

No. 1 Dec. TERM, 1949.

IN THE COURT OF QUARTER SESSIONS  
OF  
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE MATTER OF THE PETITION OF  
INHABITANTS OF THE VILLAGE OF  
EMEIGH, TOWNSHIP OF SUSQUEHANNA,  
AND STATE OF PENNSYLVANIA FOR THE  
LAYING OUT OF A PUBLIC ROAD.

*Filed 8-12-49*

**SMORTO PEDUZZI & TAYLOR**

ATTORNEYS-AT-LAW

BARNESBORO, PA.

EBENSBURG, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY,  
PENNSYLVANIA

IN THE MATTER OF THE PETITION OF IN-  
HABITANTS OF THE VILLAGE OF EMEIGH  
TOWNSHIP OF SUSQUEHANNA, AND STATE  
OF PENNSYLVANIA FOR THE LAYING OUT  
OF A PUBLIC ROAD

No. \_\_\_\_\_ September Term, 1949

TO THE HONORABLE JUDGES OF SAID COURT:

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

-1-

That your petitioners labor under great inconvenience for want of a public road or highway in the said Village of Emeigh, Susquehanna Township to begin at a point on Legislative Route No. 11062, said point being on the Southerly side of said Legislative Route No. 11062, approximately one (1) mile in a generally Easterly direction on said Legislative Route No. 11062 from a point where the said Legislative Route No. 11062 intersects with U. S. Highway Route No. 219; thence by a convenient route through a portion of the Village of Emeigh to another point of ending, which said point is on the property line of E. J. Parcell.

-2-

That written notice of the application for the opening of said roads for public use was given to each of the Supervisors of Susquehanna Township as will appear by copies of said notice with acceptances thereon by the respective members of the Board of Supervisors of said Township, said copies of notice and acceptances being hereto attached, made a part hereof, and marked Exhibits "A", "B", and "C", and that notice of application was also given to the County Commissioners of Cambria County as will appear by a copy of said notice with acceptance of service thereon, which is hereto attached, and made a part hereof and marked Exhibit "D".

-3-

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

And they will ever pray, etc.

Signed, sealed and delivered  
in the presence of:

E. J. Parcell

Lucille Parcell

Olaf M. Srice

Exel Srice

Mrs Helen Soltis

John Tukey  
Doris Tukey  
Charles Engleby  
Irene Engleby  
John Clark  
Evelyn Plante

Anthony Warchock  
Eva Warchock  
S. J. Solter

Michael J. Solter

J. D. Solter

George Mallory

Joseph Salgan

Magdalene Salgan

John Suhoza

Elizabeth Suhoza

Ernest Suhoza

John Shevock

Helen Shevock

Mrs. Helen Nesbit

Stanley Baran

Margaret Baran

James Glassard

Mrs. James Plassard

Mrs. A. L. Ondeko

Mrs. A. Ondeko

Margaret Ondeko

Anders Ondeko Jr.

Anna Ondeko

Mr. Wm. Benson

Mrs. H. Benson

John W. Satchell

Mr. & Mrs. John Gaydon

Mr. Leo Brosky

Mrs. Mary Brosky

John Hatcher

Mr. John Tinsle

Mr. George Ondeko

Norman Michaels  
James E. Buck

Mrs. Anna Ondacks

Stanley T. Cramkowski

Albert Cramkowski

George Shaner Jr.

Mary Shaner

Sophia Kuzina

Tadzio Suwinski

Mrs. Anna Suwinski

Lea Janoska Wiktoria

Andrew F. Salto

Mike A. Salto

Joe Whitten

Sam Wealand

Shen Wealand

Joe Beregas

Josh Lukarik

Andrew Puelhock

John Fecensie

John Zahar

John Nesbitt

Sam Shevock

John Soltis Jr.

Bertha Soltis

John Drotar

Annie Drotar

John Drotar Jr.

Edward F. Mikel

John Mingo

James Russell

STATE OF PENNSYLVANIA

COUNTY OF CAMBRIA

SS.

E. J. Parcell

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. J. Parcell

Sworn and subscribed before me

this 25<sup>th</sup> day of <sup>August</sup> ~~May~~, A. D. 1949.

Peter Smarzo

NOTARY PUBLIC

My Commission Expires Mar. 27, 1951

IN THE MATTER OF THE PETITION OF INHABITANTS OF  
THE VILLAGE OF EMEIGH, TOWNSHIP OF SUSQUEHANNA,  
AND STATE OF PENNSYLVANIA, FOR THE LAYING OUT OF  
A PUBLIC ROAD.

TO THE SUPERVISORS OF SUSQUEHANNA TOWNSHIP:

Please take notice that a petition in the above captioned matter will be filed in the Court of Quarter Sessions of Cambria County, Pennsylvania on Monday, September 12, 1949, A.D., at 10:00 A.M. E.D.S.T.

The road requested to be opened is described as follows:

Beginning at a point on Legislative Route No. 11062, said point being on the Southerly side of said Legislative Route No. 11062, approximately one mile in a generally Easterly direction on said Legislative Route No. 11062 from a point where said Legislative Route No. 11062 intersects with U.S. Highway Route No. 219; thence by convenient route through a portion of the Village of Emeigh to another point of ending, which said point of ending is on the property line of E.J. Parcell.

Smarto Peduzzi & Taylor  
Attorneys for Petitioners.

ACCEPTANCE OF SERVICE

AND NOW, August 27, 1949, I hereby accept service of the above notice.

Steve Pysz  
Supervisor of Susquehanna Township.

EXHIBIT "A"

IN THE MATTER OF THE PETITION OF INHABITANTS OF  
THE VILLAGE OF EMEIGH, TOWNSHIP OF SUSQUEHANNA,  
AND STATE OF PENNSYLVANIA, FOR THE LAYING OUT OF  
A PUBLIC ROAD.

TO THE SUPERVISORS OF SUSQUEHANNA TOWNSHIP:

Please take notice that a petition in the above captioned matter will be filed in the Court of Quarter Sessions of Cambria County, Pennsylvania on Monday, September 12, 1949, A.D., at 10:00 A.M. E.D.S.T.

The road requested to be opened is described as follows:

Beginning at a point on Legislative Route No. 11062, said point being on the Southerly side of said Legislative Route No. 11062, approximately one mile in a generally Easterly direction on said Legislative Route No. 11062 from a point where said Legislative Route No. 11062 intersects with U.S. Highway Route No. 219; thence by convenient route through a portion of the Village of Emeigh to another point of ending, which said point of ending is on the property line of E.J. Parcell.

Smart, Padgett & Taylor  
Attorneys for Petitioners.

ACCEPTANCE OF SERVICE

AND NOW, August 27, 1949, I hereby accept service of the above notice.

William Brown  
Supervisor of Susquehanna Township.

EXHIBIT "B"

IN THE MATTER OF THE PETITION OF INHABITANTS OF  
THE VILLAGE OF EMEIGH, TOWNSHIP OF SUSQUEHANNA,  
AND STATE OF PENNSYLVANIA, FOR THE LAYING OUT OF  
A PUBLIC ROAD.

TO THE SUPERVISORS OF SUSQUEHANNA TOWNSHIP:

Please take notice that a petition in the above captioned matter will be filed in the Court of Quarter Sessions of Cambria County, Pennsylvania on Monday, September 12, 1949, A.D., at 10:00 A.M. E.D.S.T.

The road requested to be opened is described as follows:

Beginning at a point on Legislative Route No. 11082, said point being on the Southerly side of said Legislative Route No. 11082, approximately one mile in a generally Easterly direction on said Legislative Route No. 11082 from a point there said Legislative Route No. 11082 intersects with U.S. Highway Route No. 219; thence by convenient route through a portion of the Village of Emeigh to another point of ending, which said point of ending is on the property line of E.J. Parcell.

Samuel Peduzzi-Joyce  
Attorneys for Petitioners.

ACCEPTANCE OF SERVICE

AND NOW, August 26, 1949, I hereby accept service of the above notice.

Stanley Benise  
Supervisor of Susquehanna Township.

EXHIBIT "C"

IN THE MATTER OF THE PETITION OF INHABITANTS OF  
THE VILLAGE OF EMEIGH, TOWNSHIP OF SUSQUEHANNA,  
AND STATE OF PENNSYLVANIA, FOR THE LAYING OUT OF  
A PUBLIC ROAD.

TO THE COMMISSIONERS OF CAMBRIA COUNTY:

Please take notice that a petition in the above captioned matter will be filed in the Court of Quarter Sessions of Cambria County, Pennsylvania, on Monday, September 12, 1949, A.D., at 10:00 A.M. E.D.S.T.

The road requested to be opened is described as follows:

Beginning at a point on Legislative Route No. 11062, said point being on the Southerly side of said Legislative Route No. 11062, approximately one mile in a generally Easterly direction on said Legislative Route No. 11062 from a point where said Legislative Route No. 11062 intersects with U.S. Highway Route No. 219; thence by convenient route through a portion of the Village of Emeigh to another point of ending, which said point of ending is on the property line of E.J. Parcell.

Smoots, Peduzzi & Taylor  
Attorneys for Petitioners.

ACCEPTANCE OF SERVICE

AND NOW, August 29th, 1949, I, hereby accept service of the above notice..

Maurice A. Spring  
Chief Clerk.

EXHIBIT "D"

DECREE

AND NOW, 14 September 1949, the

foregoing petition having been read and considered, it is ordered that

Wm. T. Mc Grain, Ed. Harnegau and John L. Elder

members of the Board of Viewers of Cambria County, be and are hereby

appointed to view and report on the above matter, according to law.

By the Court,

Leffert  
J.

This is a  
Copy

Order to View-

A Public Road in the  
Village of Eneigh, Sus-  
quehanna Township, Cambria  
County, State of Pennsylvania.

At the Court of Quarter  
Sessions of Cambria County,  
Pennsylvania, the 15th day  
of September, 1949.

No. 1 December Session, 1949

WILLIAM J. McGRAIN, EDWARD DUNNEGAN,  
and JOHN L. ELDER

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court,  
we the undersigned viewers, appointed by the annexed order  
of the Court to view the proposed Public Road within men-  
tioned, respectfully report:

That we have been duly sworn or affirmed as members  
of the Permanent Board of Viewers of Cambria County, as  
shown by the records of the Court; that having given due  
public notice of the time and place of meeting, by posting  
notices as required by law along the route and at the  
termini of the said proposed new Public Road, as evidenced  
by copy of said notice hereto attached, and by service of  
such notice on the County Commissioners of Cambria County,  
and Supervisor of Susquehanna Township, service of said  
notice by the County Commissioners being hereto attached;  
that we met in accordance with the notice given on the 8th  
day of October at 10:00 o'clock A. M. and proceeded with the  
duties of our appointment and viewed the premises and route  
of the proposed new Public Road; that W. J. McGrain, Edward  
Dunnegan, and John L. Elder, Viewers, were all present; also  
the supervisors of Susquehanna Township were present.

Beginning at a point of Legislative Route No. 11062,  
said point being on the Southerly side of said Legislative  
Route No. 11062, approximately one mile in a generally  
Easterly direction on said Legislative Route No. 11062

from a point where said Legislative Route No. 11062 intersects with U. S. Highway Route No. 219; thence by convenient route through a portion of the village of Eneigh to another point of ending, which said point of ending is on the property line of E. J. Parcell.

That after taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the Petitioners and laid out by us is necessary and convenient and not burdensome to the taxpayers of Susquehanna Township, therefore, we recommend that the prayer of the Petitioners be granted.

We are informed by Thomas Daugherty, President of the First National Bank of Spangler, that he will give quick claim deed for the ground, and there will be no property damages. We recommend that the Supervisors of the Susquehanna Township take over this road. However, we assess no benefit and no damages to any of the abutting property owners.

Witness our hands and seals the 3rd day of December, 1949 A. D.

W. J. McGrain

Edward Dunnegan

John L. Elder

1 Dec 1949

A Public Road in the  
Village of Emeigh, Susquehanna  
Township, Cambria County, State  
of Pennsylvania.

Viewers report

Filed

12-3-49

And now, 15 Dec 1949, the  
within report of viewers is  
~~Confer~~ approved mine.

By the Court  
Suffuth  
T.

Order to View-

A Public Road in the Village of Emeigh, Susquehanna Township, Cambria County, State of Pennsylvania.

At the Court of Quarter Sessions of Cambria County, Pennsylvania, the 15th day of September, 1949.

No. 1 December Session, 1949

WILLIAM J. McGRAIN, EDWARD DUNNEGAN,

and JOHN L. ELDER

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court, we the undersigned viewers, appointed by the annexed order of the Court to view the proposed Public Road within mentioned, respectfully report;

That we have been duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, as shown by the records of the Court; that having given due public notice of the time and place of meeting, by posting notices as required by law along the route and at the termini of the said proposed new Public Road, as evidenced by copy of said notice hereto attached, and by service of such notice on the County Commissioners of Cambria County, and Supervisor of Susquehanna Township, service of said notice by the County Commissioners being hereto attached; that we met in accordance with the notice given on the 8th day of October at 10:00 o'clock A. M. and proceeded with the duties of our appointment and viewed the premises and route of the proposed new Public Road; that W. J. McGrain, Edward Dunnegan, and John

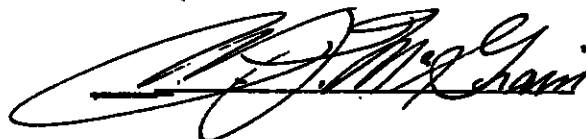
L. Elder, Viewers, were all present; also the supervisors of Susquehanna Township were present.

Beginning at a point of Legislative Route No. 11062, said point being on the Southerly side of said Legislative Route No. 11062, approximately one mile in a generally Easterly direction on said Legislative Route No. 11062 from a point where said Legislative Route No. 11062 intersects with U. S. Highway Route No. 219; thence by convenient route through a portion of the Village of Emeigh to another point of ending, which said point of ending is on the property line of E. J. Parcell.

That after taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the Petitioners and laid out by us is necessary and convenient and not burdensome to the taxpayers of Susquehanna Township, therefore, we recommend that the prayer of the Petitioners be granted.

We are informed by Thomas Daugherty, President of the First National Bank of Spangler, that he will give quick claim deed for the ground, and there will be no property damages. We recommend that the Supervisors of the Susquehanna Township take over this road. However, we assess no benefit and no damages to any of the abutting property owners.

Witness our hands and seals the 3rd day of December, 1949 A. D.



Edward Hunsigan

John H. Elder

Commonwealth of Pennsylvania, }  
County of Cambria } SS.

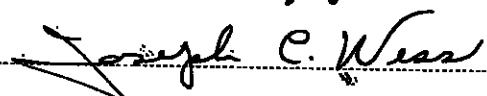
At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 15th day of September A. D. 1949, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of \_\_\_\_\_, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from Beginning at a point on Legislative Route No. 11062, said point being on the Southerly side of said Legislative Route No. 11062, approximately one mile in a generally Easterly direction on said Legislative Route No. 11062 from a point where said Legislative Route No. 11062 intersects with U.S. Highway Route No. 219; thence by convenient route through a portion of the Village of Emeigh to another point of ending, which said point of ending is on the property line of E.J. Parcell.

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 William J. McGrain, Edward Dunnegan John L. Elder \_\_\_\_\_ surveyor, and \_\_\_\_\_

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.  
Griffith, J.

Attest:

 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. L. Dec. SESSIONS, 1949

Order to view A Public Road

in the Village of Emeigh,

Susquehanna Township, Cambria

County, State of Pennsylvania.

Viewers

William J. McGrain

Edward Dunnegan

John I. Elder

Clerk

Joseph C. Widen

Order to View-

A Public Road in the Village  
of Emeigh, Susquehanna Township,  
Cambria County, State of Pennsyl-  
vania.

At the Court of Quarter Sessions  
of Cambria County, Pennsylvania, the  
15th day of September, 1949.

No. 1 December Session, 1949

WILLIAM J. McGRAIN, EDWARD DUNNEGAN,

and JOHN L. ELDER

William J. McGrain

Sept. 28	Data and Preparing Notice of the View and Posting	\$12.00
	Stenographer, Stationery, and Stamps	3.00
	Mileage 38 mi. @ 10 cts.	5.80
Oct. 8	Making View	12.00
	Mileage	5.80
Oct. 27	Hearing	12.00
	Mileage	5.80
Nov. 23	Dictating and Preparing Report	12.00
	Stenographer	3.00
		<u>71.40</u>

Edward Dunnegan

Oct. 8	View	\$12.00
	Mileage	5.80
Oct. 22	Hearing	12.00
	Mileage	5.80
		<u>35.60</u>

John L. Elder

Oct. 8 view	\$12.00
Survey and turning into a plan	12.00
Mileage	4.40
Mileage	4.40
Hearing	12.00
Mileage	4.40
Additional Survey	12.00
Five Blue Prints	4.00
	<hr/>
	65.20

Total of View

\$172.20

Order to View#

A Public Road in the Village of Emigh; Susquehanna Township, Cambria County, State of Pennsylvania.

At the Court of Quarter Sessions of Cambria County, Pennsylvania, the 15th day of September, 1949.

No. 1 December Session, 1949.

Notice of View

We, the undersigned Viewers by the above named court, for the purpose of viewing a Public Road in Susquehanna Township, Cambria County, State of Pennsylvania.

Beginning at a point on Legislative Route No. 11062, said point being on the Southerly side of said Legislative Route No. 11062, approximately one mile in a generally Easterly direction on said Legislative Route No. 11062 from a point where said Legislative Route No. 11062 intersects with U. S. Highway Route No. 219; thence by convenient route through a portion of the Village of Emigh to another point of ending, which said point of ending is on the property line of E. J. Parcell.

Will meet at the place of beginning on Saturday, the eighth day of October, 10:00 A. M., for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear and be heard.

William J. McGrain  
Edward Dunnegan  
John L. Elder

Viewers

Order to View-

A Public Road in the  
Village of Emeigh, Sus-  
quehanna Township, Cambria  
County, State of Pennsylvania.

At the Court of Quarter  
Sessions of Cambria County,  
Pennsylvania, the 15th day  
of September, 1949.

No. 1 December Session, 1949

WILLIAM J. McGRAIN, EDWARD DUNNEGAN,  
and JOHN L. ELDER

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court,  
we the undersigned viewers, appointed by the annexed order  
of the Court to view the proposed Public Road within men-  
tioned, respectfully report:

That we have been duly sworn or affirmed as members  
of the Permanent Board of Viewers of Cambria County, as  
shown by the records of the Court; that having given due  
public notice of the time and place of meeting, by posting  
notices as required by law along the route and at the  
termini of the said proposed new Public Road, as evidenced  
by copy of said notice hereto attached, and by service of  
such notice on the County Commissioners of Cambria County,  
and Supervisor of Susquehanna Township, service of said  
notice by the County Commissioners being hereto attached;  
that we met in accordance with the notice given on the 8th  
day of October at 10:00 o'clock A. M. and proceeded with the  
duties of our appointment and viewed the premises and route  
of the proposed new Public Road; that W. J. McGrain, Edward  
Dunnegan, and John L. Elder, Viewers, were all present; also  
the supervisors of Susquehanna Township were present.

Beginning at a point of Legislative Route No. 11062,  
said point being on the Southerly side of said Legislative  
Route No. 11062, approximately one mile in a generally  
Easterly direction on said Legislative Route No. 11062

from a point where said Legislative Route No. 11062 intersects with U. S. Highway Route No. 219; thence by convenient route through a portion of the village of Emeigh to another point of ending, which said point of ending is on the property line of E. J. Parcell.

That after taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the Petitioners and laid out by us is necessary and convenient and not burdensome to the taxpayers of Susquehanna Township, therefore, we recommend that the prayer of the Petitioners be granted.

We are informed by Thomas Daugherty, President of the First National Bank of Spangler, that he will give quick claim deed for the ground, and there will be no property damages. We recommend that the Supervisors of the Susquehanna Township take over this road. However, we assess no benefit and no damages to any of the abutting property owners.

Witness our hands and seals the 3rd day of December, 1949 A. D.

W. J. McGrain

Edward Dunnegan

John L. Elder

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

No. 1 December Term 1949.

In Re: Petition of Inhabitants of the Township of Susquehanna, County of Cambria and State of Pennsylvania, for the laying out of a public road.

Exceptions of the Supervisors of Susquehanna Township to the Petition and the Report of Viewers.

*Filed*  
*3-6-50*

LAW OFFICES OF  
J. HARRISON WESTOVER  
FIRST NATIONAL BANK BUILDING  
SPANGLER, PENNSYLVANIA

In Re: Petition of Inhabitants of the Township of Susquehanna, County of Cambria and State of Pennsylvania, for the laying out of a public road. In the Court of Quarter Sessions of Cambria County, Pennsylvania. No. 1 December Term 1949.

EXCEPTIONS TO THE PETITION AND REPORT OF VIEWERS.

The Supervisors of the Township of Susquehanna, County of Cambria and State of Pennsylvania, file the following exceptions to the Petition and Report of Viewers in the above stated matter.

1. The petition for the view is irregular in form and is, therefore, fatally defective, for the reason that it does not define the termini of the proposed road with certainty as provided by the Act of April 23, 1909, as amended by Act of April 7, 1927, P. L. 137. Section one of said Act provides as follows: "That hereafter all petitions for the laying out or for the vacation of a public road, in any County of the Commonwealth, shall fix definitely the point of beginning and the point of ending, mentioned in said petition, by giving the exact distance from an intersecting public road, street or railroad, already opened. Clearly the petition does not fix the termini of the proposed road in accordance with this act nor do the viewers in their report correct this defect, so that the whole proceedings must be dismissed. The place of beginning is much farther than a mile from the intersecting highway and no distance is given as to the ending.

2. The proposed road is entirely unnecessary for public use and the construction and maintenance of the road would be very burdensome to the inhabitants and taxpayers of the Township of Susquehanna, and the cost of opening said proposed public road would be greater than the township can afford.

3. The proposed road, as laid out by the viewers, crosses the right of way and the railroad tracks at grade of the New York Central Railroad Company, and the report therefore is fatally defective for the reason that the Court of Quarter Sessions of Cambria County has no jurisdiction to order and decree the opening of a public highway at grade over the right of way and tracks of a railroad company.

4. The proposed road, as laid out by the viewers crosses a stream of water requiring erection of a large bridge and the report therefore is fatally defective for the reason that the Court of Quarter Sessions of Cambria County has no jurisdiction to order and decree the opening of a public highway over a stream of water, necessitating the erection of a large bridge.


5. The proposed road as laid out by the viewers follows the course of a private road for the greater part of its distance, but at certain places is laid out through private property and a garage building and is very near frame houses. The report of the viewers is fatally defective for the reason that on its face the viewers have failed to take into consideration all damages to be assessed in the opening of said road, and have failed to ask for or obtain proper releases of damages from property owners.

6. The viewers were not sworn for this particular case in the form and manner prescribed by law, having only taken and subscribed to a general oath immediately after the appointment of the County Board of Viewers.

7. The report does not show on its face that the viewers were sworn or affirmed at all as required by Act of Assembly. This is a fatal defect.

8. The entire proceedings are illegal and void and must be dismissed.

Respectfully submitted,

  
Attorney for Exceptants.

Rat Microfilm

RD# 1 Dec. 1949

