

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA

To the honorable Judges of the above named court:-

We, the undersigned members of the Permanent Board of Viewers appointed by your honorable court to view and determine as to the necessity for the public road in Jackson Township, Cambria County, Pennsylvania, between the termini specified in the attached order respectfully report:

That having given due 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 the Township of Jackson, and having had them accept service of notices hereto attached; and to the traveling public by printed hand bills posted in public and conspicuous places, at and near the terminal points of the proposed public road and each having been first duly qualified according to law to perform the duties of our appointment faithfully, impartially, and to the best of our judgment and ability; all of us met at the time and place appointed in accordance with the notices served and posted as aforesaid, and having gone over and carefully viewed the premises between the termini as indicated on the order which reads as follows:-

Beginning on the State Highway Route No. 219, near the Village of Westley Cahpel and the Boundary line of Jackson and East Taylor Township on the property known as the Amos Wagner Farm; thence west through the land of E. G. Hammer, George R. Strayer, George Butula and Paul Sesko to Leidy's Garage in Jackson Township, on Route 219; a distance of approximately one and three-quarter miles.

Taking into consideration the number of persons living along and in the vicinity of the proposed piece of public road, who would be benifited thereby; the ground through and over the road as prayed for would necessarily have to be laid out; the expence of constructing and maintaining such a road as proposed with the culberts or bridges which would necessarily be re-

which
quired and the benefit/would be deirved therefrom by the trav-
eling public. We have estimated and determined that the ex-
pence of constructing the road would not be in keeping with
the benefit to the traveling public as well as the fact that
all parties who would be served by such a public road already
have a private road, and furthermore, a number of the parties
through and over whose land such a road as desired would nec-
essarily~~pass~~ are opposed to the construction of the same.

In addition thereto the township is financially unable
to stand the expense of the construction of such a road with-
out burdening the township more than we feel is reasonable
they should be required to do and for these reasons we report
that the road as~~prayed~~for by the petitioners should not, in
our estimation, be constructed at this time. And having so
found, we have not made a survey of the same and therefore
return no Draft.

Witness our hands this day of August, A. D.,
1941.

A. M. Shoemaker.
James M. Carr
H. E. Taylor
viewers.

No. 3. March Sessions, 1941.

In Re: View to determine necessity for a Public Road in Jackson Township, Cambria County, Pennsylvania.

To the Honorable, the Judges of the Court of Quarter Sessions of Cambria County, Pennsylvania:

The petition of the undersigned respectfully represents:

That James McCann, L. E. Kaylor and A. M. Shoemaker, viewers, were appointed by your honorable Court to view and determine as to the necessity for a public road in Jackson Township, said county state: to begin on Route 219, near Wesley Chapel at the line between the townships of East Taylor and Jackson and end on Route No. 219 at a point near Leidy's Garage.

That the order was received by the viewers about the 14th. day of May and the view duly advertised for and held on the 29th. day of May 1941; that since the time of the view the weather conditions have been such as to hinder the completion of the work of the viewers and accordingly they have been unable to return their report as the order directs.

Your petitioner therefore prays your honorable Court to extend the time for the filing of the report of Viewers to September Term to the end that their proceedings may in all respects be regular and according to law.

A. M. Shoemaker
Viewer.

Now, June, 1941, the above petition being read and considered an extension of the time for filing the report of the viewers in the above referred to proceedings is hereby granted.

By the Court
M. E. L. L.
J. J.

NOTICE OF VIEW.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the necessity for a public road:

Beginning on State Highway Route No. 219, near the Village of Wesley Chapel and the boundry line between the townships of East Taylor and Jackson, on the property known as the Amos Wagner farm, and extending thence in a westerly direction through lands of E. G. Hammer, George R. Strayer, George Butala and Paul Sesko to Leidy's Garage, in Jackson Township, on Route No. 219; a distance of approximately one and three quarter miles.

Said Viewers will meet on State Highway Route No. 219, near the Village of Wesley Chapel; the point of beginning above designated; at 9:30 o'clock a. m., Eastern Standard Time, Thursday May 29th., 1941, for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,
James McCann and
L. E. Kaylor,
Viewers.

Now, May 1941, service of the above notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.

5/22/41

W. F. Dow

N O T I C E O F N V I E W .

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the necessity for a public road :

Beginning on State Highway Route No. 219, near the Village of Wesley Chapel and the boundry line between the townships of East Taylor and Jackson, on the property known as the Amos Wagner farm, and extending thence in a westerly direction through lands of E. G. Hammer, George R. Strayer, George Butala and Paul Sesko to Leidy's Garage, in Jackson Township, on Route No. 219; a distance of approximately one and three quarter miles.

Said Viewers will meet on State Highway Route No. 219, near the Village of Wesley Chapel; the point of beginning above designated; at 9:30 o'clock a. m., Eastern Standard Time, Thursday, May 29th., 1941, for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

James McCann and

L. E. Kaylor,

Viewers.

Now, May 1941, service of the above notice is hereby accepted for the Supervisors of the Township of Jackson, Cambria Co., Pa.



Supervisors.

N O T I C E O F V I E W .

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the necessity for a public road:

Beginning on State Highway Route No. 219, near the Village of Wesley Chapel and the boundry line between the townships of East Taylor and Jackson, on the property known as the Amos Wagner farm, and extending thence in a westerly direction through lands of E. G. Hammer, George R. Strayer, George Butala and Paul Sesko, to Leidy's Garage, in Jackson Township, on Route No. 219; a distance of approximately one and three quarter miles.

Said Viewers will meet on State Highway Route No. 219, near the Village of Wesley Chapel; the point of beginning above designated; at 9:30 a. m., Eastern Standard Time, Thursday May 29th. 1941, for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

James McCann and

L. E. Kaylor,

Viewers.

IN RE: VIEW FOR PUBLIC ROAD IN JACKSON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

NO. 3. March Sessions 1941.

County of Cambria

To A. M. Shoemaker - - - Br.

Obtaining data, preparing & posting notices of View
and serving notices on Supervisors, / DAY \$12.00
Thirty two (32) minles @ 10¢ per mile - - - 3.20
Day on View - - - - - 12.00.
Twenty four (24) miles - - - - - 2.40.
Adjourned Meeting of Viewers - - - - - 12.00
~~Thirty two~~ Twenty four (24) miles - - - - - 2.40.
Preparing Report of Viewers, assembling and filing 12.00.
Stenographer & stationery - - - - - 2.40.
\$27.40.

AUG 22 1941
CERTIFIED

To JAMES McCann - - - Dr.

AUG 22 1941
CERTIFIED

Day on View - - - - - \$12.00.
Ten (10) Miles @ 10¢ per mile - - - - - 1.00.
Adjourned Meeting of Viewers - - - - - 12.00.
Twenty eight (28) miles - - - - - 2.80
\$27.80.

To L. E. Kaylor - - - Dr.

AUG 22 1941
CERTIFIED

Day on View - - - - - \$12.00.
Twenty four (24) miles at 10 ¢ per mile - - - - - 2.40.
Adjourned Meeting of Viewers - - - - - 12.00.
Twenty four (24) Miles - - - - - 2.40.
\$28.80.

AUG 21 1941 CERTIFIED

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."

1941
3 March SESSIONS, 1941

Order to view certain piece of road

in Jackson Twp., near Village of

Westley Chapel.

and

Report of Viewers

8/18-1941

Viewers

A. M. Shoemaker

James McCann

L. E. Kaylor

Clerk *Joseph A. Mee* 90 cts.

not granted
Dep 19-1941
Report of Viewers
is approved.
By the Court
McKenrick
judge

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 12th day of May A. D. 1941, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Jackson Township, in the said County, setting forth that they labor under inconvenience for want of a Public Road ~~Feet~~ or highway, to lead from Beginning on the State Highway Route No. 219, near the Village of Westley Chapel and the Boundary line of Jackson and East Taylor Township on the property known as the Amos Wagner Farm; thence West through the land of E.G. Hammer, George R. Strayer, George Butala and Paul Sesko to Leidy's Garage in Jackson Township, on Route 219; a distance of approximately one and three-quarter miles.

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, James McCann

surveyor, and

L.E. Kaylor

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:

McCann P.J.

Joseph C. Hess, Clerk.

No 3 March 1941

No.3 March Sessions 1941
IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

To propose a certain peice of
road in Jackson Twp., near
the Village of Westley Chapel.

PETITION FOR THE APPOINTMENT
OF VIEWERS

Filed May 12, 1941

G. RANDOLPH MYERS
ATTORNEY AT LAW
EBENSBURG, PENNSYLVANIA

And now May 12, 1941, the receipt of a copy of the within Petition is hereby acknowledged and the issuance of the rule in accordance with Rule 301 $\frac{1}{2}$ of the Rules of the Court is hereby waived and we hereby agree to the appointment of yours as within prayed for.

Commissioners of Cambria County,

BY

J. F. Dore

Chief Clerk

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

PETITION FOR THE APPOINTMENT OF
VIEWERS

TO THE HONORABLE, THE JUDGES, OF SAID COURT:

The petition of the undersigned, residents and property owners of Jackson Township, Cambria County, Pennsylvania, respectfully represent:

1.

That they labor under a great inconvenience by reason of the fact that a roadway leading from State Highway Route No. 219, near the Village of Wesley Chapel, along the line of the properties of Amos Wagner, Philip Davis, and George Butala, to Leidy's Garage in Jackson Township, has not been taken over by the Township of Jackson.

2.

A particular description of said roadway is as follows:

Beginning on State Highway Route No. 219, near the Village of Wesley Chapel and the boundary line of Jackson and East Taylor Townships on the property known as the Amos Wagner farm; thence in a Northeasterly direction through Jackson Township to the property known as the Philip Davis or Fields Farm; thence West through the land of E. G. Hammer, George R. Strayer, George Butala and Paul Sesko to Leidy's Garage in Jackson Township, on Route No. 219; a distance of approximately one and three-quarter miles.

That the said roadway is constantly used by the abutting property owners and others and is in need of repair and proper maintenance.

Your petitioners, therefore, pray the Court to inquire of and open said road and for that purpose to appoint Viewers according to law to view said road and inquire of the premises and make return of their proceedings according to law and to the Act of Assembly in such case made and provided.

E. G. Hammer

J. E. Bowers

Thomas F. Wells

Harmon W. Moore

Harvey E. B. Bower

Harold H. Bowers

Boyd E. Bowers

W. Allen Warren

John Melker

Chas. Hammer

Geo. R. Strayer

Paul C. Adams

Geo. F. Reid

Erna Craig

John W. Dean

Charles F. Simmons

Geo. J. Putala

James P. Hammer

Frank J. Crowley x

State of Pennsylvania |
County of Cambria | ss.

E. G. Hammer

, being duly sworn according to law,
did depose and say that the statements set forth in the foregoing petition
are true and correct, as he verily believes.

E. G. Hammer

Sworn and subscribed before me
this 10 day of ^{May} ~~April~~, A. D.
1941.

John L. Hite
Prothonotary

DECREE

And Now, May 12, 1941, the foregoing petition having
been read and considered, it is ordered that Wm. Kromm

James McLean, and E. Taylor,
members of the Board of Viewers of Cambria County, be and hereby are appointed
to view and report on the above matter, according to law.

Ruthel
McLean
J.