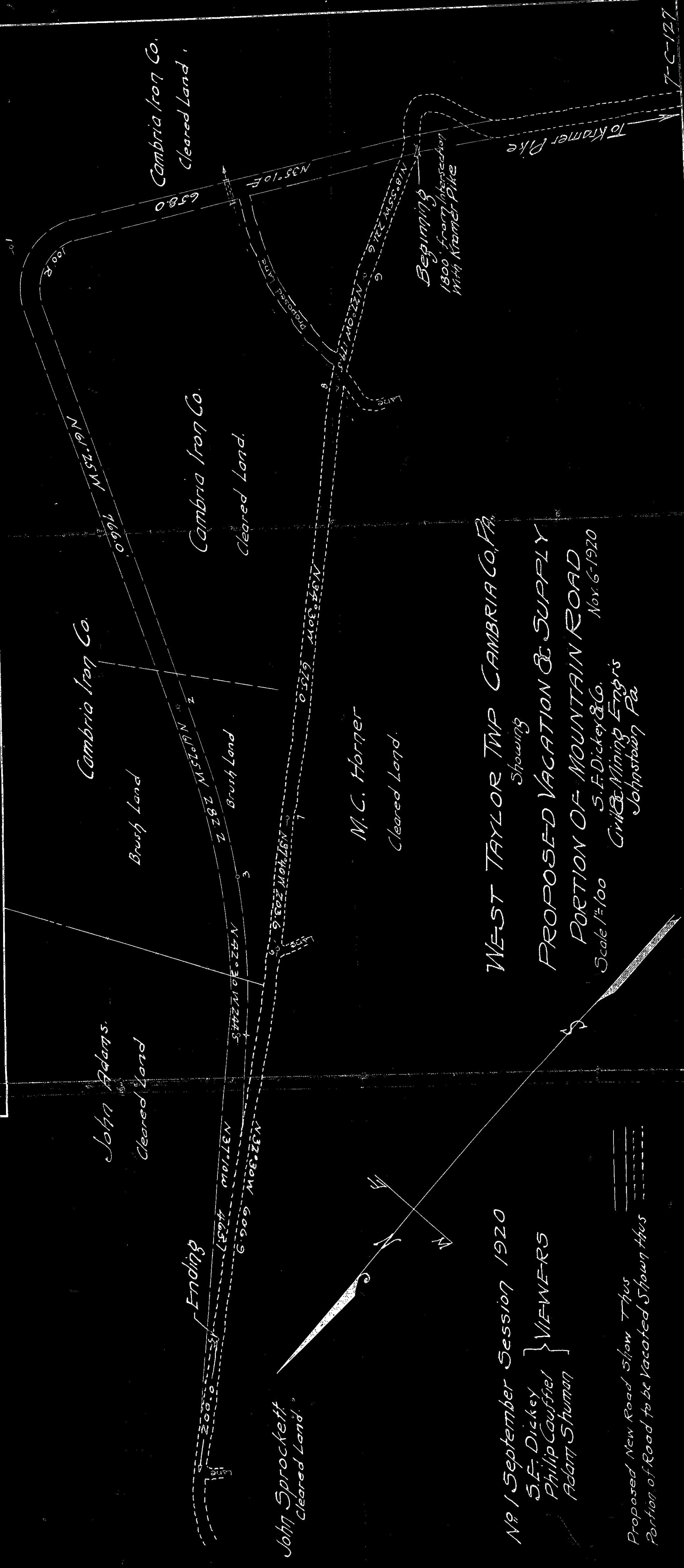


Not Microfilmed

RD# 1

Sept. 1928



7-C-127

WEST TAYLOR TWP CAMBRIA CO. PA.

Showing

PROPOSED VACATION & SUPPLY

PORTION OF MOUNTAIN ROAD

Nov. 6-1920

S.E. Dickey & Co.

Civil & Mining Engrs

Johnstown Pa

Scale 1"=100

No 1 September Session 1920

S.E. Dickey } VIEWERS

Philip Cauffman

Adam Shuman

Proposed New Road Shown Thus

Portion of Road to be Vacated Shown Thus

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

IN RE PUBLIC ROAD WEST TAYLOR TOWNSHIP, CAMBRIA COUNTY, PA.

No. 1 September term, 1920.

ANSWER TO RULE TO SHOW CAUSE WHY THE SAID ROAD SHOULD NOT  
BE OPENED

STATE OF PENNSYLVANIA:     SS:  
COUNTY OF CAMBRIA:

Personally appeared before me, a Justice of the Peace  
in and for said county, John A. Satzinger, A.M. Adams, and George  
B. Bush, who being duly sworn according to law, doth depose and  
say that for answer to the petition for the rule above stated  
set forth and say.

That they are road supervisors, duly qualified and elected  
and acting for the Township of West Taylor, county of Cambria and  
State of Pennsylvania.

That on October 22nd, 1921, an order was issued by your  
Honorable Court to open a road in West Taylor Township, described  
as follows:

BEGINNING 1800 feet from intersection of Cramer Pike,  
North 35 degrees, 10 minutes East, 658 feet through land of  
Cambria Iron Company, thence by curve to left, 100 R; thence  
North 61 degrees, 23 minutes West, 766 feet through land of  
Cambria Iron Company; thence North 61 degrees, 25 minutes West,  
282.22 feet through brush land and land of John Adams; thence  
North 42 degrees, 30 minutes West, 244.5 feet through John Adam's  
land; thence North 37 degrees, 10 minutes West, 465.1 feet to  
old road. The old road through or along land of M. C. Horner and  
John Sprocket between the termini of the new road is vacated.

That due to the conditions largely beyond the control of the supervisors that it was practically impossible to open said road immediately following the order of your Honorable Court a large amount of county aid road has been constructed in West Taylor Township during the past year necessitating the outlay of large sums of money even to the extent of raising the millage by leave of court, but in compliance with said order your affiants, supervisors of said road, have caused ' to be opened and graded and ready for travel at least one thousand feet of the road as ordered to be opened and are now engaged in the further opening of said road.

Jos A Satinger  
C M Adams  
George B Bush

Sworn and subscribed to before me this 21 day of DECEMBER, A.D. 1922.

W F Ribblet  
Justice of the Peace.  
MY COMMISSION EXPIRES FIRST  
MONDAY IN JANUARY 1923

No. 1 September Term, 1920.

In the court of Quarter Sessions  
of Cambria County,

Penn'a.

IN RE PUBLIC ROAD WEST TAY-  
LOR TOWNSHIP, CAMBRIA COUNTY,  
PENNSYLVANIA.

ANSWER TO RULE TO SHOW CAUSE  
WHY THE SAID ROAD SHOULD NOT  
BE OPENED.

*Filed 1 Jan. 1923*

GEORGE C. KEEL, ESQ.

STEPHENS, STEPHENS & GLASS

ATTORNEYS AT LAW

JOHNSTOWN, PA.

SUITE 14 ALMA HALL

IN THE COURT OF QUARTER SESSION OF Cambria county

In Re Public Road  
West Taylor Township

TO THE HONORABLE THE JUDGE OF THE ABOVE NAMED COURT

Arcole Frientellegai, Joseph Pavolski and Jacob Sprockatt, resident taxpayers of the Township of West Taylor, Cambria County and state of Pennsylvania, respectfully represent.

That on Sept. 20th 1920, a petition was presented to the above named Court, for the appointment of viewers for Public Road, beginning ~~at~~ near the bend in the Public Road known as the "Mountain Road"; thence northwesterly for about Nineteen Hundred feet, to and to intersect with the said "Mountain Road"

That viewers were appointed, and an order to view, issued Sept 22nd 1920. That on Dec. 5th 1920 Report of viewers filed in open Court. ~~That the width of said road was fixed at Forty (40) feet;~~ That: being no exceptions filed to said report, it was on March 7th 1921, confirmed, and an order to open and build said road was duly issued to the Supervisors of said Township.

That the supervisors of said Township, have persistently refused, and still continues to refuse, after receiving the said order to open, and construct the said road as so ordered and directed.

That your petitioners and other residents along said road in said township, suffer great inconvenience and hardship, for the want of said road, which is so necessary to them, by reason of the failure of said supervisors to lay out, build and construct said road as laid out and directed by the said order of Court.

Your petitioners therefore pray your Honorable Court to grant a rule on the supervisors, to wit A.M. Adams, Adam Satzinger and George Bush, supervisors of said township, to show cause why the said road should not be opened, according to the report of the viewers and the order of Court. And they will ever pray, etc.,

*Arcole Frientellegai*  
*Joe Pavolsky*  
*Jacob Sprockatt*

State of Pennsylvania | SS-  
County of Cambria |

Personally appeared before me a Notary Public in and for said county, Arcole Frientellegai, Joseph Pavolski and Jacob Sprockatt above named who being duly sworn according to law, says that the matters set forth in above petition are true and correct to the best of their knowledge, information and belief.

Sworn and subscribed to this  
25<sup>th</sup> day of November 1922

*John J. Mather*  
*Notary Public*

MY COMMISSION EXPIRES MARCH 7, 1923

*Arcole Frientellegai*  
*Joe Pavolsky*  
*Jacob Sprockatt*



1 Sept Term 1922

In The Court of Quarter Sessions  
of Cambria County

In Re Road in West Taylor  
Township

Petition for Rule to show  
cause why road should not be  
opened.

And Now Nov. 27th 1922, within  
read and considered. Rule  
granted as prayed for. Return  
able First Monday of January  
1923.

*By the Court*  
*E.*

Filed. 27 Nov 1922

F. MARTIN

JOHN J. MARTIN

MARTIN & MARTIN

Attorneys at Law

ROOMS 306-7 FIRST NATL BANK BUILDING

JOHNSTOWN, PA.

IN THE COURT OF QUARTER SESSION OF CAMBRIA COUNTY-

To The Honorable the Judge of the above named Court-

The petition of the undersigned residents and taxpayers of West Taylor Township Cambria County and state of Pennsylvania respectfully represent-

That they labor under great inconvenience, for the want of a Public Road, beginning at or near, the bend in the Public Road know as the Mountain Road thence northwestwardly for about Nineteen Hundred feet, to intersect with the said Mountain Road.

The petitioners therefore pray the Court to appoint Three disinterested persons qualified in the law to view the said proposed road, and if they see occasion to lay out the same, to inquire and vacate the part of the public road now opened, from a point on the said public road at or near the private road of, Horner, to a point where the newly proposed road intercets with the said Mountain Road in said township, which will by reason of the laying out of the said proposed road will be come useless; and make their report of the proceedings to the next Term of said Court. And they will ever pray. etc.

<u>Nichol J. Mantelleggi</u>	
<u>Franc Durane</u>	<u>Emile Kozar</u>
<u>Joseph Pavlosky</u>	<u>Tom Stile</u>
<u>Albert Wells</u>	<u>Peter Pockhaus</u>
<u>Edwin J. Bush</u>	<u>George Grinnis</u>
<u>E. B. Griffith</u>	<u>M. O. Horner</u>
<u>Geo. Jordan</u>	
<u>Carl Dilt</u>	

State of Pennsylvania )  
County of Cambria )

SS-

Personally appeared before me a Notary Public in and for said County Joseph Pavlosky who being duly sworn according to law says, the statements set out in the above petition are true and correct, and further, he was present and saw all of the signers hereto sign their names to the petition  
Sworn and subscribed to this  
the 30<sup>th</sup> day of August 1920

Joseph Pavlosky  
Notary Public

Joseph Pavlosky

My commission expires at end of next  
month of \_\_\_\_\_



NO 1. *September* Sessions 1920

In the Quarter Sessions of  
Cambria County

Petition of Resident Tax  
payers of West Taylor Town-  
ship for viewers, to lay out  
public road and vacate part of  
Public Road.

*Filed 6 September 1920.*

And Now Sept. 6th 1920, within  
petition read and considered,

The Court appoint *Charles Key*

*Phil Campbell* and *Adrian*

*Shuman* viewers as prayed  
for.

FEB 4 1921 CERTIFIED

D. P. Martin  
ATTORNEY AT LAW  
JOHNSTOWN, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

-----

In Re Public Road  
West Taylor Township.

TO THE HONORABLE THE JUDGE OF THE ABOVE NAMED COURT.

Arcole Frientelleggi, Joseph Pavolski and Jacob Sprockatt,  
resident taxpayers of the Township of West Taylor, Cambria County,  
and State of Pennsylvania, respectfully represent.

That on Sept. 20th 1920, a petition was presented to the  
above named Court, for the appointment of viewers for Public Road,  
beginning at or near the bend in the Public Road known as the "Moun-  
tain Road"; thence northwesterdly for about Nineteen Hundred feet,  
to and to intersect with the said "Mountain Road".

That viewers were appointed, and an order to view, issued  
Sept. 22nd 1920. That on Dec. 6th 1920 Report of viewers filed  
in open Court. That the width of said road was fixed at Forty (40)  
feet. That being no exceptions filed to said report, it was on  
March 7th 1921, confirmed, and an order to open and build said  
road was duly issued to the Supervisors of said Township.

That the supervisors of said township, have presistently  
refused, and still continges to refuse, after receiving the said order  
to open, and construct the said road as so ordered and directed.

That your petitioners and other residents along said road  
in said township, suffer great inconvenience and hardship, for the  
want of said road, which is so necessary to them, by reason of the  
failure of said supervisors to lay out, build and construct said  
road as laid out and directed by the said order of Court.

Your petitioners therefore pray your Honorable Court to grant  
a rube on the Supervisors, to wit A. M. Adams, Adam Satzinger and Geo.  
Bush, supervisors of said township, to show cause why the said  
road should not be opened, according to the report of the viewers  
and the order of Court. And they will ever pray, ect.,

Archol Frantellizzi

Joe Pavlosky

Jacob Sprockett

State of Pennsylvania, }  
County of Cambria, } SS:

Personally appeared before me a Notary Public in and for said County, Arcole Frentelleggi, Joseph Pavolski and Jacob Sprockett above named who being duly sworn according to law, says that the matters set forth in above petition are true and correct to the best of their knowledge, information and belief.

Sworn and subscribed to this  
25 day of November 1922.

Archol Frantellizzi

Joe Pavlosky

Jacob Sprockett

John J. Martin  
(N.P. Seal) Notary Public.  
My Commission expires March 7, 1925.

And now Nov. 27th 1922 within read and considered. Rule granted as prayed for. Returnable First Monday of January 1923.

BY THE COURT.  
E.

Extract from the Record.

Certified this 28th day of  
November, A. D. 1922.

Frank C. Roll  
Clerk Q. S.

CERTIFIED COPY

No. 1 Sept. Term 1920.

In re road in West Taylor  
Township.

Petition for Rule to show cause.

*Argued April 16, 1923  
After due consideration  
Rule discharged  
By the Court  
E.*

*Filed 4 Dec. 1922.*

Chad

In Re: laying out new road and  
vacating part of public road  
now opened, known as the Moun-  
tain Road in West Taylor Town-  
ship, Cambria County, Pa.

In the Court of Quarter Session  
of Cambria County, Penna.  
No. 1, Sept. Session, 1920

REPORT OF VIEWERS

To the Honorable the Judges of the above mentioned  
Court. We the undersigned Viewers appointed by the annexed order  
of the Court to view the road 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 the said view and of the time and place of meeting by posting  
notices as required by law along the route and at the termini of  
said proposed new road and road to be vacated and by services of  
such notices on the County Commissioners of Cambria County and  
the Supervisors of West Taylor Township, acceptance of said  
notices by the Commissioners and Supervisors being hereto attach-  
ed; that we met in accordance with the notices given on the  
1st day of November A. D. 1920 at 10 o'clock A. M. and proceeded  
with the duties of our appointment and viewed the premises and  
route of the proposed road and the portion of road proposed to  
be vacated, and are of the opinion that there is an occasion for  
a public road as prayed for by the Petitioners and therefore  
proceeded to lay out same, having due respect to the shortest  
distance and the best ground for a road and in such manner as  
would be near as practicable agreeable to the desire of the  
Petitioners and at the same time do the least injury to private  
property; that the portion of the road proposed to be vacated is  
very dangerous and inaccessible the largest portion of the year  
due to extreme grades; that the grades on about 700 feet of the  
portion proposed to be vacated approximates nearly 20%; that by  
the laying out of the proposed new road we find that the portion

of the public road prayed for to be vacated will become useless, inconvenient and burdensome to the tax payers.

A plot or draft showing the proposed new road and the portion of road to be vacated is hereto attached and made a part of this report and herewith returned for public uses. The courses and distances of each road being shown thereon, the proposed new road being colored in green on said plot or draft and the portion proposed to be vacated being colored red on said plot or draft. The plot or draft herewith attached shows the improvements and the Owners of the adjacent property along the route of said road to be vacated and supplied and shows same passing through or along the land of the Cambria Iron Company, John Adams, M. C. Horner and John Sprockett, we being unable to secure a release of damages from any of the above named property Owners. Therefore taking into consideration the benefits and damages that have occurred or that may seem likely to occur by the reason of said vacating and supplying of said roads, have assessed no benefits and no damages to any of the property Owners through or along whose ground said roads pass.

During the view on the ground several persons were present and heard and after due consideration of all the matter before us we are of the opinion that the road prayed for by the Petitioners and layed out by us is necessary and that the portion proposed to be vacated by reason of the laying out of the new road will become useless, inconvenient and burdensome, therefore we recommend that the prayer of the Petitioners be granted.

Witness our hands and seals this 13th day of November  
A. D. 1920.

J. E. Dickey  
Adam Shuman  
Thos. Elmsfield  
Viewers

In Re: laying out new road and  
Vacating part of public road  
now opened, known as the Moun-  
tain Road in West Taylor Town-  
ship Road in West Taylor Town-  
ship, Cambria County, Pa.

In the Court of Quarter Session  
of Cambria County, Penna.  
No. 1, Sept. Session 1920

To S. E. DICKEY, PHILIP CAUFFIEL & ADAM SHUMAN Dr.

To S. E. DICKEY Dr.

Lifting order	\$ .90	
Preparing notices	7.50	
Stenographer and stationery	2.50	
Posting and serving notices	7.50	
Mileage	1.00	
Making view	7.50	
Mileage	1.00	
Making survey	15.00	
Mileage	1.00	
Preparing draft	11.50	
Tracing cloth & detail paper	1.20	
Linen blue prints	2.10	FEB 4 1921 CERTIFIED
Preparing report	7.50	
stenographer and stationery	2.50	\$ 68.70

To PHILIP CAUFFIEL Dr.

Making view	7.50	FEB 4 1921 CERTIFIED
Mileage	.60	\$ 8.10

To ADAM SHUMAN Dr.

Making view	7.50	FEB 4 1921 CERTIFIED
Mileage	2.00	\$ 9.50

Total cost of View \$ 86.30

APPROVED FOR PAYMENT  
*[Signature]*  
COMMISSIONERS

In Re: laying out new road and vacating part of public road now opened, known as the Mountain Road in West Taylor Township, Cambria County, Pa.

In the Court of Quarter Session of Cambria County, Penna.  
- No. 1, Sept. Session, 1920

NOTICE OF VIEW

We the undersigned Viewers appointed by the above Court to view the premises and inquire into the necessity of a new road in the above Township, beginning at or near the bend in the Public Road known as the Mountain Road, thence northwestwardly for about 1900 feet to the intersection of said Mountain Road, and to inquire into the necessity of vacating the part of the public road now open from a point on the said Public Road at or near the private road of Horner to a point where the newly proposed road intersects with the said Mountain Road, will meet at on the 1st. day of November A. D. 1920 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.

S. E. DICKEY

PHILIP CAUFFIEL

ADAM SHUMAN  
Viewers

Johnstown, Pa.  
Oct. 21, 1920

Now this 21<sup>st</sup> day of October A. D. 1920, service of the above notice is hereby accepted.

J. A. Satterman  
Supervisor



In Re: laying out new road and  
vacating part of public road  
now opened, known as the Moun-  
tain Road in West Taylor Town-  
ship, Cambria County, Pa.

In the Court of Quarter Session  
of Cambria County, Penna.  
No. 1, Sept. Session, 1920

NOTICE OF VIEW

We the undersigned Viewers appointed by the above Court to view the premises and inquire into the necessity of a new road in the above Township, beginning at or near the bend in the Public Road known as the Mountain Road, thence northwestwardly for about 1900 feet to the intersection of said Mountain Road, and to inquire into the necessity of vacating the part of the public road now open from a point on the said Public Road at or near the private road of Horner to a point where the newly proposed road intersects with the said Mountain Road, will meet at be on the 1st. day of November A. D. 1920 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.

S. E. DICKEY

PHILIP CAUFFIEL

ADAM SHUMAN  
Viewers.

Johnstown, Pa.  
Oct. 21, 1920

Now this 22<sup>nd</sup> day of October A. D. 1920, service  
of the above notice is hereby accepted.

  
Clerk for Commissioners

In Re: laying out new road and  
Vacating part of public road  
now opened, known as the Moun-  
tain Road in West Taylor Town-  
ship, Cambria County, Pa.

In the Court of Quarter Session  
of Cambria County, Penna.  
No. 1, September Session, 1920

NOTICE OF VIEW

We the undersigned Viewers appointed by the above  
Court to view the premises and inquire into the necessity of a  
new road in the above Township, beginning at or near the bend in  
the Public Road known as the Mountain Road, thence northwesterly  
for about 1900 feet to the intersection of said Mountain Road, and  
to inquire into the necessity of vacating the part of the public  
road now open from a point on the said Public Road at or near the  
private road of Horner to a point where the newly  
proposed road intersects with the said Mountain Road, will meet at beg  
on the 1st day of November A. D. 1920 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.

S. E. DICKER

PHILIP GAUFFIER

ADAM SHUMAN  
Viewers

Johnstown, Pa.  
Oct. 25, 1920

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 Sixth day of September A. D. 1920, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of West Taylor, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, ~~located on~~ beginning at or near, the bend in the Public road known as the "Mountain Road" thence northwestwardly for about Nineteen Hundred feet, to intersect with the said Mountain Road.

The petitioners therefore pray the Court to appoint Three disinterested persons qualified in the law to view the said proposed road, and if they see occasion to lay out the same, to inquire and vacate the part of the public road now opened, from a point on the said public road at or near the private road of M. C. Horner, to a point where the newly proposed road intersects with the said Mountain Road in said Township, which will be reason of the laying out of the said proposed road will be come useless.

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

Phil Cauffiel and Adam Shuman

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 B. 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 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."

ORDERED THAT the viewers, S. E. Dickey, Phil Cauffiel, and Adam Shuman, do view and report to the Court of Quarter Sessions 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.

ORDERED THAT the viewers, S. E. Dickey, Phil Cauffiel, and Adam Shuman, do view and report to the Court of Quarter Sessions 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. 1	September	SESSION, 1920
Order to view	Public Road in	
	West Taylor Township, beginning	
	at or near the bend in the	
	Public road known as the Mountain	
	road thence northwestward-	
	ly for about Nineteen Hundred	
	feet, to intersect with the	
	said Mountain Road.	
Viewers:		
S. E. Dickey	Phil Cauffiel	Adam Shuman
Clerk	Robb	90 da.

Fin

No. 1, Sept. Session, 1920			
	Court of Quarter Session, Cambria County, Pennsylvania.		
		ORDER TO VIEW	
		Public Road in West Taylor Township, beginning at or near the bend in the Public Road known as the Mountain Road thence northwestwardly for about Nineteen Hundred feet to intersect with the said Mountain Road.	S. E. DICKEY PHILIP CAUFFIEL ADAM SHUMAN Viewers <i>Filed 6 December 1920 in Open Court.</i>
			S. E. DICKEY & CO. CIVIL, MINING AND CONSULTING ENGINEERS 809-811 JOHNSTOWN TRUST BLDG. JOHNSTOWN, PENNA.

6 December 1920 Approved and breadth fixed at forty feet.  
By the Court

7 March 1921 Confirmed.  
Frank C. Pitt.  
Clerk.