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Report of Viewers.

To the Honorable Marlin Bingham, Stephens, President Judge of
The Court of Quarter Sessions of Cambria County, Pennsylvania.

We, the undersigned members of the Board of Viewers of Cambria
County, appointed by your Honorable Court upon the attached order,
for the purposes therein set forth, respectfully report:

That having given due public notice of the view and of the time
and place of meeting of the viewers, to the Commissioners of Cambria
County and to the Supervisors of Susquehanna Township, by no-
tices of which they have accepted service and which are hereto at-
tached, and to the traveling public by printed hand bills posted in
public and conspicuous places at and near the termini of the road
to be viewed; and in accordance with the notices so given, two of
us met and having been first duly qualified according to law to per-
form the duties of our appointment faithfully, impartially and to
the best of our ability; We viewed the premises and are of opinion
that a public road is necessary for the convenience of the public,
and accordingly we have laid out a route for said road between the
points of beginning and ending noted on the attached order of Court
as follows: Beginning at a point on the public road leading from
Allport Mine to Spangler, as stated on said order, and taking the
following courses and distances, viz: South 57 degrees East 1180
feet, along a private road passing close along the properties of
Angelo Grace and others, thence continuing South 70 degrees East
142 feet; South 76 1/2 degrees East 530 feet; South 77 degrees East
272 feet; South 88 degrees East 407 feet; North 62 1/2 degrees East
350 feet; North 44 1/2 degrees East 200 feet; North 67 1/2 degrees
East 134 feet; North 60 degrees East 784 feet, to the lot on which
the Cymbria School Building is erected, crossing through and over
properties of the Lenox Coal Company, John Shell, John Tomosic, and

the Cymbria Coal Company. We have secured releases of damages from the Lenox Coal Co. and John Shell, and a release and agreement to furnish sinder for filling said road, from the Cymbria Coal Co., and having failed to secure releases of damages from John Tomosic and Angelo Grace, we have assessed John Tomosics damages at Seventy Five (\$7500.)Dollars, and the damage to Angelo Grace at Forty \$(40.00)Dollars. A plot or draft showing the location of the proposed road as laid out is hereto attached, made a part of this report and returned for public use.

Mr. John L. Singer, the other viewer named on the attached order, being unwell at the time set for the view was unable to attend

Witness our hands this 28th. day of August, 1913.

A. M. Shoemaker.

J. A. Ritter

Viewers.

At View - Susq Twp. - to Cambria ^{new}

Cambria County, D.C.

To J. D. Ritter \$ 5.00
1 Day
Sivery 50

.. A. M. Shoemaker
Lifting Order \$.90
4 Days 20.00
48 miles Fbg to Barnesboro & ret 24.00
Sivery Barnesboro to place of View 50
2 Prints 60
24.40

J. L. Singer
Didn't serve

RELEASE OF DAMAGES.

Know all Men by these Presents; That we, LENOX

COAL COMPANY through and over whose land a certain public road, this day laid out, passes; do hereby release all claim or claims for damages whatsoever which, by reason of the laying out or opening of the said road, shall or might result to us

Witness our hands this 2nd day of July, A.D. 1913.

John C. Cosgrove Pres.

Attest:

W. B. Long Treas.

W. B. Long Secy.

R E L E A S E O F D A M A G E S .

Know All Men by these Presents, That I, John
Shell through and over whose land a certain public
road, this day laid out, passes; do hereby release all claim or
claims for damages whatsoever, which, by reason of the laying out
or opening of the said road, shall or might result to me.

Witness my hand and seal this 2nd day of July, A.D., 1913.

John Shell (SEAL).

RELEASE AND AGREEMENT.

Know All Men by These Presents: That we, CYMBRIA

COAL COMPANY through and over whose land a certain public road, this day laid out, passes; do hereby release all claim or claims for damages whatsoever which, by reason of the laying out or opening of the said road, shall or might result to us.

Further, we hereby agree to and with the Township Authorities of the Township of Susquehanna; that, in the event of the road being opened, as surveyed and laid out July 2nd., 1913; in consideration of the benefit said road will be to us, we agree to furnish and distribute to such place along the route of said road as it may be required, all the ^{if we make the same} ~~sinder~~ which may be required for the construction of the same.

Witness our hands this 2nd day of July, A.D., 1913.

Attest:

W^m. A. Smith

Secy.

David Williamson

Pres.

Treas.

NOTICE OF VIEW

Notice is hereby given that the Viewers appointed by the Court of ^{Quarter} Sessions to view the ^{ground for a public road to} lead from the public road leading from Allport mine to Spangler, beginning at a point on said road 33 ft. East of its intersection with the Walnut Run Branch of the P. R. R., opposite Mrs. Gulla's Store in Susquehanna Twp., Cambria Co., Pa., and ending at or near the Cambria School lot, which said lot is 30 ft. Eastward from said Walnut Run Branch of the P. R. R., in said township.

will meet at the ^{place of beginning above} place of beginning above in the ^{2nd} township of ^{Susquehanna} Susquehanna aforesaid, on the ^{2nd} day of ^{July} July 1913, at 11:30 o'clock a.m. for the purpose of performing the duties of this appointment.

A. M. Shoenaker
John F. Singer
J. D. Ritter

Viewers.

June 19th 1913.

Now, June 25th 1913, Service of within notice
accepted for the Commissioners of Cam-
bria Co., Fla —

to & make
can be

NOTICE OF VIEW

Notice is hereby given that the Viewers appointed by the Court of ^{Quarter} Sessions to view the ^{ground for a public road to} lead from the public road from Wellport Mine to Spangler beginning at a point on said road, 313 ft East of its intersection with the Walnut Run Branch of the P. R. R., opposite John Gulla's Store in Suedenhanna Twp., Cambria Co., Pa. and ending at or near the lot on which the Cambria School Bldg. stands, which said lot is 30 ft Eastward from said Walnut Run Branch of the P. R. R. in said township.

will meet at the ^{place of beginning, noted,} place in the township of ^{Asquehanna,} aforesaid, on the ^{2nd} day of ^{July} 1913 at 11:30 o'clock A.M. for the purpose of performing the duties of this appointment.

C. M. Shoemaker
John L. Singer
J. D. Ritter
Viewers.

June 19th 1913.

Now, June 24, 1913, service of within
notice is hereby accepted by the
undersigned Supervisors of
Magnolia Twp., Cambria
Co., Pa.

W. F. Cunningham,

W. F. Cunningham,

W. F. Cunningham,

Supervisors

Commonwealth of Pennsylvania, }
County of Cambria. }

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the.....11.....day of.....June.....A. D. 1903 , before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Susquehanna....., in the said County, setting forth that they labor under inconvenience for want of a.....p.ublic.....road or highway, to lead from a point in the public highway leading from Allport Mine to Spangler, said point being thirty-three feet East of the intersection of said road with the Walnut Run Branch of the Pennsylvania Railroad and opposite the store of John Zulla, and to end at or near the lot on which the Cymbria School Building is erected, in said Township of Susquehanna, said lot being thirty feet in an Easterly direction from the said Walnut Run Branch of the Pennsylvania Railroad.....

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 A. M. Shoemaker.....surveyor, and..... John L. Singer..... and J. D. Ritter..... 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:

.....A. A. Kinkead....., 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."

10

1913
NO. 6 June SESSION, 1913

Order to view Road in Susquehanna
beginning in 3114 1/2
Township, leading from
Allport Mine to Spangler,

Filed 3 September 1913
in open court

Certified SEP 3 1913 CAG

Viewers.

A. M. Shoemaker
John L. Singer
J. D. Ritter

Clerk 90 cts.

Kittell & Shettig.

BERKING MOUNTAIN-REPAID ELECTRIC PRINT.

3

1 Sept. 1913. Approved and handed filed as copy for
By W. L. Cawth

KNOW ALL MEN BY THESE PRESENTS, that H. J. Hunter
and B. J. Wath of the County of Cambria, in the
State of Pennsylvania, are held and firmly bound unto the Common-
wealth of Pennsylvania, in the sum of one hundred dollars, lawful
money to be paid to the said Commonwealth, its attorney or assigns;
to which payment well and truly to be made and done we bind our-
selves, our heirs, executors and administrators, firmly by these pres-
ents.

WHEREAS application has been made to the Court of Quarter
Sessions of said County of Cambria for the appointment of viewers
to view the ground and report to the Court upon the expediency of
opening a road for public use in the Township of Susquehanna, in said
County of Cambria, leading from a point near the store of John
Zulla to the Cymbria School House.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the
petitioners for the said road shall pay into the County Treasurer
of said County of Cambria the pay of the viewers, reviewers, and re-
viewers of the said road, if the said Court by order so directs,
then this obligation to be void, otherwise to be and remain in full
force and virtue.

Witness our hands and seals this 11th day of June A.D. 1913.

Witness..

Daniel Dailey

H. J. Hunter (SEAL)

B. J. Wath (SEAL)

No. 6. June Dec 1913

In re Road in Susquehanna
Township..

Petitioners Bond..

Filed 11 June 1913,

And now June 11th 1913,
within bond approved
By the Court

TO THE HONORABLE MARLIN B. STEPHENS, PRESIDENT JUDGE OF THE COURT OF
QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA..

The undersigned Road Supervisors of the Township of Sus-
quehanna, in said County and State, hereby accept and waive service
of notice of the presentation of the foregoing petition..

Willis H. Stoner

TO THE SUPERVISORS OF THE TOWNSHIP OF SUSQUEHANNA, IN THE COUNTY OF
CAMBRIA, PA..

You are hereby notified that application will be made
to the Court of Quarter Sessions of said County of Cambria on Monday
June 9th, 1913 at 10 o'clock A.M., for the appointment of viewers
to view the premises and report to the Court upon the expediency
of laying out a road for public use from a point on the public
highway leading from Allport Mine to Spangler, said point being 33
feet East of the intersection of said road with the Walnut Run
Branch of the Pennsylvania Railroad, and opposite the store of John
Zullo, and to end at or near the lot on which the Cymbria School
building is erected, in said Township of Susquehanna.

T. H. Pettig
Attorneys for Petitioners..

Cambria County, ss..

J. A. J. Nael being duly sworn ac-
cording to law says that he served above notice on each of the
Supervisors of said Township of Susquehanna by giving him a copy
thereof..

Sworn and subscribed before me
this *7th* day of June, 1913..

A. J. Mael

James Campbell
Justice of the Peace
My Commission expires
First Monday of July 1914

TO THE HONORABLE MARLIN B. STEPHENS, PRESIDENT JUDGE OF THE
COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

The petition of the undersigned inhabitants of the Township of Susquehanna, in said County and State, respectfully represents:

That they labor under great inconvenience for want of a road or highway in said Township of Susquehanna, to lead from a point on the public highway leading from Allport Mine to Spangler, said point being thirty-three feet East of the intersection of said road with the Walnut Run Branch of the Pennsylvania Railroad and opposite the store of John Zulla, and to end at or near the lot on which the Cymbria School building is erected, in said township of Susquehanna, said lot being thirty feet in an Easterly direction from the said Walnut Run Branch of the Pennsylvania Railroad.

They therefore pray your Honor to appoint viewers properly qualified, to view the route for said proposed road and to make report to the Court. And they will etc..

Lenox Coal Co. Per B. R. Lloyd

John C. Cosgrove

D. J. Kalty

Harry Goodall

Cambria Coal Co. per W. A. Smith Secy.

Wm. A. Smith

W. J. Priest

John R. Reseta

Andy Takacs over

O. S. Lundy P. M.

Joseph Penn

George Ebbs

E. B. Ebbs

Andrew Gill

Thomas Langford

Joseph Sully

Mike Covato

Joe Kenely

Michael Roberts

George Nemchik

Cambria County, ss.

B. R. Lloyd

being duly sworn according

to law says that the matters contained in above petition are

true and correct, as he verily believes.

Sworn and subscribed before me
this 25 day of June, 1912.

My Comm. expires
June 1st 1914

J. H. Keefe

W. R. Lloyd

No. 6, June Sess. 1913,

In re Road in Susquehanna
Township.

Petition for appointment
of Viewers..

Filed 11 June, 1913.

And now June 11th 1913 read
and the Court appoints
G. W. Shettig
John F. Kittell
Viewers as prayed for
By the Court

Kittell & Shettig.

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

20. 6 June Sess 1913 - Road Docket.

Exceptions to Report of Viewers.

Now November 20th, 1913, ^{Willis Webster} John A. Beaser, and
W. F. Cunningham, Supervisors of Longbanna Township,
come into Court and file the following exceptions:-

1st. The proposed road as laid out by the viewers does
not have a terminus, on the east, which connects
with any public road or highway.

2nd. The said proposed road is not lawfully
laid out, and the proceedings leading up to the
report of viewers are irregular and defective in law.

Willis Webster
W. F. Cunningham.
J. A. Beaser

Cambria County, Pa.:-

Before me, the subscriber, personally appeared
^{Willis Webster} John A. Beaser, and W. F. Cunningham, who being sworn, say
that the statements contained in the above exceptions are
true, as they are informed and verily believe.

Sworn and subscribed

before me this 20th

day of Nov 1913.

A. A. Kirkhead,
Clerk.

Willis Webster
W. F. Cunningham.
J. A. Beaser

In the Court of L.S. of
Cassia County.

No. 6 June Term, 1913.
Road Docket.

Exceptions to Report of
Viewers.

Filed 20 Nov 1913

Wm. L. Smith, atty.