

No 2 June Sessions, 1921.

In the Court of Quarter
Sessions of Cambria Co., Pa.

Petition of members of
Council and inhabitants
of Nanty Glo Borough for
appointment of viewers
for new bridge.

Now, June 10th 1921, on
consideration of the within
petition Adam Schum

J. D. Ruttin

and Adam Schum

appointed viewers as prayed
for.

By the Court

Filed 6 June 1921

LAW OFFICES
CLARENCE E. DAVIS
EBENSBURG, PENNSYLVANIA
TRUST CO. BLDG.

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

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TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned, members of Council and inhabitants of the Borough of Nanty Glo, County of Cambria and State of Pennsylvania, respectfully represents:

That it has become necessary to erect a new bridge to take the place of the existing bridge over the Blacklick Creek, in the said Borough of Nanty Glo, at the place where Chestnut Street crosses the said Creek and connects with Roberts Street in said Borough.

That the existing bridge heretofore erected at the aforesaid location has become wholly insufficient to properly accomodate the public travel by reason of the increased amount of public travel since the erection of the said existing bridge; that owing to the narrow width of the said existing bridge it is extremely dangerous to the traveling public.

That the erection of said bridge would be more expensive than it is reasonable that the said Borough of Nanty Glo should bear, and the erection thereof by the said Borough of Nanty Glo would cause a great burden upon the inhabitants of said Borough.

Wherefore your petitioners pray the Court to appoint proper persons, qualified according to law, to view the place for said bridge and iquire whether such bridge is necessary, and its erection would be too expensive for said Borough of Nanty Glo to bear.

And they will ever pray etc.

Edw. Larned

C. J. Linn
J. J. Linn

Martin McMunn
Edw. Davis

MEMBERS OF COUNCIL,
NANTY GLO BOROUGH

A. A. Dietrich
H. H. Harvey
Prof. W. Miller
E. B. Davis
Edw. Smith
Rev. M. J. O'Connor
Herman Dorwofsky
A. J. Zimmerman

J. E. Cornelius
Elmer E. Schaeffer
H. B. Waltz
J. V. Hines
Wm O. Myers
J. H. Williams
A. J. Selman

INHABITANTS OF NANTY GLO
BOROUGH

State of Pennsylvania :
County of Cambria : ss.

A. C. McCullough being by me, the undersigned
authority, duly sworn according to law, deposes and says that
the facts set forth in the foregoing petition are true and
correct.

A. C. McCullough

Sworn to and subscribed before me this 4th
day of June, A. D., 1921.

W. Davis, Justice of the Peace
Nanty Glo, Pa.
My commission expires 1st Mar. Jan., 1922.

B O N D.

KNOW ALL MEN BY THESE PRESENTS, that we, T. P. Burns,

J. P. Lamont, J. J. Conrad, J. E. Burns,
Martin McDemott and Edw. Davis,

of the Borough of Nanty Glo, County of Cambria and State of Pennsylvania, hereinafter called the Obligors, are held and firmly bound unto the County of Cambria, hereinafter called the Obligee, in the sum of TWO HUNDRED DOLLARS (\$200.00), lawful money of the United States of America, to be paid to the said Obligee, its certain Attorney, successors or assigns, to which payment well and truly to be made, we do bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by these presents.

Sealed with our seals this 4th day of June, A. D., 1921.

Whereas the members of Council and certain inhabitants of the Borough of Nanty Glo, County of Cambria and State of Pennsylvania, have presented to the Court of Quarter Sessions in and for said County of Cambria, their petition praying for the appointment of viewers to view and report on the necessity for a new bridge to take the place of the existing bridge over the Blacklick Creek in said Borough.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above bounden obligors, their heirs, executors or administrators, shall and do well and truly pay into the Treasury of the said Obligee, when said proceedings are concluded such amount of money as the said Court may hereafter by order lawfully direct the petitioners aforesaid to pay for the compensation of viewers etc. without fraud or further delay, then the above obligation to be void; otherwise to be and remain in full force and virtue.

T. P. Burns (SEAL)

J. P. Lamont (SEAL)

J. J. Conrad (SEAL)

J. E. Burns (SEAL)

Martin McDemott (SEAL)

Edw. Davis (SEAL)

Now, to wit: June 4th, 1921, the foregoing bond approved.

By the Court

REPORT OF VIEWERS .

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

We, the undersigned members of the permanent board of viewers of Cambria County, appointed by your honorable Court upon the attached order and therein directed to view and ascertain as to the necessity for a new bridge over the Blacklick Creek in the Borough of Nantyglo, said county and state, 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 Council of said borough and having them accept service of notices hereto attached and to the public by printed hand bills posted in public and conspicuous places at and near the site of the bridge to be viewed, and 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 accord with the notices given, and having carefully viewed the premises and the present structure and are all of the opinion that the present structure is not adequate to accomodate the present requirements and that a new and wider bridge or additions to the present structure by way of side walks adjoined to the extreme outer sides of the present structure are necessary for the accomodation, convenience and safety of the public: new and additional sidewalks eight foot in width adjoined to the outer sides of the present structure being in our opinion what is reasonably necessary, rather than a whole new structure.

As constructing the sidewalks above referred to would on the North Easterly side encroach upon property or buildings of the William Keeting, Estate, and Mrs. Frank Wargo; as indicated on the plot or draft hereto attached and made a part of this report; and having failed to obtain a release of damages from these parties, we have assessed the damages of the Keeting Estate at fifty dollars and the damages to Mrs. Frank Wargo at thirty dollars.

Witness our hands this twenty ninth day of July, A.D., 1921.

A. M. Shoemaker.

J. D. Ritter

Adam Shuman

Viewers.

In the Court of Quarter Ses-
sions of Cambria C^y unty,
Pennsylvania:

In Re-Order to View Bridge
in Nant-Y-Glo Borough over
Blacklick Creek at the place
where Chestnut Street crosses
the said Creek and connects
with Roberts Street in said
Borough.

Exceptions of Mary Wargo to
Report of Viewers.

Filed ~~14~~⁶ N^o v. 1921.

MORGAN W. EVANS,
CHARLES HASSON
ATTORNEY AT LAW
OPERA HOUSE BLDG.
EBensburg, PA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA.

No. 2, June Sessions, 1921.
EXCEPTIONS TO REPORT OF VIEWERS.

In Re Order to View Bridge in Nant-Y-Glo Borough over Blacklick Creek at the place where Chestnut Street crosses the said Creek and connects with Roberts Street in said Borough.

Mary Wargo, otherwise known as Mrs. Frank Wargo, being a party in interest in the above entitled proceeding, files the following Exceptions to the Report of Viewers;

1st. That the Report of Viewers having been filed on August 8th, 1921, was filed irregularly and before the Return Day of the Order to View in the above proceeding, in violation of Rule No. 19 of the Rules of this Court and without notice to the Exceptant.

2nd. That the said Report of Viewers having been approved by the Court on August 8, 1921, which date was prior to the legal date for filing said report, the said approval by the Court was irregular, illegal and was without notice to the Exceptant.

3rd. That said Viewers in the performance of the duties of their said appointment, have neglected to prepare and file a report as required by the Act of 23d day of June, A. D., 1911, P. L. 1123.

4th. That said Report of Viewers is fatally defective in that it fails to set forth in brief and concise paragraphic forms, findings of fact and conclusions of law, and has not attached thereto such a plan showing the properties affected, as is required by the 9th Section of the Act of 23d June, A. D., 1911, P. L. 1123.

5th. That the Report of Viewers is fatally defective in that it fails to set forth whether or not the bridge is too expensive for the Borough of Nant-Y-Glo to construct, and if so, who should bear the expense of said improvements.

6th. That the Report of Viewers is fatally defective in that it does not set forth by whom the cost of said improvements and the damages

incident thereto and assessed by them, shall be paid.

7th. That the Report of Viewers is fatally defective in that it does not set forth what findings of fact or conclusions of law the said Board of Viewers considered in basing its recommendation for the improvement to the bridge.

8th. The Report of Viewers does not contain data or information sufficient to enable the Court, Grand Jury and County Commissioners to intelligibly review the same for the purpose of approval or disapproval, and is therefore fatally defective.

Morgan St. Evans

Charles Hasson

Attorneys for Exceptant.

Cambria County, ss:

Mary Wargo, being duly sworn according to law, deposes and says that the matters contained in the foregoing Exceptions, are true and correct as she verily believes.

Sworn and subscribed before me
this 14th day of November, 1921.

Charles Hasson

Notary Public.

Mary Wargo

My Commission expires 7th March, 1925.

In the Court of Quarter Ses-
sions of Cambria County,
Pennsylvania.

In Re Order to View Bridge
in Nant-~~V~~-Glo Borough over
Blacklick Creek where Chest-
nut Street crosses the said
Creek and connects with Rob-
erts Street in said Borough.

EXCEPTIONS OF ANNIE M.
KEATING TO REPORT OF BOARD
OF VIEWERS.

Filed 14 Nov. 1921

MORGAN W. EVANS,
CHARLES HASSON
ATTORNEY AT LAW
OPERA HOUSE BLDG.
EBENSBURG, PA

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

No. 2, June Sessions, 1921.

EXCEPTIONS TO REPORT OF VIEWERS.

In Re Order to View Bridge in Nant-Y-Glo Borough over Blacklick Creek at the place where Chestnut Street crosses the said Creek and connects with Roberts Street in said Borough.

Annie M. Keating, being a party in interest in the above entitled proceeding, files the following Exceptions to the Report of Viewers:

1st. That the Report of Viewers having been filed on August 8th, 1921, was filed irregularly and before the Return Day of the Order to View in the above proceeding, in violation of Rule No. 19 of the Rules of this Court and without notice to the Exceptant.

2nd. That the Report of Viewers having been approved by the Court on August 8, 1921, which date was prior to the legal date for filing said report, the said approval by the Court was irregular, illegal and was without notice to the Exceptant.

3rd. That said Viewers in the performance of the duties of their said appointment, have neglected to prepare and file a report as required by the Act of 23d day of June, A. D., 1911, P. L. 1123.

4th. That said Report of Viewers is fatally defective in that it fails to set forth in brief and concise paragraphic forms, findings of fact and conclusions of law, and has not attached thereto such a plan showing the properties affected, as is required by the 9th Section of the Act of 23d June, A. D., 1911, P. L. 1123.

5th. That the Report of Viewers is fatally defective in that it fails to set forth whether or not the bridge is too expensive for the Borough of Nant-Y-Glo to construct, and if so, who should bear the expense of said improvements.

6th. That the Report of Viewers is fatally defective in that it does not set forth by whom the cost of said improvements and the damages inci-

dent thereto and assessed by them, shall be paid.

7th. That the Report of Viewers is fatally defective in that it does not set forth what findings of fact or conclusions of law the said Board of Viewers considered in basing its recommendation for the improvement to the bridge.

8th. The Report of Viewers does not contain data or information sufficient to enable the Court, Grand Jury and County Commissioners to intelligently review the same for the purpose of approval or disapproval, and is therefore fatally defective.

Charles Hasson

Morgan M. Davis

Attorneys for Exceptant.

Cambria County, ss:

Annie M. Keating, being duly sworn according to law, deposes and says that the matters contained in the foregoing Exceptions, are true and correct as she verily believes.

Sworn and subscribed before me
this 14th day of November, 1921.

Charles Hasson

Notary Public.

My Commission expires 7th March, 1925.

Annie M. Keating



No. 2 June Sessions, 1921 R.D.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY

IN RE BRIDGE IN
NANTYGLO BOROUGH, OVER
BLACKLICK CREEK.

DECREE SUSTAINING EXCEPTIONS
TO REPORT OF VIEWERS.

Filed 8 May 1922

J. C. Sharbaugh
Official Stenographer

For the
Forty-Seventh Judicial District
Pennsylvania

2.5

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY. No. 2,
JUNE SESSIONS, 1921. R.D.

In re Bridge in Nantyglo Borough over Blacklick Creek.
Before Evans, P.J., McCann, J. and Reed, S.P.

PER CURIUM

The viewers in the above proceeding filed their report on the 8th day of August, 1921. On November 14, 1921, exceptions were filed to the said report by Mary Wargo and Annie M. Keating, the exceptions of both parties being the same. When the matter came before the Court for argument there had been a change of counsel for the Borough of Nantyglo, and the new counsel had not had opportunity to look into the question raised by the exceptions. After investigation, however, counsel advised the court that he agreed with the counsel for the exceptant that the exceptions should be sustained. After argument and full consideration of the questions raised in this proceeding we are of the opinion that the exception should be sustained and the report of the viewers set aside.

DECREE

Now, Eighth day of May 1922, exceptions sustained and the report of viewers set aside.

Per Curiam
Evans P.J.

Nanty - Glo

Shoemaker Street

Borough

Roberts Street

Store

Blacklick

Creek

T. P. Burns

Bank

Wm. S. Wargo
Estate

Suggested location
of proposed new
sidewalks

Location of present sidewalks recom-
mended to be added to width of present
driveway

Chestnut Street

Sketch showing location of a
County bridge, in the Borough of
Nanty-Glo, Cambria County, Pennsylvania
and the position of proposed new side-
walks recommended to be constructed
in connection therewith.

Viewed upon an Order of the
Court of Quarter Sessions of
said County dated 6th June 1921.

A. M. Shoemaker, J. D. Ritter
and Adam Shuman, Viewers.

BRIDGE NOTICE!

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view the site and determine as to the necessity for a new bridge over the Blacklick Creek in the Borough of Nanty-Glo, at the place where Chestnut Street crosses said Creek and connects with Roberts Street in said borough:

will meet at the site of the proposed new bridge, in the Borough of of Nanty-Glo aforesaid, on the 26th. day of July 1921, at 8:30 o'clock A. M., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Ebensburg, Pa. 7/16/1921.

Now, July 21, 1921, Service of the within
notice is hereby accepted for the
Council of the Borough of Nanty-Glo,
Cambria Co., Pa. —

R. M. Ballough
12000 Clark

BRIDGE NOTICE!

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view the site and determine as to the necessity for a new bridge over the Blacklick Creek in the Borough of Nanty-Glo, at the place where Chestnut Street crosses said Creek and connects with Roberts Street in said borough :

will meet at the site of the proposed new bridge, in the Borough of Nanty-Glo aforesaid, on the 26th. day of July 1921, at 8:30 o'clock A. M. for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Ebensburg, Pa 7/16/ 1921.

Now, July 30th 1921, Service of within
notice is hereby accepted for the
Commissioners of Cambria Co., Pa.

Geo. M. Linn
clerk

Cost of View

A. M. Shoemaker

Lifting Order	\$.90
4 1/2 Days	33.75
36 mi (two trips)	1.80 -
Engineering work,	30.00
	<hr/> 66.45

Adam Shuman

1 Day	_____	\$ 7.50
4 mi	_____	.20
		<hr/> 7.70

J. D. Bitter

1 Day	_____	\$ 7.50
62 miles		3.10
		<hr/> \$ 10.60

AUG 20 1921 CERTIFIED

APPROVED FOR PAYMENT
[Signature]
 COMMISSIONERS

P. S. 12

NO. 2 June SESSIONS, 1921.

Order to view Bridge in Nanty Glo
Borough over Blacklick Creek
at the place where Chestnut St.
crosses the said Creek and connect
with Roberts Street in said
Borough.

Order and Report of
Viewers
Filed August 1921
AUG 20 1921 CERTIFIED

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers

Clerk Rabb 90 cts.

8 August 1921 Approved

W. E. Land



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."

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 6th day of June A. D. 1921, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Borough of Nanty Glo, in the said County, setting forth that they labor under inconvenience for want of a Bridge ~~road and bridge~~ ~~to be taken from~~

to take the place of the existing bridge over the Blacklick Creek in the said Borough of Nanty Glo at the place where Chestnut Street crosses the said Creek and connects with Roberts Street in said Borough.

That the existing bridge heretofore erected at the aforesaid location has become wholly insufficient to properly accommodate the public travel by reason of the increased amount of public travel since the erection of the said existing bridge; that owing to the narrow width of the said existing bridge it is extremely dangerous to the traveling public.

That the erection of said bridge would be more expensive than it is reasonable that the said Borough of Nanty Glo should bear, and the erection thereof by the said Borough of Nanty Glo would cause a great burden upon the inhabitants of said Borough.

Wherefore your petitioners pray the Court to appoint proper persons, qualified according to law, to view the place for said bridge and inquire whether such bridge is necessary, and its erection would be too expensive for said Borough of Nanty Glo to bear.

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

J. D. Ritter, Adam Shuman

viewers, to view the ground proposed for said bridge ~~road~~ and if they agree that there is occasion for such ~~road~~ bridge, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a ~~road~~ bridge, 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~~ bridge, 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:

Frank C. Roth, Clerk.