

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
No. 4 <sup>September</sup> ~~December~~ Session, 1939.

*Heldon Smith*  
*Conemaugh R.D.*

IN RE. APPOINTMENT OF VIEWERS  
TO VIEW AND MAKE RECOMMENDATION  
CONCERNING THE VACATING OF  
SECTIONS OF PUBLIC ROAD IN  
JACKSON TOWNSHIP

Petition.  
Decree.

*Filed: Nov. 24, 1939*

Harry E. Simmons  
Attorney at Law  
Johnstown, Penna.

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

IN RE. APPOINTMENT OF VIEWERS  
TO VIEW AND MAKE RECOMMENDATION  
CONCERNING THE VACATING OF  
SECTIONS OF PUBLIC ROAD IN  
JACKSON TOWNSHIP

4 Sept  
No. ~~December~~ Term, 1939.

Petition to Vacate Public Road

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

The petition of the undersigned, members of the Board of Road Supervisors of Jackson Township, Cambria County, Pennsylvania, respectfully represents:

That your petitioners are of the opinion that the portions of Public Road hereinafter described, now abandoned as State Highway routes and relocated, are unnecessary for public use and travel or that it will be burdensome or dangerous and request that the hereinafter described portions of roadway be vacated as a public highway:

1m From a point at Station 0+00 to a point at Station 23+70, a distance of approximately 2370 feet, or approximately 0.449 of a mile; also from a point at Station 25+75 to a point at Station 58+40, a distance of approximately 3265 feet, or approximately 0.618 of a mile; also from a point at Station 59+40 to a point at Station 108+90, a distance of approximately 4950 feet, or approximately 0.937 of a mile, more fully described and shown on the attached drawing marked Exhibit No. 1. Route 314, Sec.2

Wherefore, your petitioners pray your Honorable Court to appoint proper persons to view the above described portions of highway and to recommend the vacating of the said portions.

And they will ever pray, etc.

BOARD OF ROAD SUPERVISORS  
OF JACKSON TOWNSHIP  
CAMBRIA COUNTY, PENNSYLVANIA

John Shuman  
President

Theodore W. Hunt  
Secretary

R. Dwight Griffith

DECREE

And, now, *November 24*, 1939, the foregoing petition having been presented in open Court, read and duly considered, on motion of Harry E. Simmons, Esq., Attorney for the Petitioners,

it is ordered and decreed that

*James M. [unclear]*  
*M. Shrouder* and *S. H. [unclear]*

are hereby appointed to view the portions of highway described in the foregoing petition and to make recommendations concerning the vacating of the said portions of highway according to law.

By the Court

*M. [unclear]*

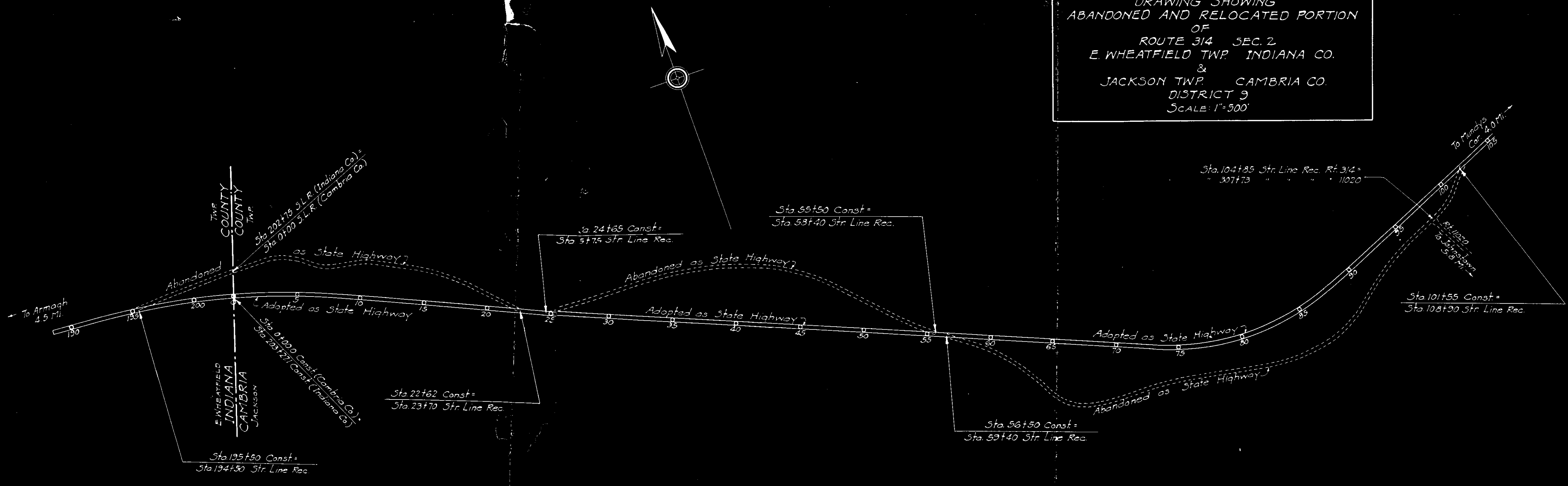
not Microfilmed

RD#4 Sept 1939

Jackson Twp

Vacate Portions of  
Road

DRAWING SHOWING  
 ABANDONED AND RELOCATED PORTION  
 OF  
 ROUTE 314 SEC. 2  
 E. WHEATFIELD TWP. INDIANA CO.  
 &  
 JACKSON TWP. CAMBRIA CO.  
 DISTRICT 9  
 SCALE: 1"=500'



TABULATION OF CHANGES BY RELOCATION

Sta.	to	Sta.	RELOCATED			ABANDONED			
			Imp.	Unimp.	Total	Imp.	Unimp.	Total	
195+50	-	203+27.1	777.1'		777.1'				E. Wheatfield Twp. Indiana Co.
194+50	-	202+75					825'	825'	
0+00	-	22+62	2262'		2262'				Jackson Twp. Cambria Co.
0+00	-	23+70					2370'	2370'	
24+65	-	55+50	3085'		3085'				
25+75	-	58+40					3265'	3265'	
56+50	-	101+55	4505'		4505'				
59+40	-	108+90					4950'	4950'	

Const'n. Dwg's., covering relocation,  
 approved by Gov. Farte on July 15, 1938.

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY  
PENNSYLVANIA.  
NO. 4 SEPT. SESSIONS, 1939

IN RE: PETITION OF SUPERVISORS  
OF JACKSON TOWNSHIP  
CAMBRIA COUNTY,  
PENNSYLVANIA TO  
VACATE THREE PIECES  
OF ROAD IN SAID  
TOWNSHIP.

DECREE

REPORT OF VIEWERS

CERTIFIED

*Wm. T. ...*  
1939

*Filed Dec-19-1939*

June 12-1940

Confirmed. Obsolete

J. C. Hess  
Clerk

11 March, 1940 Approved

By the Court

W. Kenrick  
y

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

IN RE:- Petition of Supervisors  
of Jackson Township, Cambria,  
County, Pennsylvania. To Vacate  
Three Pieces of Road in Said  
Township. )

No. 4 September Sessions  
1939

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court:

We, the undersigned Viewers, appointed by the attached order of the Court to view and determine whether three separate portions of public road along State Route 314, in Jackson Township, Cambria County, Pennsylvania, now abandoned as State Highway Routes, are unnecessary for public use and travel and may become both burdensome and dangerous. Respectfully report as follows:

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County, as shown by the records of the Court; that due public notice of the time and place of meeting was given by posting notices, along the route and at the termini of each of the three sections proposed to be abandoned, as shown by copies of said notices hereto attached and made a part of this report. By giving notice to the Commissioners of Cambria County, acceptance of service being hereto attached, and to the Supervisors of Jackson Township, by delivering copies of notices of meeting, at their homes to adult members of their families, and securing acceptance of service from the Supervisors, copies of such service also being hereto attached.

That we met in accordance with the notices given and at the time and place designated on the notices and proceeded with the duties of our appointment. There were present at the View, the three Viewers and the three Supervisors of Jackson Township, also several citizens who owned property along the portions of road to be abandoned. We viewed the separate sections of road as above shown. We also heard the opinions of those present who desired to be heard, and after careful consideration we have decided that the three portions of road should be abandoned as public roads. In this decision all those present concurred. However due to the fact that a number of homes are located along the route of the abandoned portions, who would have no other egress to a public road, it was decided that certain portions should be retained as private roads as follows.

As to Portion No.1;described as follows:-

Beginning at the point on State Route 314 where Indiana and Cambria County lines meet, and extending thence as follows:

East 247'; S.71°-00'E.123'; S.51°-00'E.183'; S.67°-15'E.464'; S.51°-00'E.462'; S.47°-00'E.467' and S.33°-00'E.278' to a point on new road opposite garage of Ernest J. Kuckenbrod. It was decided the entire portion should be retained as a private road.

As to Portion No.2;described as follows:-

Beginning at the point on new road where portion No.1 terminated, thence over new road S.67°-30'E.237' and then over old road S.83°-20'E.200'; S.78°-10'E.261'; S.86°-25'E.304'; S.80°-10'E.184.5'; S.68°-00'E.391'; S.69°-00'E.498'; S.39°-00'E.960' and S.42°-30'E.283' to edge of new road opposite residence of Henry J. and Sarah A. Edmiston. It was decided this piece should be abandoned in its entirety.

As to Portion No.3;described as follows:-

It was decided that the part of this portion from the point where it intersects with State Highway Route 314 to a point opposite the residence of should be abandoned. This part is described as follows:-

Beginning at edge of new road where portion No2 terminates opposite the garage of Henry J. and Sarah A. Edmiston. Thence crossing State Route 314 - S.56°-00'E.234'.

Thence S.44°-10'E.199'; S.32°-00'E.892'; to point opposite residence of

And that from the point opposite residence of *Bertha Caddy* to where it again intersects with State Route 314, it should be retained as a private road. This part

is described as follows:- From a point opposite said residence, thence:

S.74°-00'E.148'; S.75°-10'E.99'; S.81°-50'E.281'; S.76°-00'E.303'; S.81°-05'E.121';

S.76°-00'E.973'; S.85°-00'E.991'; N.70°-00'E.397', to the Tanneryville road, allowing the section or portion of road from there to the newly located Route 22. to remain as a public road.

There is also hereto attached a plan of the entire three portions in which courses and distances are more adequately described. \*

Witness our hands and seals this 19th day of December A.D. 1939. \*

*James M. O'Connell*  
-----  
*J. H. Jencks*  
-----  
*A. M. Shoemaker*  
-----  
VIEWERS

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

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

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

NO. 4, September 1939  
SESSIONS, 1939

Order to view and vacate portions

of Public Road in Jackson Township,

Cambria County, Penna.

Viewers

James McCann

A. M. Shoemaker

S. H. Jencks

Clerk 90 cts.



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 24th day of November Supervisors A. D. 1939, before the Honorable Judge of the said Court: Upon the petition of divers ~~XXXXXX~~ of the Township of Jackson, in the said County, setting forth that ~~they have abandoned~~ ~~portions of public road hereinafter described, now abandoned as State Highway~~

portions of public road hereinafter described, now abandoned as State Highway routes and relocated, are unnecessary for public use and travel and will become burdensome or dangerous. Said portions of road are described as follows: From a point at Station 0 plus 66 to a point at Station 23 plus 70, a distance of approximately 2370 feet, or approximately 0.449 of a mile; also from a point at Station 25 plus 75 to a point at Station 58 plus 40, a distance of approximately 3265 feet, or approximately 0.618 of a mile; also from a point at Station 59 plus 40 to a point at Station 108 plus 90, a distance of approximately 4950 feet, or approximately 0.937 of a mile, route 314; Sec 2:ed

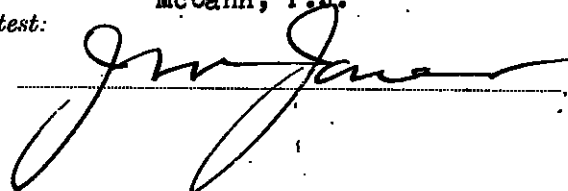
and therefore praying the Court to appoint proper persons to view and ~~report~~ <sup>vacate</sup> the same according to law. The Court, upon due consideration had of the premises, do order and appoint

James McCann surveyor, and A. M. Shoemaker and S. H. Jencks

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is <sup>no</sup> occasion for such road, they shall proceed to ~~report~~ <sup>vacate</sup> the same, ~~having no objection~~ ~~to the~~ ~~distance~~ ~~and~~ ~~in~~ ~~such~~ ~~manner~~ ~~as~~ ~~shall~~ ~~do~~ ~~the~~ ~~least~~ ~~injury~~ ~~to~~ ~~private~~ ~~property~~, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.  
McCann, P.J.

Attest:

 Clerk.

IN RE:- PETITION OF SUPERVISORS  
OF JACKSON TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA.  
TO VACATE 3 PORTIONS OF PUBLIC  
ROAD IN SAID TOWNSHIP.

X  
X  
X  
X  
X

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 4 SEPTEMBER SESSIONS, 1939.

NOTICE OF VIEW

Notice is hereby given that the undersigned Viewers, appointed by the above named court, to view and determine as to the necessity of vacating three separate portions of public road, which have been abandoned as state highway route.

1st portion along Route 314 Sec. 2:-  
From a point at Station 0 Plus 00 to a point at Station 23 Plus 70.  
A distance of approximately 2370 feet.

2nd portion along Route 314 Sec. 2:-  
From a point at Station 25 Plus 75 to a point at Station 58 Plus 40.  
A distance of approximately 3265 feet.

3rd portion along Route 314 Sec. 2:-  
From a point at Station 59 Plus 40 to a point at Station 108 Plus 90.  
A distance of approximately 4950 feet.

Will meet at the Cambria County line where it meets the Indiana County line on State Route 314, on Tuesday morning, Dec. 12th, at 9:30 o'clock A.M. for the purpose of performing the duties of our appointment, at which time and place all persons interested may appear and be heard, if they think proper.

VIEWS (JAMES McCANN  
(A.M. SHOEMAKER  
(S.H. JENCKS

*Done 12-12-39*  
*H. J. Dow*  
*clerk.*

IN RE:- PETITION OF SUPERVISORS X  
OF JACKSON TOWNSHIP, CAMBRIA COUNTY X  
COUNTY, PENNSYLVANIA. X  
TO VACATE 3 PORTIONS OF PUBLIC X  
ROAD IN SAID TOWNSHIP. X

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 4 SEPTEMBER SESSIONS 1939

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VIEWERS

(JAMES McCANN  
(A.M. SHOEMAKER  
(S.H. JENCKS

IN RE:- PETITION OF SUPERVISORS  
OF JACKSON TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA.  
TO VACATE 3 PORTIONS OF PUBLIC  
ROAD IN SAID TOWNSHIP.

X  
X  
X  
X  
X

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 4: SEPTEMBER SESSIONS, 1939.

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VIEWERS (JAMES McCANN  
(A.H. SHOENAKER  
(S.R. JENCKS

Copy of this report  
Left at Residence of  
John Sherman with adult members  
of family -

---

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 4 SEPTEMBER SESSIONS, 1939.

X  
X  
X  
X  
X

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 4 SEPTEMBER SESSIONS, 1939.

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A distance of approximately 4950 feet.

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(JAMES McCANN  
VIEWERS (A.M. SHOEMAKER  
(S.H. JENCKS

*We have by act, knowledge receipt of a  
copy of above notice  
D. August Shiffiter  
Theodore W. Hunt.  
John Shuman  
Supervisors*

4 Sept 1883 39.

IN RE JACKSON TOWNSHIP VIEW.

COUNTY OF CAMBRIA

	To A. M. Shoemaker,	Dr.
To One day on View	- - - -	\$12.00.
28 miles @ 10 @ per mile	- - - -	2.80.
Survey plot and draft of two miles of road	-	24.00.
Two Chainmen @ 1.50 each	- - - -	3.00.
28 miles	- - - -	2.80.
Two blue prints	- - - -	<u>2.50</u>
		\$47.10.

CERTIFIED  
*Handwritten signature*  
1883

No 4 September Sessions 1739  
Jackson Sup View

County of Cambria

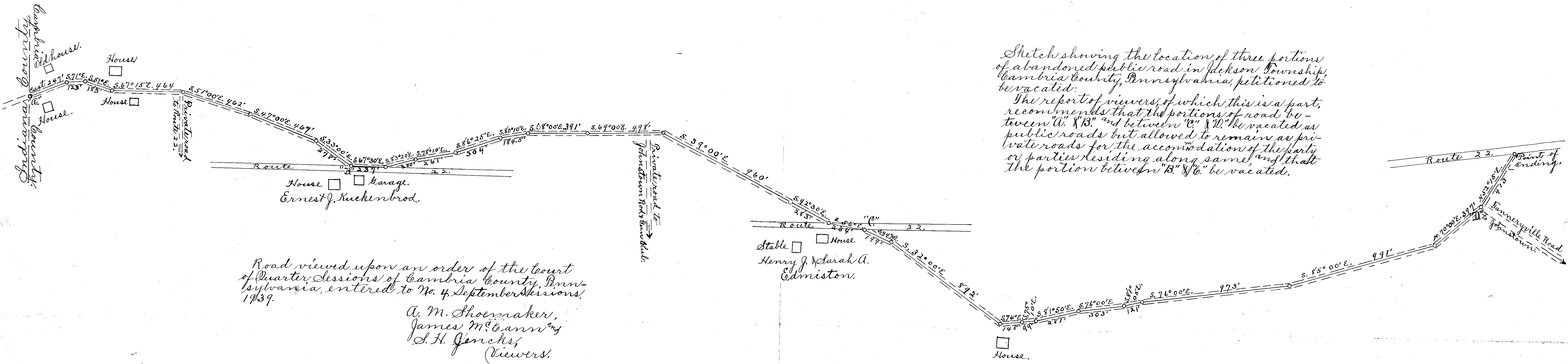
To James McCann & Co.

Preparing Notices Gathering Data	
Serving and Posting Notices	18 <sup>00</sup>
48 miles	4 <sup>50</sup>
1 Day on View	12 <sup>00</sup>
36 miles	36 <sup>00</sup>
Stenographer	2 <sup>00</sup>
Preparing Report and	12 <sup>00</sup>
Filing Report	2 <sup>00</sup>
Stenographer	
	<hr/>
	\$ 54.40

Cambria County

To P. J. French & Co.

To 1 day on View	12 <sup>00</sup>
28 miles	2 <sup>80</sup>
	<hr/>
	14 <sup>80</sup>



Sketch showing the location of three portions of an abandoned public road in Jackson Township, Cambria County, Pennsylvania, petitioned to be vacated:  
 The report of viewers, of which this is a part, recommends that the portions of road between "A." & "B." and between "C." & "D." be vacated as public roads but allowed to remain as private roads for the accommodation of the party or parties residing along same, and that the portion between "B." & "C." be vacated.

Road viewed upon an order of the Court of Quarter Sessions of Cambria County, Pennsylvania, entered to No. 4, September Sessions, 1939.

A. M. Shoemaker,  
 James M. Cann<sup>2nd</sup>  
 S. H. Jencks,  
 Viewers.