

To the Honorable, A. V. Barker, President and Sole Judge of the  
Court of Quarter Sessions of Cambria County:-

The petition of the undersigned inhabitants of Conemaugh Township in said County, respectfully represents: That a public road has long since been laid out and opened leading from a point on the Frankstown Road about one-fourth mile east of the *Singer* School House, to the Borough of Franklin; that a portion of said road has become inconvenient in its present location and would better accommodate the traveling public by being changed so as to begin and end at the same points, but making a slight change in the following portion of said road, viz.: Beginning at the line between the Borough of Franklin and the Township of Conemaugh and extending in a south-eastwardly direction through said Township for a distance of five hundred and thirty-five feet to another point on said road, the said road between said points to be located a little further to the west, and by so doing a more even grade can be obtained for the same and a grade crossing of said road by an inclined plane for hauling coal will be avoided thereby.

Your petitioners further represent that the portion of the road proposed to be changed is entirely upon the land of Cambria Iron Company, which Company will agree to the change and release all damages occasioned thereby and will further do all work incident to said change and bear all expense of the same. Your petitioners, therefore, pray the Court to appoint viewers to view said road and the ground proposed for said change and to make report of their proceedings at the next term of this Court.

NAMES

*D. H. Beaman*  
*Leason B. B. B.*  
*Henry Shipton*  
*Jacob Singer*  
*Lewis S. B. B.*  
*Paul B. B.*

NAMES

*James P. Hildebrand*  
*H. P. Friedrich*  
*Samuel B. Huber*  
*Levin Huber*  
*Anthony Kohler*  
*D. J. Horner*

Carbria County, ss:

Personally appeared B. F. Slick, and  
W. G. Griffith, who being sworn according to  
law say: That the signers to the foregoing petition are citizens  
of Cenemaugh Township, and that the facts set forth in the said  
petition are correct and true as they verily believe.

Sworn to and subscribed before me,  
this 8<sup>th</sup> day of April, A.D. 1898.

B. F. Slick

W. G. Griffith

John N. Morley  
Notary Public

106 March 1898

Petition of Citizens of K.

Concerning the Council's

for change in the public

roads leading from a

point on the Franklin

Roads

to

the Borough of Franklin

Apr. 1898 petition

held and Chas. S.

Howes, James Gardner

Waring R. Snow

of former's officers

By the Court

Filed 18 Apr 1898

(Sealed)

view in

Chas. S. Howes - 1898

James Gardner - 1898

Waring R. Snow - 1898

To the Court of Quarter Sessions of Cambria County:-

The undersigned Viewers named in the within order respectfully report: That all of said Viewers met at the time and place specified in the notices, to wit: On Friday, the 27<sup>th</sup> day of May, A.D. 1898, at 10 o'clock, a.m., on the line between the Borough of Franklin and Conemaugh Township at the point where the road leading from the Frankstown Road to said Borough crosses said line, and before proceeding to the discharge of their duties, were severally sworn or affirmed according to law, as per oaths hereto attached. The notices required by law were duly given; that is to say, not less than ten (10) typewritten notices of the time and place where said Viewers were to meet for the purpose of viewing said road, were posted in the most public places and at different points along and in the vicinity of the ground to be viewed more than ten (10) days before the time of such meeting, a copy of said notice is hereto annexed and marked Exhibit "A".

In pursuance of said order, the undersigned viewed the site and locality of the road proposed to be changed, making a personal inspection of the ground between the points designated in the petition and order on the day above mentioned, and a survey of the same showing the courses and distances and noting the improvements along the line of the same was made by Charles L. Hower, one of the said Viewers, a draft of which survey is hereto annexed and marked Exhibit "B".

The undersigned Viewers are of opinion and agree that the aforesaid public road between the points mentioned should be changed in conformity with the prayer of the petitioners and we do, therefore, authorize, lay out and return for public use a road between the said points as follows:- Beginning in the

Centre of said road at a point where the division line between Franklin Borough and Conemaugh Township crossed said Road, thence through the said Township of Conemaugh South twenty (20) Degrees East one hundred eighty-five feet (185 ft.), South forty-six (46) Degrees East one hundred thirty five (135) feet, and South fifty two and one half ( $52\frac{1}{2}^{\circ}$ ) East two hundred fifteen (215) feet to a point on the original road.

And we do further recommend the vacation of that portion of the old road which will be supplied by the new one, as follows:-

Beginning at a point where the division line between Franklin Borough and Conemaugh Township crosses said road, thence through said Township South twenty-two (22) Degrees thirty (30) minutes, East one hundred twenty five (175) feet, South forty-three (43) Degrees East one hundred and twenty-five (175) feet, and South forty-five (45) Degrees thirty (30) minutes, East one hundred twenty-five feet to a point on said road.

The said Viewers procured a release of damages from Cambria Iron Company, the owner of all the land through which said portion of said road passes, which is hereto annexed and marked Exhibit "C".

The Viewers recommend the above change in said road for the reason that by making such change a grade crossing of said road by an inclined plane for hauling coal will be avoided and a more even grade between the points mentioned will be obtained.

They do further report that most of the work upon the road as above changed and located has already been done by Cambria Iron Company at its own expense, and they are informed and believe that said Company will bear all the expense incident to the change and re-location in said road.

WITNESS The hands of said Viewers this 28<sup>th</sup> day of May, 1898.

J. H. Green  
Director Gardner  
Chas. E. Brown

In the Matter of the Order to Vacate and Change a Portion of the Road Leading from the Frankstown Road to the Borough of Franklin to wit: That portion beginning at the line between the said Borough and Conemaugh Township and extending in a south-easterly direction through said Township to another point on said Road distant 535 feet from the said Borough Line:

---OXO---

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

Number 6 March Sessions, 1898.

(Road Docket).

Cambria County, ss:-

Before the undersigned, one of the Viewers, personally appeared Charles L. Hower and Jonathan Gardner, who being sworn according to law say: That they will perform their duties as viewers in the above stated proceeding impartially and according to the best of their skill and judgment.

Sworn to and subscribed before me, )  
this day of May, A.D. 1898. )

Charles L. Hower

David R. Lucas

Jonathan Gardner

Cambria County, ss:

Before me, one of the Viewers, personally appeared David R. Lucas, who being sworn according to law says: that he will perform his duty as Viewer in the above stated proceeding impartially and according to the best of his skill and judgment.

Sworn to and subscribed before me, )  
this day of May, A.D. 1898. )

Charles L. Hower

David R. Lucas

Exhibit "A"

NOTICE.

In the Matter of the Order to Vacate and Change a Portion of the Road leading from the Frankstown Road to the Borough of Franklin to wit: That portion beginning at the line between the said Borough and Centreburgh Township, and extending in a south-easterly direction through said Township to another point on said Road distant 825 feet from the said Borough Line:-

---OHO---

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

No. 6 March Session, 1896.

(Road Docket).

Notice is hereby given that the undersigned Viewers appointed by the Court in the above stated case, will meet on Friday, the 27<sup>th</sup> day of May, 1896, at 10 o'clock, a.m., at the point where the above stated road crosses the Franklin Borough line, for the purpose of viewing said road and determining upon the expediency of the change proposed to be made therein as set forth in the Order of View.

Charles L. Hoover.

Jonathan Gardner.

David R. Lucas.

May 14, 1896.

Exhibit D

M.A.P.

TO ACCOMPANY

REPORT OF VIEWERS

PUBLIC ROAD

LEADING FROM FRANKLIN BORO.

TO FRANKSTOWN ROAD.

SCALE 50:1

NOTE - Road colored Red supplied.  
Road colored Yellow vacated old.

PROPERTY OF CAMBRIA

GRAVITY PLANE

IRON CO.

Coronauagh

Township

Franklin Boro

Board of Viewers

View Taken, May 27-98

CHAS. L. HOWER

JONATHAN GARDNER

DAVID R. LUCAS

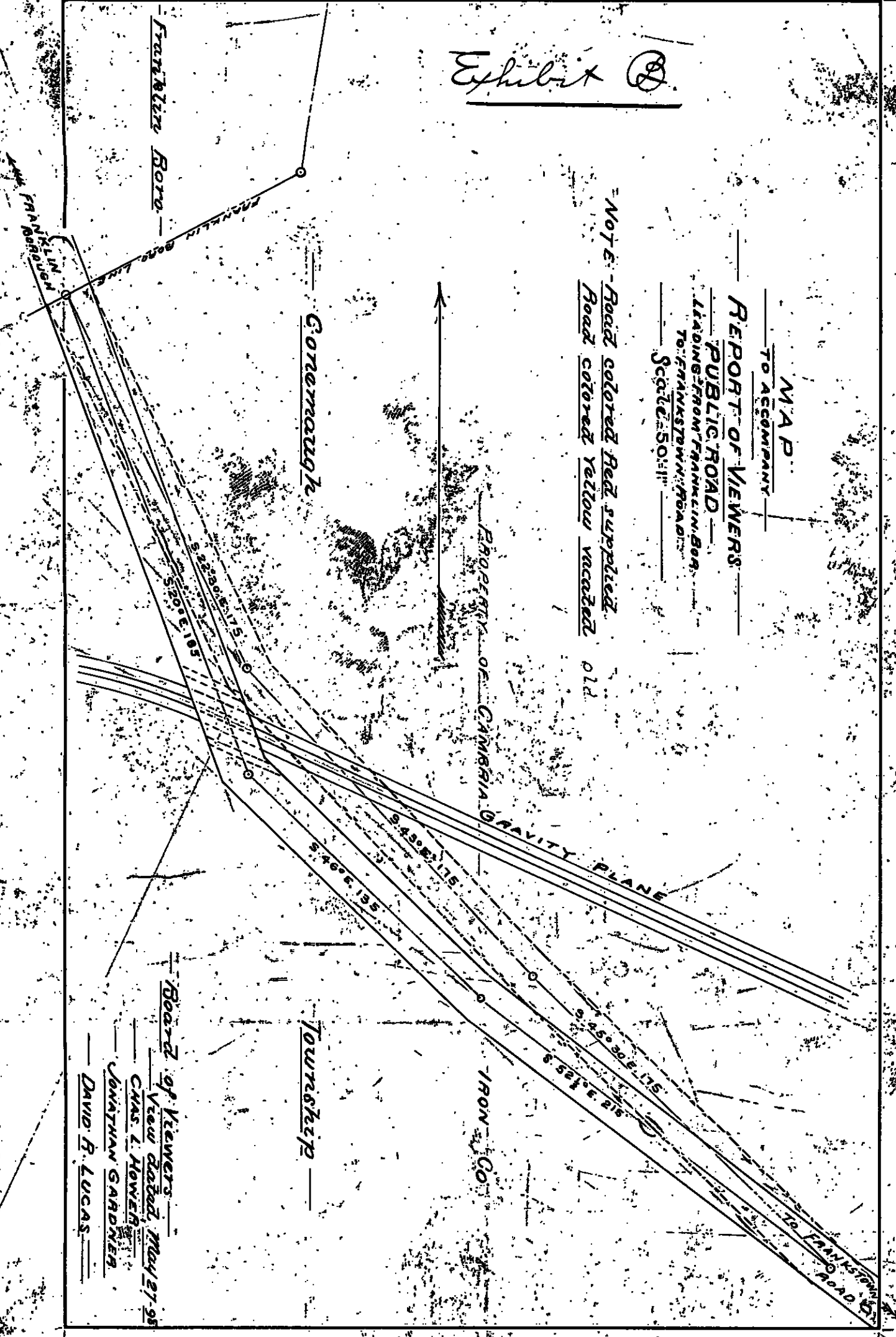




Exhibit C.

Release.

WHEREAS, By an order of the Court of the Quarter Sessions of Cambria County, dated the 18<sup>th</sup> day of April A.D. 1898, directed to Charles L. Hower, Jonathan Gardner and David R. Lucas, a portion of a certain public road beginning at the line between the Borough of Franklin and Conemaugh Township and extending in a south-easterly direction through said Township to another point on said road distant 535 feet was changed and located upon other portions of land of Cambria Iron Company:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That said Cambria Iron Company in consideration of the advantages to be derived from the change in said road, does hereby release the County of Cambria from all damages that have accrued, or that may hereafter accrue to it for or on account or by reason of the change in the location of said road.

In WITNESS Whereof, the said Cambria Iron Company has executed these presents this ----- day of May, A.D. 1898.

Cambria Iron Co.  
per C. J. Price Genl Mgr

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 Eighteenth day of April A. D. 1898, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of Caremangh in the said County, setting forth that ~~they labor under inconvenience for want of a~~ public road ~~or highway to lead from~~ has long since been laid out and opened leading from a point on the Frankstown Road about one fourth mile east of the Singer School House to the Borough of Franklin, that a portion of said road has become inconvenient in its present location and would better accommodate the traveling public by being changed so as to begin and end at the same points, but making a slight change in the following portion of said road, viz: Beginning at the line between the Borough of Franklin and the Township of Caremangh and extending in a south-easterly direction through said Franklin for a distance of five hundred and thirty five feet to another point on said road, the said road between said points to be located a little further to the west and by so doing a more even grade can be obtained for the same and a grade crossing of said road by an inclined plane for hauling coal will be avoided and your petitioners further represent that the portion of the road proposed to be changed is entirely upon the lands of the Cambria Iron Company, which Company will agree to the change and release all damages occasioned thereby and will further do all work incident to said change and bear all expense of the same, your petitioners

~~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 Chas E Stover SURVEYOR and Jonathan Gardner and David R Lucas

VIEWERS, to <sup>locate and survey</sup> 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 desire 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:

J. 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 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 petitioner.

— 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.

March 26<sup>th</sup> 1898  
No. 6

Order to view private road leading

from a private road to  
the Borough of Trout  
in the Commonwealth  
of Pennsylvania

Filed June 1898

Viewers  
Chas. L. Stover  
Jonathan Fairbank  
Davis R. Burgess

996  
Dor Davis

HERALD-PRINT, EBENSBURG, PA.

Endsley

Aug. 11, 1898 approved and breadth of road laid out fixed  
at thirty feet.  
10 Oct. 1898. Confirmed. S. W. Davis clerk  
By the Court,