentine Javalowski Jr.	J. A. Myers
Valentine Javalowski Sr.	Huldah Ramsey
Mrs W. J. Wolf Jr.	Homer Grimes
Walter Wolf Jr.	Mrs Homer Grimes
James Carney	Paul Montgomery
Mrs W. J. Wolf Sr.	Mrs Lloyd Judd
Walter J. Wolf Sr.	Lloyd Joseph Judd
Gertude M. Wolf	Edward Libinger
Mary Mastalaski	Mrs Edw. B. Binger
Mr. Katie Delaney	
Mr. Edward M. Muller	
Mrs. Edward M. Muller	
Richard A. Heine	Mrs J. C. Hainley
John Haidon	Mr Joseph Ribon
Mrs John Haidon	Mrs Joseph Ribon

Mr Bernard Risboe	Mrs Harvey Glass
Mrs. Clem Risboe	Mrs Edw. Geisbrecht
Mr. Clem Risboe	H. L. Glass
Edward Coward	Edw. Geisbrecht
Marie Conrad	Tom Erikson
Oscar Montgomery	Kitty Buchanan
Mrs Oscar Montgomery	Joe Roes
Warren Lynch	Emer. J. Fisher
Matthew Conrad	Charles & Susan
Mrs Matthew Conrad	Mary Blugger
M. R. Montgomery	Angie Fisher
Thomas Conrath	Belgrade Lewis
H. P. Connor	Patty Connor
John Cleary	Mrs. Patty Connor
G. J. Hartman	Annie Butterbaugh
T. J. Hartman	Louis Grantz
Sam Butterbaugh	Mrs Louis Grantz
Adeline Milroy	Mr John Vashon
Tr Logan	Joseph Francis
Mrs Janet Lewis	Frank Francis
Mary Logan	Robert Blakney
Wilfred Thomas	Michel Titek
Mary Thomas	Mrs. Gallagher
	Edward Gallagher

Wm Buttrbaugh
Mike Mangle
Charles Pugh
Joseph Gardini
Grace Gardini
Howard Cox
Grace Cox
Louis W Cox
Howard W Glass
Dorothy W Glass
Arthur B Litzinger
Myrtle Litzinger
Harry B Labrey
Edna B Labrey
Andy Herber
James Litzinger
Owen McConnell
George McConnell
Harriet McConnell
Grace LaRue
Lauria Lynch
Mrs Frank Zandy

STATE OF PENNSYLVANIA
COUNTY OF CALBRIA

SS :

Before me, the subscriber, personally came
Joseph Lynch one of the above named petitioners,
who, being duly sworn according to law, deposes and says that
the matters set forth in the foregoing petition are true and
correct.

Joseph Lynch

Sworn to and subscribed
before me this *8th* day
of *June*, 1937.

Leo F. McHenry
Recorder of Deeds

R E P O R T O F V I E W E R S .

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 necessity for a public road in Gallitzin Township, said county and state, to lead from a point at State Route No. 11035 at the point of intersection of the road known as the Horseshoe Curve Road, State Route No. 07023 with the said State Route No. 11035 and extending thence by a convenient route to the point of ending at State Route No. 53 at the point of intersection of State Route No. 553 with said Route No. 53; 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 Gallitzin, and having them accept service of notices hereto attached, and to the traveling public by printed hand bills posted in public and conspicuous places at and near the termini of the road suggested; and having each been first duly sworn or affirmed according to law to perform the duties of our said appointment faithfully, impartially and to the best of our judgment and ability; We met at the time and place appointed in accord with the notices given and posted as aforesaid and proceeded to investigate and enquire into the necessity for the piece of road in question and went over and viewed the proposed route between the termini suggested in attached order, noting the grade, length, adjacent lands, probable cost of construction and number of persons and families residing in the vicinity thereof who would probably use such a road if opened and maintained and considering also the amount of traffic which would probably use the same in traveling east and west from beyond either termini thereof, and adjourned until a later date when we met again at the Court House in Ebensburg and took considerable testimony concerning the matter of our enquiry, where we were attended by the Supervisors of the township of Gallitzin and a considerable number of interested citizens together with their attorneys, all of whom had an opportunity to be heard.

And having carefully viewed the proposed site suggested for the said road and listened attentively to the evidence adduced at the hearing, we are of the opinion that there is not occasion or necessity for the proposed new road..

The suggested location for the proposed new road takes the following courses and distances, viz: Beginning at the westerly termini, at the juncture of Route NO. 53 with Route NO. 553, and extending thence along Route NO. 53, leading from Gallitzin to Ashville, north 16 degrees east 287 feet, thence south 56 degrees 15 minutes east 430 feet, south 75 degrees east 126.8 feet, and north 84 degrees 15 minutes east 483 feet to the crossing of the Cresson - Coalport Branch of the P. R. R.; thence north 15 degrees east 211 feet; north 19 degrees 40 minutes east 249 feet; north 56 degrees 30 minutes east 231 feet; north 87 degrees 05 minutes east 289 feet; south 72 degrees 30 minutes east 80.2 feet; south 54 degrees east 269 feet; south 41 degrees 15 minutes east 131 feet; south 60 degrees 30 minutes east 152 feet; south 65 degrees 45 minutes east 181 feet; south 75 degrees east 617.5 feet; south 69 degrees 15 minutes east 186 feet; south 76 degrees 55 minutes east 319 feet; south 87 degrees 50 minutes east 1186 feet; south 76 degrees 45 minutes east 247 feet; south 78 degrees 30 minutes east 336 feet; south 84 degrees 30 minutes east 275 feet; south 81 degrees east 140 feet; south 88 degrees east 761 feet; south 87 degrees 30 minutes east 396 feet; south 98 degrees 50 minutes east 266 feet; north 87 degrees east 506 feet; south 86 degrees 25 minutes east 289 feet; north 77 degrees 45 minutes east 293 feet; north 86 degrees 15 minutes east 798 feet; north 68 degrees 30 minutes east 457 feet; north 78 degrees 30 minutes east 212 feet; north 70 degrees east 310.4 feet; north 72 degrees east 513 feet; south 67 degrees 10 minutes east 343 feet; south 75 degrees 30 minutes east 247 feet; south 72 degrees east 701 feet; south 85 degrees 40 minutes east 238 feet; north 82 degrees 30 minutes east 240 feet, and south 86 degrees east 343 feet; through and over lands principally of the Pennsylvania Coal and Coke Company; to the easterly ter-

mini, on the public road leading from Gallitzin to Coupon at a point where the public road leading from Altoona, via Horse Shoe Curve, meets said Gallitzin - Coupon road; being the easterly termini designated on the attached order.

Said proposed new road leads for almost ^{land} the entire distance through and over unimproved, uncleared and unsettled; except for two homes near the easterly termini; and there is no indication that the section through which this piece of road leads is or likely will in the near future be improved or built up any more than at present;

One portion of the route would cross the Cresson - Coalport Branch of the P. R. R. at grade and that on a steep grade of in the neighborhood of nineteen to twenty one per cent, for some fourteen hundred feet or more, which grade could scarcely be avoided without detouring approximately one to one and one eight miles.

The expense of constructing the piece of road would undoubtedly be an unreasonable burden to place upon the township of Gallitzin at this time and in our opinion the necessity for the same would not be commensurate with the expense of construction and the upkeep, nor would the traffic over same, if constructed, justify the expense.

Both the traveling public and the individuals concerned already have improved highways by which they can travel from one termini of the proposed new road to the other probably within eight to ten minutes of the same time which would be required to travel over the proposed new road if constructed.

Witness our hands this day of November, A. D., 1937.

A. M. Shoemaker

James M. Cannon

A. H. Jewers

Viewers.

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

In re Order to view site for a public road in Gallitzin Town-
ship, said county and state, entered to No. 2 June Sessions, 1937.

Motion for Continuance of Order.

The Viewers appointed by your Honorable Court in the above referred
to matter, respectfully represent:

That having been appointed as aforesaid and having made the view and
held a hearing in the above stated case; having been requested by the
Attorney for the Petitioners and the Attorney for the Supervisors of the
Township of Gallitzin, to hold their report in the aforesaid matter;
We therefore respectfully request and move that your honorable Court
grant a continuance of the order extending the time for the filing of
report of viewers, in the aforesaid matter, to the first week of March
Sessions, 1938.

A. M. Shoemaker

Attorney for the Viewers.

Now, December 17, 1937, ^{Minute procedure is of Dec 6-1937} the above petition having been read and consid-
ered, the Court hereby grants the request of the viewers and extends the
time for the filing of their said report until the first week of the
next regular term.

By the Court
McKenney

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 between the Termini hereinafter stated.

Beginning at a point on State Highway Route No. 11035 at the juncture of the road known as the Horse Shoe Curve Road, State Route No. 07023 with said Route No. 11035 and ending at a point at State Route No. 53 at its intersection of State Route No. 553, at or near Siberton.

Said Viewers will meet in Gallitzin Township at the point of ending above designated in the Township of Gallitzin, Cambria County, Pennsylvania on the *23rd* day of October, 1937 at 9:30 O'clock A. M. for the purpose of performing the duties of their said appointment.

A. M. Shoemaker

James McCann

S. H. Jencks

Viewers.

Service of the above notice is hereby accepted for the Commissioners of Cambria County, Pa.

A. J. B. 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 between the Termini hereinafter stated.

Beginning at a point on State Highway Route No. 11035 at the juncture of the road known as the Horse Shoe Curve Road, State Route No. 17023 with said Route No. 11035 and ending at a point at State Route No. 53 at its intersection of State Route No. 553, at or near Siberton.

Said Viewers will meet in Gallitzin Township at the point of ending above designated in the Township of Gallitzin, Cambria County, Pennsylvania on the 23rd day of October, 1937 at 9:30 O'clock A. M. for the purpose of performing the duties of their said appointment.

A. M. Shoemaker

James McCann

S. H. Jencks

Viewers.

An exact copy of above notice of view was served on Supervisors of Gallitzin Township who in response to said notice, were represented at the view.

A. M. Shoemaker

Ed. burg, Pa.
December 6th 1937

Commissioners of Cambria County

To S. H. Jewers Jr.

To 1 day on view of proposed new road in Gallitzew Twp.	\$ 12.00
To 30 miles on view @ 10¢ per mile	3.00
To 1 day at hearing in Court House	12.00
	<hr/>
	\$ 27.00

To James McCann Dr.

To 1 day on view	12 ⁰⁰
6 1/2 miles on view	6 ⁵⁰
1 day at hearing	12 ⁰⁰
3 1/2 miles	3 ⁶⁰
	<hr/>
	\$ 34.20

APPROVED FOR PAYMENT

John Thomas
Grant F. Holler
Lillian D. Keller
COMMISSIONERS

CERTIFIED
James H. [Signature]
TREASURER

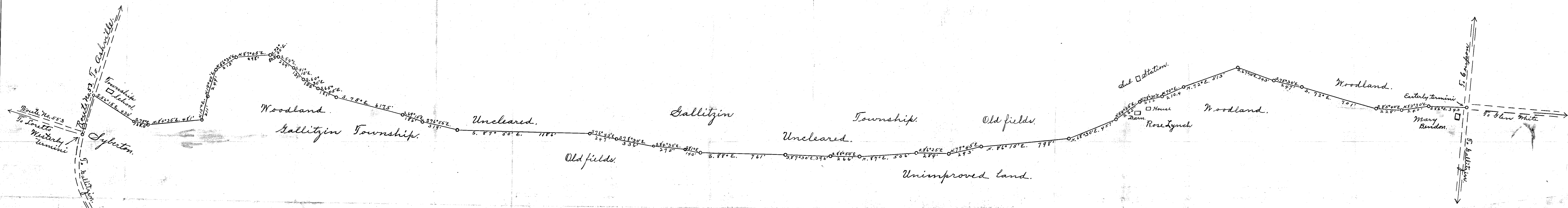
County of Cambria

To A. M. Shoemaker Dr

To preparing, posting & serving
C notices of view 12 00
30 miles @ 10¢ per mi — 3 00
Stenographer & stationery — 1 75
Day on view — 12 00
30 miles — 3 00
Hearing one day — 12 00
Survey draft & tracing — 18 00
Tracing cloth — 60
Preparing & filing report — 12 00
Stenographer & stationery — 1 20
\$75 55

John L. ...
Frank P. ...
Lillian D. Keller
COMMISSIONERS

CERTIFIED
COUNTY CLERK



Viewed upon an order of the Court dated
 2nd September ~~1937~~, A. D., 1937 entered to No
 2 June Sessions 1937.
 A. M. Shoemaker, James M. Cann, S. H. Jencks,
 Viewers.

Suggested location for a public road in Gallitzin
 Township, Cambria County, Pa., viewed upon the at-
 tached order of the Court of Quarter Sessions of
 said county and state.

NO. 2 June SESSIONS, 1937.

Order to view Township Road in

Galitzin Township. + Report
of Viewers

CERTIFIED
County Clerk
Sept 6 - 1937

Order continued to
first Monday, December 19th
By the Court
McHenry

A. M. Shoemaker

James McCann

S. H. Jencks

Viewers

Clerk 90 cts.

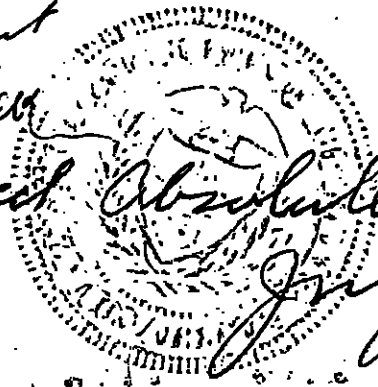
Filed Dec. 27, 1937

14 March 1938 Approved

By the Court
M. H. HERRICK

Refused

13 June 1938 Affirmed



Absolutely

J. J. [Signature]
Clerk

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

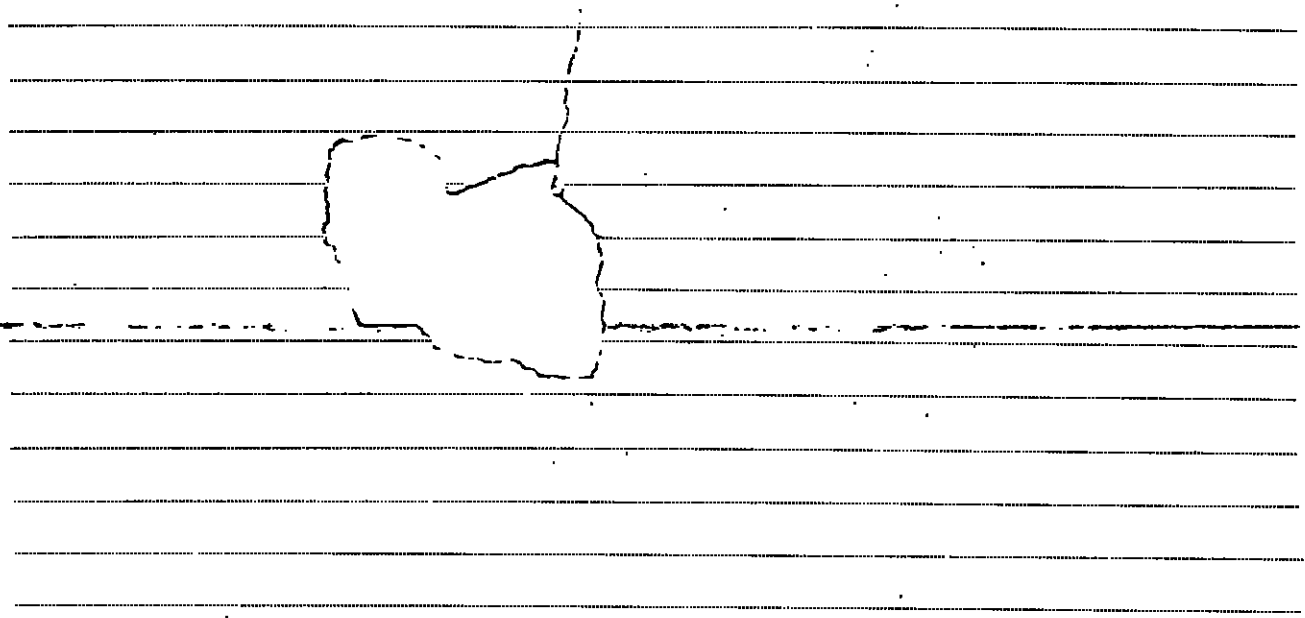
"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

11 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 2nd day of September A. D. 1927, 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 incon-

~~venience for want of a~~ public road or highway, ~~to be laid from~~ beginning at a certain point which said point of beginning is at State Route No. 11035 at the point of intersection of the road known as the Horseshoe Curve Road, State Route No. 07023 with the said State Route No. 11035 and extending thence by a convenient route to another point of ending, which said point of ending is at State Route No. 53 at the point of intersection of State Route No. 553 with said Route No. 53



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 _____ surveyor, and _____

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

By the Court.
McKenrick, J.

Attest:
James M. Jones Clerk.

