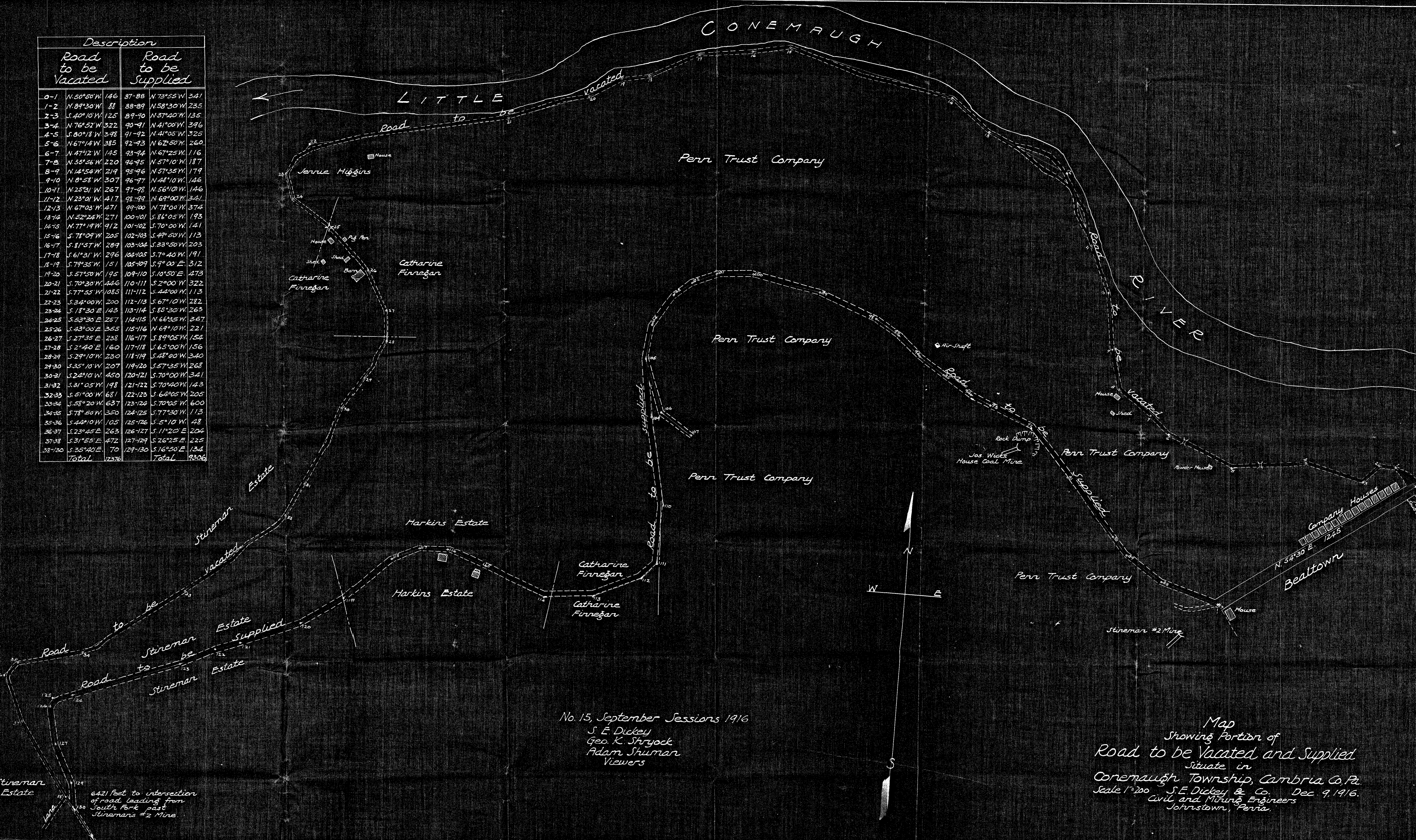


24 Oct 91  
15 Sept

Description				
Road to be Vacated		Road to be Supplied		
0-1	N. 50° 50' W. 146	87-88	N. 73° 55' W. 341	
1-2	N. 89° 30' W. 88	88-89	N. 58° 30' W. 235	
2-3	S. 40° 10' W. 125	89-90	N. 37° 40' W. 135	
3-4	N. 76° 52' W. 322	90-91	N. 41° 00' W. 396	
4-5	S. 80° 18' W. 398	91-92	N. 41° 05' W. 325	
5-6	N. 67° 14' W. 385	92-93	N. 62° 50' W. 260	
6-7	N. 47° 12' W. 145	93-94	N. 67° 25' W. 116	
7-8	N. 55° 56' W. 220	94-95	N. 57° 10' W. 187	
8-9	N. 14° 54' W. 219	95-96	N. 57° 35' W. 179	
9-10	N. 8° 58' W. 307	96-97	N. 48° 10' W. 146	
10-11	N. 25° 31' W. 267	97-98	N. 56° 01' W. 146	
11-12	N. 23° 01' W. 417	98-99	N. 69° 00' W. 341	
12-13	N. 67° 03' W. 471	99-100	N. 78° 00' W. 374	
13-14	N. 52° 24' W. 271	100-101	S. 86° 05' W. 193	
14-15	N. 77° 19' W. 912	101-102	S. 70° 00' W. 141	
15-16	S. 78° 09' W. 205	102-103	S. 49° 50' W. 113	
16-17	S. 81° 57' W. 289	103-104	S. 33° 50' W. 203	
17-18	S. 61° 31' W. 296	104-105	S. 7° 40' W. 191	
18-19	S. 79° 35' W. 151	105-109	S. 9° 00' E. 312	
19-20	S. 57° 50' W. 195	109-110	S. 10° 50' E. 473	
20-21	S. 70° 30' W. 446	110-111	S. 2° 00' W. 322	
21-22	S. 77° 55' W. 1085	111-112	S. 44° 00' W. 113	
22-23	S. 34° 00' W. 200	112-113	S. 67° 10' W. 282	
23-24	S. 18° 30' E. 143	113-114	S. 85° 30' W. 263	
24-25	S. 53° 30' E. 257	114-115	N. 66° 35' W. 367	
25-26	S. 43° 00' E. 355	115-116	N. 69° 10' W. 221	
26-27	S. 27° 35' E. 238	116-117	S. 89° 05' W. 154	
27-28	S. 2° 40' E. 160	117-118	S. 65° 00' W. 156	
28-29	S. 29° 10' W. 230	118-119	S. 48° 00' W. 340	
29-30	S. 35° 10' W. 207	119-120	S. 57° 35' W. 268	
30-31	S. 24° 10' W. 450	120-121	S. 70° 00' W. 341	
31-32	S. 31° 05' W. 198	121-122	S. 70° 40' W. 143	
32-33	S. 51° 00' W. 681	122-123	S. 64° 05' W. 205	
33-34	S. 58° 20' W. 637	123-124	S. 70° 05' W. 600	
34-35	S. 78° 50' W. 350	124-125	S. 77° 30' W. 113	
35-36	S. 44° 10' W. 105	125-126	S. 5° 10' W. 48	
36-37	S. 23° 45' E. 263	126-127	S. 11° 20' E. 204	
37-38	S. 31° 55' E. 472	127-129	S. 26° 25' E. 225	
38-130	S. 35° 40' E. 70	129-130	S. 16° 50' E. 134	
Total		12376	Total	9306



No. 15, September Sessions 1916  
 S. E. Dickey  
 Geo. K. Shryock  
 Adam Shuman  
 Viewers

Map  
 Showing Portion of  
 Road to be Vacated and Supplied  
 Situate in  
 Conemaugh Township, Cambria Co., Pa.  
 Scale 1"=200  
 S. E. Dickey & Co., Dec. 9, 1916.  
 Civil and Mining Engineers  
 Johnstown, Penna.

IN RE ROAD IN  
CONEMAUGH TOWNSHIP.

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

No. , December Sessions, 1916.

P E T I T I O N

TO THE HONORABLE, THE JUDGES OF SAID COURT :

The petition of the undersigned inhabitants of the Township of Conemaugh, the Township of Adams and the Borough of South Fork, County of Cambria and State of Pennsylvania, respectfully represents :

1. That a large portion of the public road leading from the Borough of South Fork in said County of Cambria, through Conemaugh Township by way of the Viaduct and connecting with the Frankstown Road in said County of Cambria, to wit :- beginning at a point on said first mentioned public road at its point of intersection with a street already opened in said Borough of South Fork, known as "Township Road", and ending at a point on said first mentioned road Five Thousand (5000) feet distant from its intersection with another public road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road,- has become useless, inconvenient and burdensome, for the following reasons :

(a) The location and grade of said road are such that it is practically impossible to keep the water from washing away large portions thereof and rendering the same impassible.

(b) The expense of attempting to keep said road in repair is so great, on account of its grade and location, as to render it burdensome.

(c) The grade of said road is so steep as to render it extremely dangerous for any sort of traffic in certain portions thereof.

(d) The grade thereof is so steep that it is entirely impossible to use said road in wet weather for motor vehicle traffic and practically impossible to use it for any other purpose.

2. That they labor, therefore, under great inconvenience for want of a public road in said Township of Conemaugh, to supply the above described road, to begin at a point on the public road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road, Seven (700) Hundred feet distant from its intersection with an unnamed Street already opened in said Borough of South Fork, and ending at a point on the public road leading from the said Borough of South Fork to the Frankstown Road by way of the Viaduct, Five Thousand (5000) feet distant from its intersection with said first mentioned road leading past said No. 2 Mine of the Stineman Coal and Coke Company.

Your petitioners therefore pray your Honorable Court to appoint viewers, duly qualified according to law, to view, inquire of and vacate the portion of said road above described as being useless, inconvenient and burdensome, and to view the ground proposed for said road above prayed for, and, if they see occasion, to lay out the same and make report of their proceedings to the next term of this Court.

<u>George Goldner</u>	<u>George Goldner</u>
<u>Anthony Kohn</u>	<u>Ed Fyock</u>
<u>Harry Eversdant</u>	<u>Harry Eversdant</u>
<u>Wm Gorden</u>	<u>Wm Gorden</u>
<u>Harry Jennings</u>	<u>Harry Jennings</u>
<u>Adam Gundersen</u>	<u>Adam Gundersen</u>
<u>Benjamin Paul John Peters</u>	<u>Benjamin Paul John Peters</u>
<u>L. E. Hildebrand</u>	<u>L. E. Hildebrand</u>
<u>Robert Giesler</u>	<u>Robert Giesler</u>
<u>John Helling</u>	<u>John Helling</u>
<u>J. B. Banta</u>	<u>J. B. Banta</u>
<u>Andy Fyock</u>	<u>Andy Fyock</u>
<u>T. O. Oshberger</u>	<u>T. O. Oshberger</u>

<u>Samuel W. ...</u>	<u>A. M. Stinner</u>
<u>Edwin R. ...</u>	<u>O. M. ...</u>
<u>James W. ...</u>	<u>H. R. ...</u>
<u>George A. ...</u>	<u>Philip C. ...</u>
<u>George Bros.</u>	
<u>D. A. Boyer</u>	<u>H. B. ...</u>
<u>J. J. Bailey</u>	<u>Robert ...</u>
<u>Wm. Crofford</u>	<u>John ...</u>
<u>Alfred L. ...</u>	<u>W. H. ...</u>
<u>P. C. ...</u>	<u>Wm. Leach</u>
<u>John F. ...</u>	<u>J. A. Keifer</u>
<u>Levin F. ...</u>	<u>Ernest ...</u>
<u>William Fox</u>	<u>Edward ... M.D.</u>

STATE OF PENNSYLVANIA

SS

COUNTY OF CAMBRIA

Before me, the subscriber, personally appeared

George G. Fyock, one of the above named petitioners,  
who being duly sworn according to law deposes and says that the  
allegations of fact set forth in the foregoing petition are true.

*Affirmed*

Sworn and subscribed before me this day of October, 1916.

George G. Fyock

James Gregory  
Notary Public  
BY CERTIFICATE EXPIRES FEB. 27th 1919

IN RE ROAD IN  
CONEMAUGH TOWNSHIP

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

B O N D

KNOW ALL MEN BY THESE PRESENTS, That we, O. M. Stinebaugh,  
Russell R. R. R. and \_\_\_\_\_, of  
the ~~Township of Conemaugh~~ Borough of South Fork, County of Cambria and State of Penn-  
sylvania, are held and firmly bound unto the Commonwealth of  
Pennsylvania, in the sum of Fifty Dollars, lawful money of the  
United States, to be paid to the said Commonwealth, to which  
payment well and truly to be made we do bind ourselves, our  
and each of our heirs, executors and administrators, and every  
of them, jointly and severally by these presents. Sealed  
with our seals and dated the 9<sup>th</sup> day of November ~~September~~, 1916.

WHEREAS, a petition to vacate and supply a certain pub-  
lic road in the aforesaid Township of Conemaugh is to be pre-  
sented to the above Court on the ninth ~~Eighteenth~~ day of November ~~September~~,  
1916;

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, That if  
the said road shall <sup>not</sup> be vacated and supplied by the Viewers  
to be appointed, and the costs of said view be paid by the  
petitioners, if required so to do by the Court, then this  
obligation to be void; otherwise, to be and remain in full  
force and virtue.

Sealed and delivered  
in the presence of

James Gregory

O. M. Stinebaugh SEAL.

Russell R. R. R. SEAL.

SEAL.

IN RE ROAD IN  
CONEMAUGH TOWNSHIP

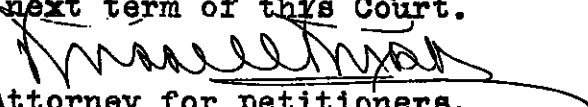
In the Court of Quarter Sessions  
of Cambria County, Penna.

No. , December Sessions, 1916.

N O T I C E

TO THE SUPERVISORS OF CONEMAUGH TOWNSHIP :

Please take notice that a petition will be presented to the above Court of Quarter Sessions on the ~~24th~~ <sup>25th</sup> day of ~~October~~, A. D. 1916, asking for the vacation of a certain road in Conemaugh Township beginning at a point on the public road leading from the Borough of South Fork in said Cambria County, through Conemaugh Township by way of the viaduct and connecting with the Frankstown Road in said County of Cambria, at its point of intersection with a street already opened in said Borough of South Fork, known as "Township Road", and ending at a point on said first mentioned road Five Thousand (5000) feet distant from its intersection with another public road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road; and further, asking for the appointment of viewers to view the premises, and if they see fit, to lay out a public road to begin at a point on the public road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road, Seven Hundred (700) feet distant from its intersection with an unnamed Street already opened in said Borough of South Fork, and ending at a point on the public road leading from the said Borough of South Fork to the Frankstown Road by way of the viaduct, Five Thousand (5000) feet distant from its intersection with said first mentioned road leading past said No. 2 Mine of the Stineman Coal and Coke Company. Said petition will ask for the appointment of viewers to view, inquire of and vacate the portion of said road first above described, and to view the ground proposed for said road second described, and, if they see occasion, to lay out the same and make report of their proceedings to the next term of this Court.

  
Attorney for petitioners.

And now, October , 1916, I hereby acknowledge that  
I have received a copy of the above notice.

\_\_\_\_\_  
\_\_\_\_\_  
Supervisors of Conemaugh Township.

STATE OF PENNSYLVANIA

ss

COUNTY OF CAMBRIA

Before me the undersigned authority personally appeared William Yoder, who being duly affirmed according to law deposes and says that he served an true copy of the within notice on W. C. Berkebile, Oscar Yarnick and John Helbig, all of the Supervisors of Conemaugh Township by handing each one of them a true and correct copy thereof personally on Monday the 30th day of October, 1916.

*William Yoder*  
~~Seen~~ to and subscribed before  
me this 1st day of November 1916.

*James Gregory*  
Notary public.

*William Yoder*

BY ORDER OF THE COURT: FEB. 17, 1917

No 15, Sessions: 1916

No. , December Sessions 191

In the Court of Quarter Ses-  
sions of Cambria County, Pa.

IN RE ROAD  
IN  
CONELAUGH TOWNSHIP.

Petition for view.

And now, November 9th,  
1916, the within petition  
read and upon due consider-  
ation thereof the Court does  
appoint *Dec 10 1916*

*William H. Hagan* and  
*Wm K. Hagan*, Viewers,  
to view the ground proposed  
for such road as well as the  
road proposed to be vacated,  
and make report of their pro-  
ceedings to the next term  
of this Court.

*By the Court*

*Filed 9 Nov. 1916.*

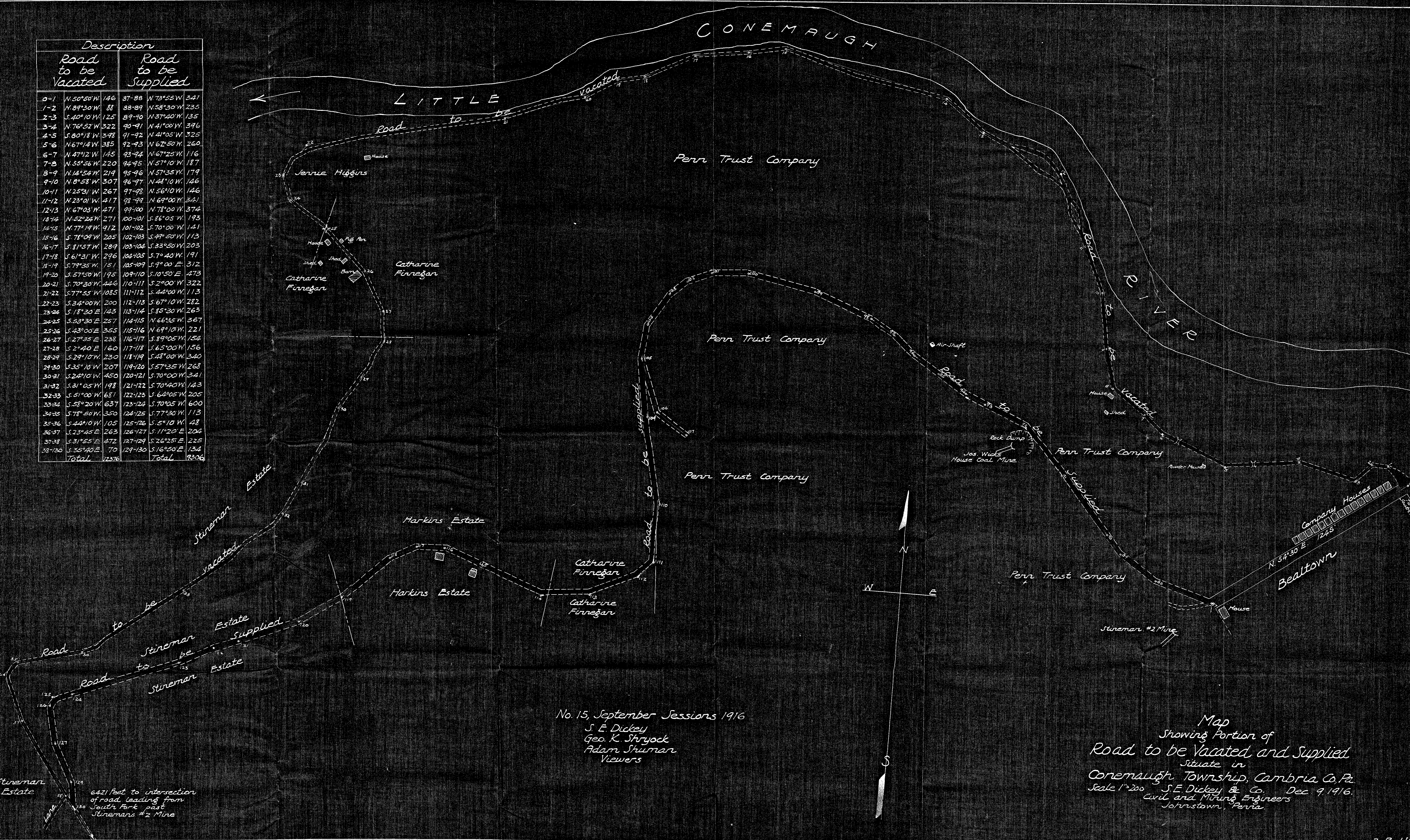
RUSSELL R. YOST  
ATTORNEY-AT-LAW  
JOHNSTOWN, PA.

Not Microfilmed  
RD# 15

Sept. 1916

Map#2

Description				
Road to be Vacated			Road to be Supplied	
0-1	N. 50° 50' W.	146	87-88	N. 73° 55' W. 341
1-2	N. 89° 30' W.	88	88-89	N. 58° 30' W. 235
2-3	S. 40° 10' W.	125	89-90	N. 37° 40' W. 135
3-4	N. 76° 52' W.	322	90-91	N. 41° 00' W. 396
4-5	S. 80° 18' W.	398	91-92	N. 41° 05' W. 325
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9-10	N. 8° 58' W.	307	96-97	N. 48° 10' W. 146
10-11	N. 25° 31' W.	267	97-98	N. 56° 10' W. 146
11-12	N. 23° 01' W.	417	98-99	N. 69° 00' W. 341
12-13	N. 67° 03' W.	471	99-100	N. 78° 00' W. 374
13-14	N. 52° 24' W.	271	100-101	S. 86° 05' W. 193
14-15	N. 77° 19' W.	912	101-102	S. 70° 00' W. 141
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17-18	S. 61° 31' W.	296	104-105	S. 7° 40' W. 191
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19-20	S. 57° 50' W.	195	109-110	S. 10° 50' E. 473
20-21	S. 70° 30' W.	446	110-111	S. 2° 00' W. 322
21-22	S. 77° 55' W.	1085	111-112	S. 44° 00' W. 113
22-23	S. 34° 00' W.	200	112-113	S. 67° 10' W. 282
23-24	S. 18° 30' E.	143	113-114	S. 85° 30' W. 263
24-25	S. 53° 30' E.	257	114-115	N. 66° 35' W. 367
25-26	S. 43° 00' E.	355	115-116	N. 69° 10' W. 221
26-27	S. 27° 35' E.	238	116-117	S. 89° 05' W. 154
27-28	S. 2° 40' E.	160	117-118	S. 65° 00' W. 156
28-29	S. 29° 10' W.	230	118-119	S. 48° 00' W. 340
29-30	S. 35° 10' W.	207	119-120	S. 57° 35' W. 268
30-31	S. 24° 10' W.	450	120-121	S. 70° 00' W. 341
31-32	S. 31° 05' W.	198	121-122	S. 70° 40' W. 143
32-33	S. 51° 00' W.	681	122-123	S. 64° 05' W. 205
33-34	S. 58° 20' W.	637	123-124	S. 70° 05' W. 600
34-35	S. 78° 50' W.	350	124-125	S. 77° 30' W. 113
35-36	S. 44° 10' W.	105	125-126	S. 5° 10' W. 48
36-37	S. 23° 45' E.	263	126-127	S. 11° 20' E. 204
37-38	S. 31° 55' E.	472	127-129	S. 26° 25' E. 225
38-130	S. 35° 40' E.	70	129-130	S. 16° 50' E. 134
Total		12376	Total	9006



No. 15, September Sessions 1916  
 S. E. Dickey  
 Geo. K. Shryock  
 Adam Shuman  
 Viewers

Map  
 Showing Portion of  
 Road to be Vacated and Supplied  
 Situate in  
 Conemaugh Township, Cambria Co., Pa.  
 Scale 1"=200  
 S. E. Dickey & Co. Dec 9, 1916.  
 Civil and Mining Engineers  
 Johnstown, Penna.

In re Road in Conemaugh  
Township.

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
No. 15 September Sessions 1916.

And now, January 1917, W. C. Berkebile, Oscar Yarnick and John Helbig, Supervisors of Conemaugh Township, by their attorney, D. P. Weimer, come and file the following exceptions to the report of viewers in the above entitled matter.

First.- The petition for the vacation of the road and the Docket entry thereof do not contain a reference to the number and term of the original case or to the number and page of the docket containing the record thereof, as required by Rule No. 24 of the Rules for the Courts of Oyer and Terminer and Quarter Sessions of the Peace in and for Cambria County, which Rule is as follows:- "24. Every petition for the review or vacation or change of a road, and the docket entry thereof shall contain a reference to the number and term of the original case or to the number and page of the docket containing the record thereof"

Second.- The report of viewers does not conform to the order of Court appointing the viewers, the order being to lay out a road and the report attempting to vacate and supply.

Third.- The improvements are not noted either along the line of the road attempted to be laid out or along the line of the road attempted to be vacated.

Fourth.- The report of the viewers shows that notice of the view was not given as required by law.



Attorney for Supervisors of  
Conemaugh Township.

No. 15 September Sessions 1916.

In re Road in Conemaugh  
Township.

Exceptions to report of  
viewers.

*Filed*  
*7 January 1917*  
*March 4, 1918 exceptions*  
*Sustained, By the Court*  
*Francis J. O'Connor*  
*Judge*

D. P. Weimer.

In Re Road in Conemaugh )  
Township )

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

No. 15 September Sessions, 1916.

Rule to Show Cause.

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

For answer to the Rule to Show Cause in the above stated matter, the Supervisors of Conemaugh Township, by their Attorney, D. P. Weimer, make answer as follows:

First. It is immaterial whether or not the reference to the proceedings wherein the road in said Township prayed to be vacated and supplied was laid out, was omitted in said petition by inadvertence or otherwise, the rule requiring that the petition as well as the docket entry contain the reference to the No. and Term to the original case, and the docket entry having been made up from the original petition, the amendment of the petition therefore would not cure the defect in the docket entry, and the rule should therefore be dismissed.

Second. The rule should be dismissed for the further reason that the proceedings are based upon the petition, and their validity and effect is determined on the state of the record at the time the order to view is issued and persons interested can only act on such information as they find at the time that notice is given them of the view.

Third. It is further objected to that the amendment as asked for is not a true statement of the record, in that it sets forth that the proceedings were to vacate and supply a road, whereas the fact is that the order is to lay out a road.

.....D. P. Weimer.....

Cambria County, SS.

D. P. Weimer, being duly sworn according to law, deposes and says that the facts set forth in the foregoing statement are true and correct, to the best of his knowledge and belief.

.....*D. P. Weimer*.....

Sworn and subscribed before me this 16th day of October

A. D. 1917.

.....*S. G. Weimer*.....

Notary Public.

My Com. Expires Jan. 20, 1919.

No. 15 Sept. Sess. 1916.

In re Road in Con-  
emaugh Township

Answer to Rule to  
Show Cause.

Filed 18 October 1917.  
Frank C. Robt. Clerk  
in.

D. P. Meunier.

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 Ninth day of November A. D. 1916, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of South Fork Borough of Conemaugh & Adams &, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from

the Borough of South Fork in said County of Cambria, through Conemaugh Township by way of the Viaduct and connecting with the Frankstown Road in said County of Cambria, To wit:- beginning at a point on said first mentioned public road at its point of intersection with a street already opened, in said Borough of South Fork, known as the "Township Road", and ending at a point on said first mentioned road five Thousand (5000) feet distant from its intersection with another public road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road, has become useless, inconvenient and burdensome for the following reason  
(a) The location and grade of said road are such that it is practically impossible to keep the water from washing away large portions thereof and rendering the same impassible.

(b) The expense of attempting to keep said road in repair is so great on account of its grade and location, as to render it burdensome.

(c) The grade of said road is so steep as to render it extremely dangerous for any sort of traffic in certain portions thereof.

(d) The grade is so steep that it is entirely impossible to use said road in wet weather for motor vehicle traffic and practically impossible to use it for any other purpose.

2. That they labor, therefore, under great inconvenience for want of a public road in said Township of Conemaugh, to supply the above described road, to begin at a point on the Public road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road, Seven (700) Hundred feet distant from its intersection with an unnamed Street already opened in said Borough of South Fork, and ending at a point on the public road leading from the said Borough of South Fork to the Frankstown Road by way of the Viaduct, Five Thousand (5000) feet distant from its intersection with said first mentioned road leading past said No. 2 Mine of the Stineman Coal and Coke Company.

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

S. E. Dickey surveyor, and

Adam Shuman and Geo K. Shryock

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

By the Court.

Attest:

Frank C. Robb, Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public 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. 15, Sept. SESSION, 1916.

Order to view Vacate and Supply

a Public Road leading from

the Borough of South Fork thru

Conemaugh Township by way of the

the Viaduct

Page 10 is continued

Viewers.

S. E. Dickey.

Adam Shuman

Geo. K. Shryock

Clerk 90 chs.

Filed 11 December 1916  
in Open Court.

13 December 1916. Approved and breadth fixed at forty feet.  
By the Court

map #2  
In Re: Vacation and supply of a  
Public road leading from the  
Borough of South Fork through  
the Conemaugh Township by way  
of the Viaduct.

In the Court of Quarter Session  
Of Cambria County,  
Pennsylvania.  
No. 15 September Session,  
1916.

REPORT OF VIEWERS

To the Honorable, the Judges of the above mentioned  
Court, We the undersigned Viewers appointed by the annexed order  
to view the roads within mentioned, respectfully report: That  
we have been duly sworn or affirmed as members of the permanent  
board of Viewers of Cambria County as shown by the records of the  
Court.

That having given due public notice of said view and of  
the time and place of meeting by posting notices as required by  
law along the route and termini of the said road to be vacated and  
the said proposed road to be supplied and by service of such  
notice on the County Commissioners of Cambria County and on the  
Supervisors of Conemaugh Township, evidence of which is shown  
by the copies of said notices hereto attached. That we met in  
accordance with the notice given on the 24th day of November A.D.  
1916 at 1 o'clock P.M. and proceeded with the duties of our  
appointment and viewed the portion of road desired to be vacated  
and the route of the proposed new road, and are of the opinion  
that the portion of the road prayed for by the petitioners to be  
vacated has become useless, inconvenient and burdensome and that  
there is occasion for a public road to supply the portion vacated  
wherefore, we proceeded to lay out the same having due respect to  
the shortest distance and the best ground for a road and in such  
a manner as would be as near as practicable, agreeable to the de-  
sire of the petitioners and at the same time do the least injury  
to private property. A plot or draft attached hereto and made  
a part of this report shows the road to be vacated and the road  
to be supplied and is herewith returned for public uses, a further

description of said road is shown on the maps attached hereto. The plot or draft attached hereto shows the location of the termini of the roads, the improvements and the Owners of the adjacent property along the route of said road, said road to be vacated and supplied passes through and occupies land of the Penn Trust Company, Catherine Finnegan, Harkins Estate, Jennie Higgins, and Stineman Estate and having failed to obtain a release of damages from the said property owners we assess them no benefits and no damages.

During the view of the site of the proposed supply and the road to be vacated several of the petitioners and Council for the petitioners and Supervisors were present and heard and after due consideration of all the matter before us we are of the opinion that the part to be vacated has become useless, inconvenient and burdensome upon the tax payers and that the part to be supplied is necessary for public use and that the prayers of the petitioners should be granted.

Witness our hands this 9th day of December A.D. 1916.

S. E. Dickey  
Geo. R. Dwyer  
Adams Sherman

In Re Vacation and supply of  
a Public Road leading from the  
Borough of South Fork through  
the Conemaugh Township by way  
of the Viaduct.

In the Court of Quarter Session  
Of Cambria County,  
Pennsylvania.  
No. 15 September Session,  
1916.

NOTICE OF VIEW

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the site and determine as to the necessity of vacating a public road leading from the Borough of South Fork in said County of Cambria through Conemaugh Township by way of the viaduct and connecting with the Frankstown Road in said County of Cambria to wit:- Beginning at a point in said first mentioned Public Road at its point of intersecting with a street already opened in said Borough of South Fork, known as the "Township Road" and ending at a point on said first mentioned road Five Thousand (5000) feet distance from its intersection with another public road already opened leading from the said Borough of South Fork past No. 2 mine of the Stineman Coal and Coke Company to the Frankstown Road, and supply a public road to begin at a point on the Public Road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal And Coke Company to the Frankstown Road, Seven (700) Hundred feet distance from its intersection with an unnamed Street already opened in said Borough of South Fork, and ending at a point on the public road leading from the said Borough of South Fork to the Frankstown Road by way of the Viaduct, Five Thousand (5000) feet distance from its intersection with said first mentioned road leading past said No. 2 Mine of the Stineman Coal and Coke Company, will meet at the place of beginning in the Borough of South Fork aforesaid on the 24th day of November A. D. 1916 at one o'clock PM for the purpose of performing the duties of this appointment.

S. E. DICKIEY

Nov. 11, 1916.

ADAM SHUMAN

GEO. K. SHRYOCK  
Viewers

Now this 16 day of Nov 1916  
service of the within notice is hereby accepted by the under-  
signed Supervisors of the Township of Conemaugh, County of Cambria  
State of Pennsylvania.

W. C. Burkholder

Supervisors

In Re. Vacation and supply of  
a Public Road leading from the  
Borough of South Fork through  
Conemaugh Township by way of  
the Viaduct.

In the Court of Quarter Session  
of Cambria County,  
Pennsylvania.  
No. 15 September Session,  
1916

NOTICE OF VIEW

Notice is hereby given that the Viewers appointed by the Court of Quarter Session to view the site and determine as to the necessity of vacating a public road leading from the Borough of South Fork in said County of Cambria Through Conemaugh Township by way of the viaduct and connecting with the Frankstown Road in said county of Cambria to wit:- Beginning at a point in said first mentioned Public Road at its point of intersection with a street already opened in said Borough of South Fork, known as the "Township Road" and ending at a point on said first mentioned road Five Thousand (5000) feet distance from its intersection with another public road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road, and supply a public road to begin at a point on the Public Road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road, Seven (700) Hundred Feet distance from its intersection with an unnamed Street already opened in said Borough of South Fork, and ending at a point on the Public Road leading from the said Borough of South Fork to the Frankstown Road by way of the Viaduct, Five Thousand (5000) feet distance from its intersection with said first mentioned road leading past said No. 2 Mine of the Stineman Coal and Coke Company, will meet at the place of beginning in the Borough of South Fork aforesaid on the 24th day of November A. D. 1916 at 1:00 o'clock P. M. for the purpose of performing the duties of this appointment.

S. E. DICKKEY

Nov. 11, 1916

ADAM SHUMAN

GEO. K. SHRYOCK  
Viewers

Now this 18th day of November 1916 service  
of the within notice is hereby accepted by the undersigned  
Supervisors of the Township of Conemaugh, County of Cambria

and State of Pennsylvania.

John Helbig

Supervisors

In Re Vacation and supply of  
a Public Road leading from the  
Borough of South Fork through  
Conemaugh Township by way of  
the Viaduct.

In the Court of Quarter Session  
Of Cambria County,  
Pennsylvania.  
No. 15 September Session,  
1916.

NOTICE OF VIEW

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the site and determine as to the necessity of vacating a public road leading from the Borough of South Fork in said County of Cambria through Conemaugh Township by way of the viaduct and connecting with the Frankstown Road in said County of Cambria to wit:- Beginning at a point in said first mentioned Public Road at its point of intersection with a street already opened in said Borough of South Fork, known as the "Township Road" and ending at a point on said first mentioned road Five Thousand (5000) feet distance from its intersection with another public road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road, and supply a public road to begin at a point on the Public Road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road, Seven (700) Hundred feet distance from its intersection with an unnamed Street already opened in said Borough of South Fork, and ending at a point on the public road leading from the said Borough of South Fork to the Frankstown Road by way of the Viaduct, Five Thousand (5000) feet distance from its intersection with said first mentioned road leading past said No. 2 Mine of the Stineman Coal and Coke Company, will meet at the place of beginning in the Borough of South Fork aforesaid on the 24th day of November A.D. 1916 at 1:00 o'clock P.M. for the purpose of performing the duties of this appointment.

S. E. DICKEY

Nov. 11, 1916.

ADAM SHUMAN

GEO. K. SHRYOCK  
Viewers

Now this 14th day of Nov. 1916  
service of the within notice is hereby accepted by the  
Commissioners of Cambria County Pennsylvania.

[Signature]  
Clerk

In Re Vacation and supply of  
a Public Road leading from the  
Borough of South Fork through  
Conemaugh Township By way of  
the Viaduct.

In the Court of Quarter Session  
of Cambria County,  
Pennsylvania.  
No. 15 September Session,  
1916.

NOTICE OF VIEW

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the site and determine as to the necessity of vacating a public road leading from the Borough of South Fork in said County of Cambria through Conemaugh Township by way of the viaduct and connecting with the Frankstown Road in said County of Cambria to wit:- Beginning at a point in said first mentioned Public Road at its point of intersection with a street already opened in said Borough of South Fork, known as the "Township Road" and ending at a point on said first mentioned road Five Thousand (5000) feet distance from its intersection with another public road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road, and supply a public road to begin at a point on the Public Road already opened leading from the said Borough of South Fork past No. 2 Mine of the Stineman Coal and Coke Company to the Frankstown Road Seven (700) Hundred Feet distance from its intersection with an unnamed Street already opened in said Borough of South Fork, and ending at a point on the public road leading from the said Borough of South Fork to the Frankstown Road by way of the Viaduct, Five Thousand (5000) feet distance from its intersection with said first mentioned road leading past said No. 2 Mine of Stineman Coal and Coke Company, will meet at the place of beginning in the Borough of South Fork aforesaid on the 24th day of November A. D. 1916 at 1:00 o'clock P.M. for the purpose of performing the duties of this appointment.

S. E. DICKEY

Nov. 11, 1916

ADAM SHUMAN

GEO. K. SMRYOCK  
Viewers

In Re: Vacation and supply of a  
Public Road leading from the  
Borough of South Fork through  
Conemaugh Township by way of the  
Viaduct

In the Court of Quarter  
Sessions of Cambria County,  
Pennsylvania.  
No. 15 September Session,  
1916.

To S. E. DICKEY, GEO. K. SHRYOCK & ADAM SHUMAN Dr.

To S. E. DICKEY Dr.

Preparing notices -----	\$3.50
Stationery and stamps -----	.30
Posting and serving notices -----	5.00
Mileage -----	1.60
Making view -----	5.00
Mileage -----	2.00

Making Survey

Dec. 1 - To Services of Engineering Copps --	\$10.00
Mileage -----	3.90
" 2 - To Services of Engineering Corps --	10.00
Mileage -----	3.90
" 4 - To Services of Engineering Coprs --	10.00
Mileage -----	3.90
" 5 - To Services of Engineering Corps --	10.00
Mileage -----	3.90
	<u>\$55.60</u>

Making Draft

Dec. 7 - To Services of Draftsman -----	5.00
Detail Paper -----	.50
" 8 - To Services of Draftsman -----	5.00
8 - Tracing Cloth -----	.50
" 9 - To Services of Draftsman -----	5.00
Blue Prints -----	.75
	<u>\$16.75</u>
Preparing report -----	5.00
Services of Stenographer -----	.50

Total ----- \$95.25

To GEO. K. SHRYOCK Dr.

Making View -----	5.00
Mileage -----	1.60

Total ----- \$6.60

To ADAM SHUMAN Dr.

Making View -----	5.00
Mileage -----	2.20
Total -----	<u>\$7.20</u>

RECAPITULATION

To S. E. Dickey Dr. -----	\$95.25
To George K. Shryock Dr. -----	6.60
To Adam Shuman Dr. -----	<u>7.20</u>

Total cost of View ----- \$109.05

IN RE ROAD IN  
CONEMAUGH TOWNSHIP.

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

No. , December Sessions, 1916.

PETITION

TO THE HONORABLE THE JUDGES OF SAID COURT :

The petition of Russell R. Yost, Esq., Attorney for petitioners in the above matter, respectfully represents that through an inadvertence the number and term of the proceedings in which the road which is in said petition prayed to be vacated and supplied was laid out, was omitted in said petition.

Your petitioner, therefore, respectfully prays your Honorable Court for leave to amend said petition by adding the following paragraph thereto :

The proceedings laying out said road which is herein prayed to be vacated and supplied are found entered in the Court of Quarter Sessions of Cambria County, Pennsylvania, to No. 5 September Sessions, 1889, and are found in Road Docket, Vol. 4, page 206.



Attorney for petitioners.

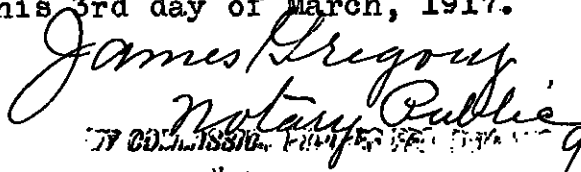
STATE OF PENNSYLVANIA

ss

COUNTY OF CAMBRIA

Before me, the undersigned authority, personally appeared Russell R. Yost, Attorney for the petitioners above referred to, who being duly sworn according to law, deposes and say that the allegations of fact above set forth are true and correct.

Sworn to and subscribed before  
me this 3rd day of March, 1917.



James Gregory  
Notary Public



NOTARY PUBLIC

*Sept*  
No. 15, December Sessions  
1916,

In the Court of Quarter Ses-  
sions of Cambria Co. Pa.

IN RE ROAD

in

COMETLAUGH TOWNSHIP.

*Filed 19 March 1917*

Petition for leave to  
amend.

And now, March 5, 1917,  
*and rule to show cause why*  
the within petition read ~~and~~  
*should not be allowed*  
amendment, allowed as prayed  
for.

*Returnable at next*

*By J. H. [unclear]*

RUSSELL R. YOST

ATTORNEY-AT-LAW

JOHNSTOWN, - PENNA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In re petition of the inhabitants	)	
of Conemaugh and Adams Township	(	#15 September Sessions,
and South Fork Borough, vacating	)	1916.
and supplying a public road lead-	(	November 9, 1916, pe-
ing from the Borough of South Fork	)	tition filed.
through Conemaugh Township and by	(	
way of the Viaduct.	)	

And now, March 2nd, 1917, comes Haldeman O'Connor by his attorney, James A. Graham, and excepts to the report of viewers in the above entitled case, and for cause thereof, assigns the following

R E A S O N S :-

1. The petition for the vacation of the road is not in proper form in that the petition and the docket entry thereof do not contain a reference to the number and term of the original case; or to the number and page of the docket containing the record thereof as required by rules of Court,--see rule #24 at page 71, Joint Rules for Common Pleas, Orphans' Court, Oyer, and Terminer and Quarter Sessions of Cambria County, which is as follows:--

Rule #24:- Every petition for the review, or vacation, or change of a road, and the docket entry thereof, shall contain a reference to the number and term of the original case, or to the number and page of the docket containing the record thereof.

2. The petition for the vacation of the road is not in proper form in that it does not adequately describe the portion of the said road proposed to be vacated and termini thereof, but the same are vague and insufficient.

3. The petition is defective in that the bond accompanying the said petition is executed by the attorney for petitioners contrary to the rule of Court #17 at page 12, Joint Rules, which is in part as follows:--

Rule #17:-- No attorney practicing in the Courts of this county shall be admitted or suffered to become bail for an appeal, security in a replevin bond, for costs, or stay of execution, or for the appearance of a Defendant in any suit or action depending in said Courts or on any Administrator's or Trustee's bond, or on any bond or recognizance requiring the approval of the Court.

4. Notice of the view as required by the decisions of the Courts and the proper protection of the persons affected was not given by the viewers.

5. The report of viewers is defective in that it does not show that notice of the view was given as required, the said report not setting forth how many notices were posted, where the notices were posted, when the notices were posted, and the form

of the notices.

6. The report of the viewers is defective in that it does not show the owners of the adjacent property along the route of the road.

7. The report of the viewers is defective in that it does not describe the termini of the proposed road as laid out as is required by law, but said report is vague and indefinite in this respect.

8. The report of the viewers is defective in that it does not aver that an effort was made to secure a release of damages from owners of property adjacent to the route of the proposed road.

9. The report of the viewers is defective in that it was not filed during the first week of the next term of Court as required by the rules of Court. See rule #23 at page 71, Joint Rules for Common Pleas, Orphans' Court, Oyer and Terminer, and Quarter Sessions of Cambria County which is, in part, as follows:-

Rule #23:-- Every report on order for view or re-view of a road shall be returned and filed within the first week of the term to which it is returnable.

10. The report of viewers is defective in that it shows that the viewers disregarded the termini mentioned in the petition by going beyond the same.

11. The report of viewers is defective in that it does not show the route of the proposed road nor the courses and distances thereof, except as the latter are set out in the plot accompanying the report.

12. The report of viewers is defective in that the improvements are not noted either along the line of the road attempted to be laid out or along the line of the road attempted to be vacated.

13. The report of viewers is defective in that no reason is given for refusal to award damages to property of Haldeman O'Connor.

14. The report of viewers is defective in that it does not show that the viewers met at the place designated in the notice to wit, "the place of beginning".

15. The report of viewers is defective in that it does not state particularly who of the viewers were present at the view.

16. The report of viewers is defective in that it does not state that the road attempted to be laid out is necessary for a public road.

17. The report of viewers is defective in that the report including papers attached to it, shows that the view was not completed before the beginning of the next term.

18. The report of viewers is defective in that it does not conform to the order of Court appointing the viewers, the order being to lay out a road and the report attempting to vacate and supply.

19. The viewers did not perform their duty in that they did not take into consideration, the damages resulting to property of Haldeman O'Connor.

20. The proposed road shown in the report of viewers exceeds five percent (5%) grade.

21. The proposed road as laid out in the report of viewers is not so laid out as to do the least injury to private property as required by the Act of Assembly.

22. The proposed road as attempted to be laid out in the report of viewers is not necessary for the public.

23. The proposed road as laid out by the viewers will be excessively expensive.

24. The order of Court continuing the appointment of viewers rendered it improper for the viewers to make the report before the next term.

25. The order of Court for continuing the appointment of viewers must have been made during the week in which the report was required to be filed by the rules of Court.

26. The order continuing the appointment of viewers was improper and improvidently made. The motion should have been to enlarge the time in which the report could be filed.

27. The termini of the proposed road as set forth in the petition and report are vague, uncertain, and indefinite.

*Respectfully submitted*  
*James A. Graham.*

#15 Sept. Sessions, 1916.

In re petition of the inhabitants of Conemaugh and Adams Township and South Fork Borough, vacating and supplying a public road leading from the Borough of South Fork through Conemaugh Township and by way of the Viaduct.

EXCEPTIONS

*Filed 3 March 1917*

James A. Graham  
Attorney-at-law  
Johnstown Penna.