

Viewers appointed upon order of the
Court of Quarter Sessions dated March 8th 1900
J. Edgar Elder & W. Diamond & William Howell

CAMBERIA COUNTY, PA.
SUMMERHILL TOWNSHIP
Plan of the proposed public road in
J. Edgar Elder
County Surveyor
EBENSBURG, PA.
Scale: 1 inch = 200 feet Viewed May 21st 1900



R.D.#, MAR 1900

Rat Microfilmed

— In the Court of Quarter Sessions —

Petition to vacate and supply a portion
of a Public Road in Summerhill Township,

To the Hon. A. V. Barker
President Judge ^{of the Court of Quarter Sessions,} of Cambria County:

We, the undersigned citizens of
Summerhill Township, respectfully repre-
sent that the part of the county road
leading from Wilmore to Ebensburg
from the Settlemyer School House
to the lane leading from McCormick's
barn to said road is unfit for
use as a public highway for the
reason that the ascent from said
school house for half a mile approxi-
mates 228 feet - in several places
the grade being about 20 per cent,
and afterwards descends from 40
to 50 feet to the lane aforesaid;
whereas it is possible to locate
a road of an easy grade -
possibly a uniform grade of not
more than 5 per cent, without en-
tailing unreasonable expense on
the said township; therefore, we
your petitioners pray your honorable
court to appoint viewers to vacate
said ^{part of said} road and locate a site for
a suitable road to supply the
part thus vacated, and report
at next term of Court, and we

your petitioners will ever pray, &

Wilmore, Pa.

March 3, 1900

John McCormick

Lincoln Roberts

Joseph L. Humphrey

Wm. H. Shryock

H. M. Jones

John A. Wright

George Decker

B. C. McGuire

Ed. Rugh

Edw. B. Ryman

Edward H. Hays

J. J. Bodenschatz

John A. Hays

C. J. Lettman

Wm. B. Smith

Wm. Hillier

J. M. Danner

Patrick Conley

George J. Dierickx

Cambria County, Pa.

John McCormick, one of the above petitioners,
being duly sworn, says that the statements of
said petitioners set forth are true and correct.

Sworn and subscribed before
me this 5th day of March, 1900.
J. W. Davis

John McCormick

Prothonotary

No. 1 No. 2a Term 1900
In the County of Clark

Devin J. Devine
County

No. 1 No. 2a Term 1900

Devin J. Devine

Devin J. Devine

Devin J. Devine

The location of the
Public Road in the
County

Devin J. Devine

No. 1 No. 2a Term 1900
Devin J. Devine
County

Devin J. Devine
County

Devin J. Devine

Devin J. Devine

Ebensburg, Cambria Co., Pa., _____

J. L. Elder 4 days \$16.00
" " a Mileage 1.60

J. H. Spurr 2 days 4.00
" " a Mileage .40

William Howell 2 days 4.00
" " Mileage 1.00

George Dimond 2 days, Chairman 3.00

John McConnel 2 " " 3.00

Roberts Aman 2 days 3.00

36.00

450
600 225
270000
43560 / 135000

To the Honorable A.V. Barker, President Judge of the Court of Quarter Sessions of the Peace of Cambria County, Pa.

The Undersigned, the road viewers named in the annexed order of said Court, respectfully report:

1.- That we met at the time and place specified in the notices; to wit, On Monday the 21st day of May 1900, at the Settlemyer school house in Summerhill Township, said County, one of the places mentioned in said order as one of the termini of the portion of the road to be vacated and supplied, and after being duly sworn according to law, as will appear by certificate of A.J. Skelly, Esq. justice of the peace of said County, hereto annexed, we preceded to the discharge of our duties under said order.

2.- The notices required by law were duly given, that is to say, ten days prior notice to the public and the land owners interested by six typewritten notices put up in as many of the most public places in the vicinity of the ground to be viewed; proper written notice to the County Commissioners of said county as required by law, and also proper written notice to the supervisors of said township, stating the time of said view and the place of meeting of the viewers.

3.- We viewed the old road between the points mentioned in the order viz., from the Settlemyer school house to Mc Cormick's lane, made a survey of the same, and a personal inspection of the ground, finding portions of it very steep and much over the percentage fixed by law, three places on said old road where levels were taken showing the following grade: First portion leveled 17.3 feet in 100 feet; second, 18.7 feet in 100, and third 17.4 feet in 100, while many other portions were found to be very nearly as steep as the portions where said levels were taken; being of the opinion and agreeing that such a grade is inconvenient and dangerous to the traveling public, as well as unlawful and expensive to keep in repair, and finding between the termini mentioned in said order suitable ground for a road of the lawful grade, we therefore are of the opinion and agree that the portion of the present public road between the termini mentioned in said order should be vacated; viz., from the Settlemyer school house to McCormick's lane, as shown on the map or plot hereto

annexed, and that a public road between the points mentioned is necessary. We therefore lay out and return for public use a road between said points as follows: Beginning at a point on the public road from Wilmore to Ebensburg, at the lane of John McCormick the northerly terminus of the portion of said road to be vacated as mentioned in the order, thence through improved farm land of John McCormick the following six courses and distances; South $89^{\circ} 45'$ west 329 feet, south 55° west 100 ft., south 51° west 100 ft., south $59^{\circ} 30'$ west 100 ft., south $50^{\circ} 15'$ west 100ft., south 32° west 100 ft., and thence further through land of John McCormick a part of the next course and through unimproved woodland of the Webster Coal and Coke Company the following ten courses and distances; south 71° west 100 ft., north $86^{\circ} 15'$ west 100 ft., south 79° west 100 ft., south 67° west 100 ft., south 59° west 100 ft., south $54^{\circ} 30'$ west 100 ft., south $52^{\circ} 45'$ west 100 ft., south 45° west 100 ft., south $27^{\circ} 30'$ west 100 ft., thence south 19° west 100 ft., to a point near line of land of heirs of George Settlemyer; thence through unimproved woodland of said heirs the following nine courses and distances: south $2^{\circ} 15'$ east 100 ft., south 15° east 100 ft., south $21^{\circ} 15'$ east 145 feet crossing a small spring run to a point on land of the Webster Coal and Coke Company near the Settlemyer line, thence south $33^{\circ} 30'$ west 100 feet, south 8° west 100 ft., south $5^{\circ} 15'$ east 100 ft., south $12^{\circ} 45'$ east 100 ft., south 14° east 100 ft., south $19^{\circ} 15'$ east 100 ft., to a point in the center of a public road commonly called " the Plank Road," thence continuing by the line of said road the following four courses and distances: south $24^{\circ} 15'$ east 426 feet, south 17° east 1103 ft., south $7^{\circ} 45'$ east 402 ft., south $20^{\circ} 45'$ east 567 ft., to the center of said public road from Wilmore to Ebensburg, at the Settlemyer school house, the southerly terminus of the portion of said road to be vacated, as mentioned in the order, all of which is shown by map or plot hereto attached and made a part of this report, x none of said new road as laid out exceeding a grade of five degrees, except for a short distance at the crossing of the ravine at the aforesaid spring run, where by moderate filling or bridging the declination of the road may be preserved within the limit of five degrees.

4.- That not being able to complete the work of said view on the said day, nor to get releases of damages from the land owners we publicly adjourned the view until Saturday, June 26th when we met again and after carefully considering the advantages as well as the disadvantages to the several land owners, we came to the following conclusion as to each of said land owners, to wit:

(a) That John McCormick would sustain a loss of fifty dollars by said change in the location of said road, and we accordingly award him that amount of damages.

(b) The Webster Coal and Coke Company would sustain no damages from the opening of said road, as the route through said Company's property is over woodland not under fence and unimproved.

(c) The heirs of George Settlemyer would sustain no damages from the opening of said road as the route to be occupied by the road on their property is unimproved woodland.

5.- In our opinion the road laid out by us is of such public necessity and utility that the damages we have awarded should be paid by the county.

6.- We annex hereto a plot or draft of the portion of the old road vacated and of the new road laid out, stating the courses and distances and briefly noting the improvements through which the new road as laid out passes, and giving the names of the several landowners through whose land the new road passes.

Witness our hands this 26th day of May A.D. 1900.

3.

J. Leard Elder
J. H. Diamond
William W. Howell

To the County Commissioners of Cambria County, Pennsylvania.

Sirs--

You are hereby notified that the undersigned, the viewers appointed by the Court of Quarter Sessions of Cambria County, held at Ebensburg, in said county, on the 6th day of March, A. D., 1900, to view, vacate and supply a part of the public road leading from Wilmore to Ebensburg from the Settlemyer school house to the lane leading from McCormick's barn to said road, in Summerhill Township, will meet at the Settlemyer school house, in said township, for the purpose of attending to the duties of said appointment, on Monday, the 21st day of May, A. D., 1900, at ten o'clock in the forenoon; when and where you may attend if you see proper.

J. L. ELDER, Surveyor.

J. H. DIMOND,

WM. HOWELL,

Viewers.

Summerhill Twp., May 8, 1900.

(Copy)

OATH OF VIEWERS.

CAMBRIA COUNTY, SS.:

Before me, the subscriber, a Justice of the Peace, in and for said County, personally appeared J. L. Elder, J. H. Dimond, and William Howell, the Viewers appointed by the Court of Quarter Sessions of Cambria County, to vacate and supply a part of a public road, leading from Wilmore to Ebensburg, from the Settemyer school house to a point on said road at or near McCormick's lane, who being duly sworn (or affirmed) according to law, say that they will perform their duties as Viewers, under said appointment impartially, and according to their best judgment.

J. L. Elder

William W. Howell

J. H. Dimond

SWORN (or affirmed) and subscribed to before me by the above-named Viewers on this 21st day of May, A. D. 1900, at 11 O'clock
A. M.

A. J. Kelly

Justice of the Peace.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg in the said County, on the Eighth day of March A. D. 1900, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Ammerhill, in the said County, setting forth that ~~they have under inclosure~~

~~land of~~ ~~proposed for highway~~ to lead from the part of the county road leading from Wilmore to Ebensburg from the Settlers School House to the lane leading from McConick's barn to said road is unfit for use as a public highway for the reason that the ascent from said school house for half a mile approximates 225 feet - in several places the grade being about 20 per cent and afterwards descends from 40 to 50 feet to the lane aforesaid; whereas it is possible to locate a road of an easy grade possibly a uniform grade of not more than 5 per cent, without entailing unreasonable expense on the said township:

and therefore praying the Court to appoint proper persons to ~~view and lay out~~ ^{vacate and supply} the same according to law. The Court upon due consideration had of the premises, do order and appoint

J. L. Elder SURVEYOR, and

J. H. Diamond and Wm Howell ^{vacate and supply} VIEWERS, to ~~view~~ ^{vacate and supply} the ground proposed for said road, and if they ~~view~~ ^{vacate and supply} 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:

S. W. Davis 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."

No. 1, March Session, 1900

ORDER TO VIEW, vacate
part of
and supply a public
road leading from
Wilmore to Ebers-
burg in Sumner-
hill Township

J. L. Elder
J. H. Dimond
Wm Howell

Viewers.

CLERK DAVIS. 90 CTS.

J. J. Stoll

In the Court of Quarter Sessions
of the Peace of Cambria Co., Pa.

Report of Viewers

Appointed by said Court to
vacate and supply a part of
the public road from Withrow
to Wheeling, from the Settlement
School house to McCormick's
Lane in Summerhill Twp.

Filed & June 1900

Now & June 1900, read
and confirmed, read
and ^{was} confirmed & approved
thirty first and,

THOMAS J. ITELL,
ATTORNEY AT LAW,
JOHNSTOWN, PA.

HENRY HALL, PRINTER, INDIANA, PA.

Oct. 23^d 1900 approved and breadth of road supplied
fixed at thirty feet.
10 Dec 1900 Confirmed A.W. Davis Clk
By the Court.