

TO THE HONORABLE A. V. BARKER, JUDGE OF THE COURT OF QUARTER SESSIONS OF  
CAMBRIA COUNTY :

The petition of Henry Speicher respectfully represents :

That he labors under great inconvenience for want of a private road leading from his plantation upon which he lives, and upon which there is located a lime bank and coal bank, at a point where a private way which has been constantly used for a period of forty years, has its terminus on the Northerly side of his said plantation in Stonycreek Township, to a point on the public road or high-way leading from Moxham to the Scalp Level Turn-pike where the road or way heretofore mentioned as having been used, intersects said public road or high-way about twenty rods distant Eastwardly from the Easterly line of the City of Johnstown.

He therefore prays the Court to appoint proper persons to view and lay out the same, according to law, and as in duty bound, he will ever pray, etc.

Henry Speicher

Mo. of A. C. Hess. 1908 R. A

COURT OF QUARTER SESSIONS OF  
CAMBRIA COUNTY

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PETITION OF HENRY SPEICHER FOR  
PRIVATE ROAD IN STONYCREEK TOWN-  
SHIP.

Filed 11 Feb'y 1901

Feb'y. 4<sup>th</sup> 1901 petition  
read and

F. A. Creswell

Geo. Lehrauer and

Dennis Misinger

Appointed Viewers  
By the Court.

Francis J. O'Connor  
Attorney at Law  
Johnstown, Pa.

In re petition of Henry Speicher for private road in Stonycreek Township, Cambria County, Pa., over lands of the Charles Von Lunen Estate. ) : IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, Pa. ) : No. \_\_\_\_\_, \_\_\_\_\_ Term, \_\_\_\_\_ ) : ) :

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

The petition of George Hager and Charles F. Hager respectfully represents:

That they are the surviving Executors under the Last Will and Testament of Charles Von Lunen, late of the City of Johnstown, Cambria County, Pennsylvania, deceased. That the said Charles Von Lunen, deceased, died seized, inter alia, of certain real estate situate, lying and being in Stonycreek Township, Cambria County, Pennsylvania. That the Last Will and Testament of the said Charles Von Lunen is not finally executed, and that your petitioners as Executors thereof still have charge of the real estate of the Testator. That Henry Speicher presented his petition to this Court for a view of a private road from a certain point on the Township Road, in Stonycreek Township, aforesaid, to lands owned by the said Henry Speicher. That upon said petition an order to view was issued by this Honorable Court, on the Eighteenth day of February, A. D. 1901. That on the Fourth day of March, A. D. 1901, the viewers appointed under said order filed their report in this Court in favor of the petition, and returned a private Road for the benefit of the said Henry Speicher, the entire route of which private road is described in said report as running through the lands of the Charles Von Lunen Estate. That the said report of viewers was confirmed finally on the Sixteenth day of April, A. D. 1901, and the said road ordered to be opened at a width of Twenty feet. That neither your petitioners, nor any of the heirs or devisees under the Last Will and Testament of Charles Von Lunen, deceased,

had any notice or knowledge of any kind of the meeting of the viewers, or of any steps in the proceeding to secure the said private road, until after the date of the final confirmation of the report of viewers. That the said private road as returned by the said viewers passes directly through a plot of lots as laid out by the said Charles Von Lunen, deceased, long before the presentation of the said petition of view. That the said road when opened will not only destroy the entire number of lots through which it passes, but will also do irreparable injury to the plan of said lots by rendering them undesirable for the purposes for which they were intended, on account of being cut up by the said road passing through said plan.

Your petitioners, therefore, respectfully pray the Honorable Court that the order confirming the report of viewers absolutely be rescinded and that the petitioners be granted leave to file the following exceptions, nunc pro tunc:

FIRST,- That no notice was given to the petitioners or any of the heirs of Charles Von Lunen, deceased, and that none of them had knowledge of the proceedings under the said petition of view, nor any opportunity to appear before the viewers.

SECOND,- The viewers did not endeavor to secure a release from the Estate of Charles Von Lunen, deceased, and the report of the said viewers does not show that any attempt was made to secure the same.

THIRD,- That damages resulting to the Estate of Charles Von Lunen, deceased, as a result of the said road running through the property of the said Estate, were not ascertained by the said viewers.

FOURTH,- If the confirmation of the said report be permitted to stand, it would result in permitting the said road to be opened before damages are paid or tendered, as a re-imbusement to the Estate of Charles Von Lunen, deceased, for the loss it will sustain as a result of the said road passing through the real estate belonging thereto.

FIFTH,- The road as reported by the said viewers is unnecessary.

SIXTH,- A much shorter road could be secured between the property of the said Henry Speicher and the Township Road, designated in his said petition, which would afford more convenient travel to said petitioner than the road reported by the said viewers.

And further, your petitioners will forever pray, etc.

George Hager  
Charles F. Hager  
Executors of Charles Von Lunen, dec'd.

STATE OF PENNSYLVANIA, :  
                                  ) SS:  
COUNTY OF CAMBRIA,        )  
                                  :

On the Sixth day of July, A. D. 1901, before me, the subscriber, a Notary Public in and for said County, personally appeared George Hager and Charles F. Hager, the above-mentioned petitioners, who being by me duly sworn according to law, did depose and say, that the facts set forth in the above and foregoing petition, as well as the facts covered by the exceptions which they pray to be granted leave to file to the report of the viewers in said petition mentioned, are true and correct to the best of their knowledge, information and belief.

Sworn and subscribed to before me, the day and year first above written, as witness my hand and Notarial Seal.

Forest Rose  
Notary Public.:

George Hager  
Charles F. Hager

Com. Exp. Jan. 19, 1902.

No. 7 Dec 22<sup>nd</sup> 1901

In re Petition of  
Henry Speicher for  
Private Road in Stony  
creek Twp, Cambria  
Co., Pa.

Petition  
of

Eros. of Chas. Von Lunen,  
decd, for revision of  
confirmation of report of  
viewers, and for leave to  
file exceptions to said report  
nunc pro tunc.

July 8<sup>th</sup> 1901 it  
appearing to the  
Court that the  
report of viewers  
has not been con-  
firmed absolutely  
these exceptions are  
filed nunc pro tunc.

W. HORACE ROSE, By the Court  
ATTORNEY AT LAW,  
JOHNSTOWN, PA.

Filed 8 July 1901

TO THE HON. A.V. BARKER, PRESIDENT JUDGE OF THE COURT OF  
 QUARTER SESSIONS OF CALBRIA COUNTY.

We, the Undersigned, appointed by the annexed order for the purposes therein mentioned do report; that in pursuance thereof F. A. Cresswell, Dennis Wissinger, George Schrader of the Viewers in said order mentioned having first been duly sworn or affirmed viewed the place where the road in said order mentioned is requested and the undersigned said Viewers do agree that such road is necessary and having had respect to the shortest distance and the best ground for said road have laid out the same in such manner as to do the least injury to private property and agreeable to the prayer of the Petitioner and do return for the use of Henry Speicher, the Petitioner, the following described road to wit: Beginning at a point on the Township Road leading from Moxham to the Scalp Level Turnpike as mentioned in the petition, thence south 47 degrees ~~to~~ 30 minutes east 18 rods to a point, thence south 58 degrees east 23 rods to a point, thence south 46 degrees ~~to~~ 30 minutes east 14 rods to a point, thence north 79 degrees east 11 rods to a point, thence 48 degrees and 30 minutes east 15 5/10 rods to a point, thence south 63 degrees east 25 rods to line of Henry Speicher, Petitioner. The entire route being through lands of Charles VonLunen, Estate, and also annexed and return herewith to the Court a plot or draft thereof stating the courses and distances and noting briefly the improvements <sup>through</sup> which it passes.

Witness our hands the 2nd day of March 1901.

F. A. Cresswell	2 da.	2 mi.	8.24
D. Wissinger	1 "	1 "	2.12
Geo. Schrader	1 "	1 "	2.12
T. Osborne	1 da		1.50
W. Osborne	1 "		1.50
			<u>15.48</u>

F. A. Cresswell  
Dennis Wissinger  
Geo. Schrader

COMMONWEALTH OF PENNSYLVANIA. }  
COUNTY OF GAMBRIA, } SS:

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg in the said County, on the *fourth* day of *February* A. D. *1891*, before the Honorable Judge of the said Court: Upon the petition of *Henry Spickard* inhabitants of the Township of *Stony creek* in the said County, setting forth that they labor under inconvenience for want of a *private* road or highway, to lead from

*his plantation upon which he lives, and upon which there is located a lime bank and coal bank, at a point where a private way which has been constantly used for a period of forty years, has its terminus on the northern side of his said plantation in Stony creek Township, to a point on the public road or highway leading from Northham to the Scarp Level Turnpike where the road or way herebefore mentioned as having been used, intersects said public road or highway about twenty rods distant eastwardly from the easterly line of the City of Johnstown.*

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

*H. A. Cresswell* SURVEYOR, and  
*Geo. Schrader and Dennis Kissinger*

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 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:

*A 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."

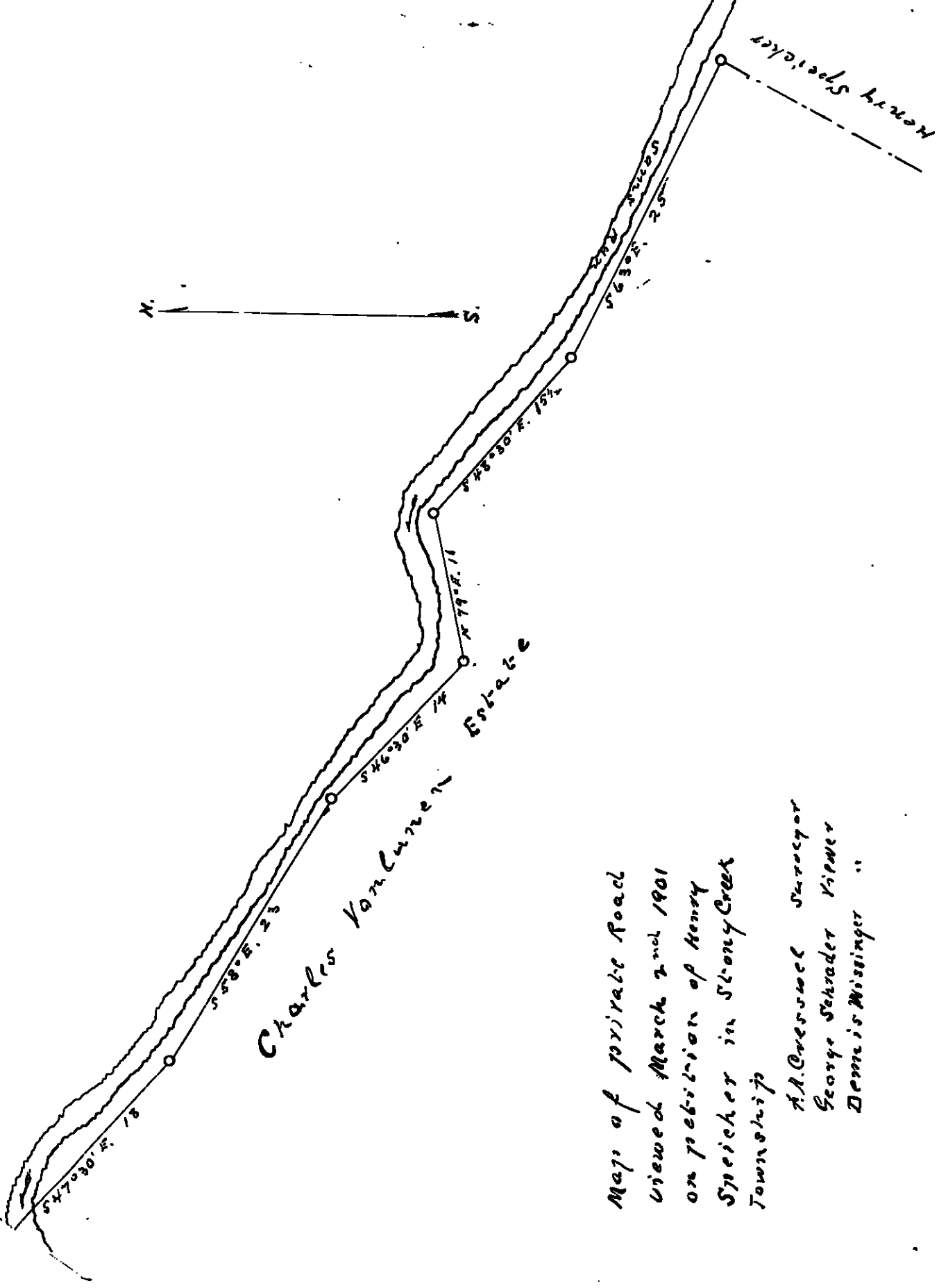
No. 7 Dec 1900  
Session, 189

ORDER TO VIEW private  
road - in Story creek  
Township

J. C. Creaswell  
Geo. Schrader  
A. M. Hinzinger } Viewers.

CLERK DAVIS -90 CTS.  
W. J. C. C.

Township Road



Charles VonCurzen Estate

Map of private road  
 viewed March 2nd 1901  
 on petition of Henry  
 Speicher in Stony Creek  
 Township

A.A. Overwood Surveyor  
 George Schwader Kipmer  
 Demie's Missinger "

Henry Speicher

no. 7, Dec. 1899

In Re Private Land

In  
Stanger's Township

Report of Viewers

Filed 4/11/1901

J. J. Stewart  
Attorney at Law  
Johnstown, Pa.

18<sup>th</sup> Apr. 1901 approved and breadth fixed  
at 20 feet. —  
By the Court.