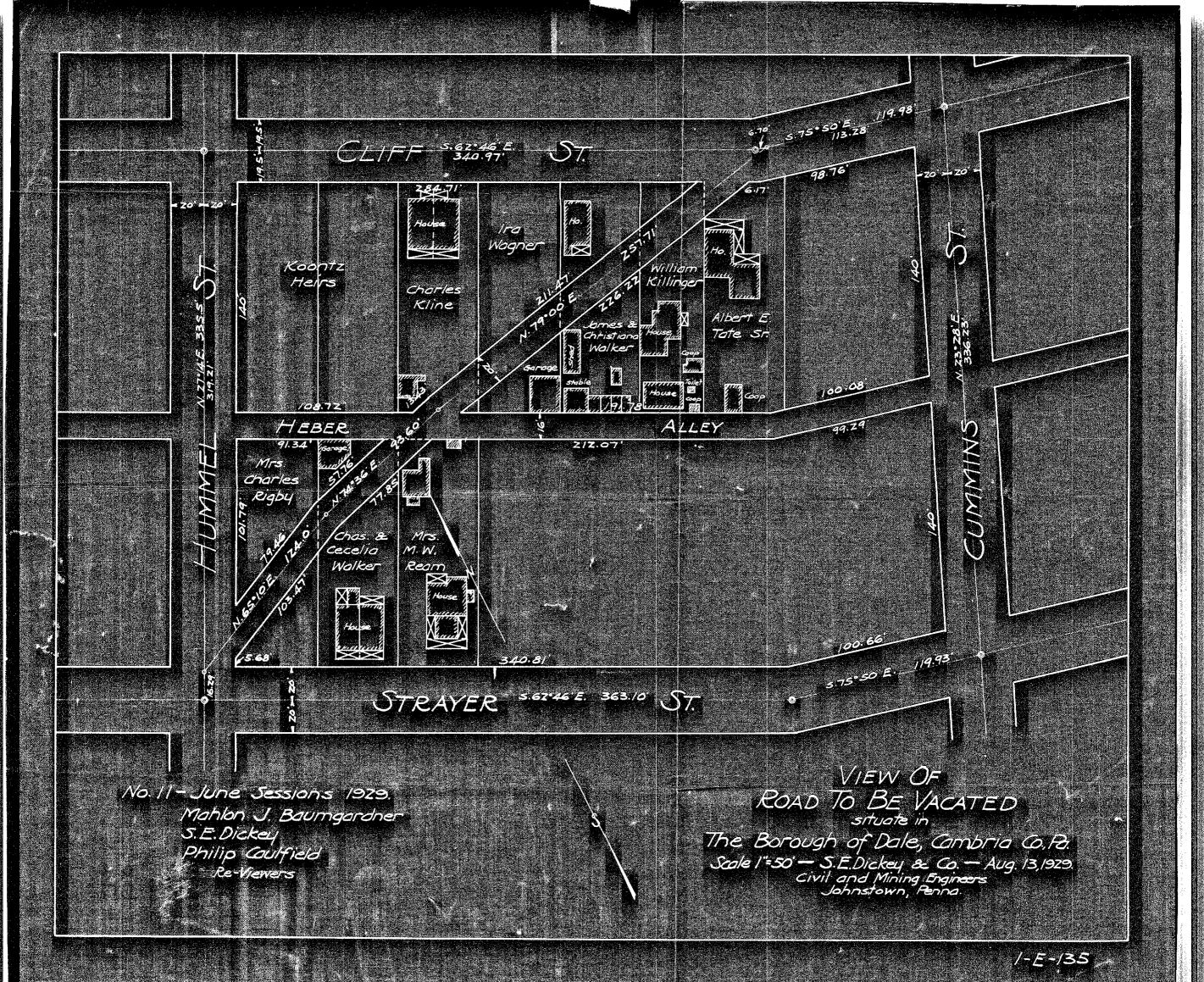
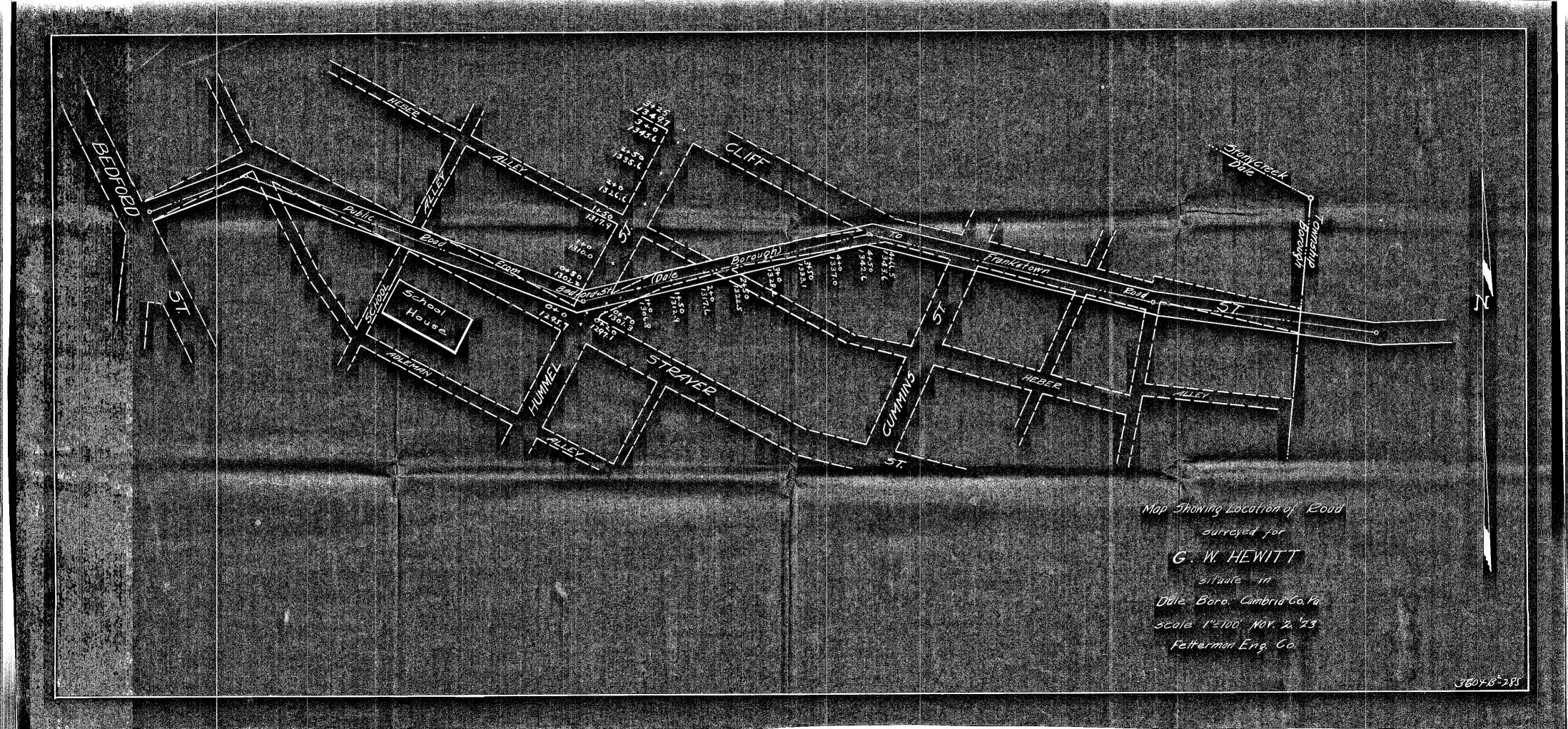
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IN THE COURT OF QUARTER SESSION OF CAMBRIA COUNTY, PENNSYLVANIA. NO. 1. June Sessions, 1929

RE PETITION OF BOROUGH OF SOUTH FORK, A MUNICIPALITY IN CAMBRIA COUNTY, PENNSYLVANIA, RE MAINTENAME OF STEEL BRIDGE IN SAID BOROUGH CONSTRUCTED AND MAINTAINED BY CAMBRIA COUNTY, PENNSYLVANIA RAIL ROAD COMPANY, SOUTHERN CAMBRIA RAI WAYY COMPANY AND BOROUGH OF SOUTH-FORK.

REPORT OF VIEWERS

CERTIFIED

<u>~_6.1. 静入: 2003.2.2.2.</u> MAHLON J. BAUMGARDNER ATTORNEY AT LAW . . .

JOHNSTOWN, PRNNA.

PETITION OF BOROUGH OF SOUTH FORK, :
A MUNICIPALITY IN CAMBRIA COUNTY, :
PENNSYLVANIA, RE MAINTENANCE OF :
STEEL BRIDGE IN SAID BOROUGH CONSTRUCTED AND MAINTAINED BY CAMBRIA :
COUNTY, PENNSYLVANIA RAILROAD COMPANY;
SOUTHERN CAMBRIA RAILWAY COMPANY AND :
BOROUGH OF SOUTH FORK. :

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

NO. 1 JUNE SESSIONS, 1929

REPORT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF THE ABOVE MANTIONED COURT.

We, the undersigned Viewers appointed by the above court tosyiewithey,
abovetpremisesoto determine that the care, maintenance and responsibility of
said bridge is greater than it is reasonable that the Borough should bear,
respectfully report:-

That we were duly sworn or affirmed as members of the Permanant

Board of Viewers of Cambria County as shown by the records of said Court; that
due public notice of the time and place of meetings of said Viewers was given
by handbills posted on the premises and by notices served on the Commissioners
of Cambria County; upon the Borough of South Fork; upon the Pennsylvania

Railroad Company. all of whom accepted service as least ten days prior of the
time of making said view, evidence of which is shown by copies of said
notices hereto attached and made a part of this report; That we met upon the
premises according to notice given on Saturday June 29, 1929 and Nine o'clock A.M.
Easterd Standard Time AND PROCEEDED WITH THE DUTIES OF OUR APPOINTMENT.

All parties interested were in attendance. The view was continued until such date as all parties interested could attend. Friday, July 12, 1929 at 9 o'clock Eastern Standard Time was set as the time for taking testimony in said view.and the Judges' Chambers, Rooms 403-404 Swank Building, Johnstown, Cambria County, Pa., the place. Notice of the time and place of the meeting of the viewers for the purpose of hearing testimony was served upon Leonard S. Jones, Solicitor for the County of Cambria; D. P. Weimer, Solicitor for the Boro of South Fork and upon H. W. Stony; Solicitor for the Pennsylvania Railroad Company, copies of said notices being hereto attached and made a part of this

report. Pursuant to said notices the viewers met in the Judges Chambers,
Rooms 403-494 Swank Building, Johnstown, Cambria County, Pennsylvania
and heard testimony regarding to the matter in issue, on Friday July 12, 1929
at 9 o'clock Eastern Standard time. The County of Cambria and the Borough
of South Fork through its representatives were present and were heard. The
original contract entered into in May, 1909 by and between the Borough of
Cambria
South Fork, The Pennsylvania Railroad Company, The Southern, Railway Company
and the Commissioners of the County of Cambria was offered in evidence, the
contract inter alia provided as follows: "The Borough of South Fork should
properly maintain the foot walk and floor of the bridge ****." and further
"The Pennsylvania Railroad Company and the Southern Cambria Railway Company
agreed to properly maintain the steel work and piers of the proposed viaduct or
bridge and the floor stringers to be properly placed and maintained."

WHEREAS the Southern Railway Company has ceased to exist, and

WHEREAS the Borough of South Fork is financially incapable to perform

its portion of above referred to contract without the same being an excessive burden upon the taxpayers of the said Borough of South Fork:

THEREFORE we recommend that the County of Cambria maintain the foot walk and floor of the said bridge and we further recommend that the County of Cambria along with the Pennsylvania Railroad Company properly maintain the steel work and piersof said viaduct or bridge and the floor stringers as formerly agreed should be maintained by the Pennsylvania Railroad Company and Cambria the Southern Railway Company.

A plot or draft of the above mantianed bridge, showing the location, length, width and approaches thereto is hereto attached and made a part of this report.

IN WITH SS WHEREOF WE HAREUNTO SET OUR HANDS THIS 15 day of July. 1929

Mash Ban police

PETITION OF BOROUGH OF SOUTH FORK, A MUNICIPALITY IN CAMBRIA COUNTY, PENNSYLVANIA, RE MAINTENANCE OF STEEL BRIDGE IN SAID BOROUGH CONSTRUCTED AND MAINTAINED BY CAMBRIA COUNTY, PENNSYLVANIA RAILROAD COMPANY, SOUTHERN CAMBRIA RAILWAY COMPANY AND BOROUGH OF SOUTH FORK.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 1 JUNE SESSIONS, 1929.

NOTICE TO VIEW.

We, the undersigned Viewers appointed by the above Court to view a steel bridge in the Borough of South Fork, over the Little Conemaugh River, said bridge having been constructed and maintained by the County of Cambria, Pennsylvania Railroad Company, Southern Cambria Railway Company and the Borough of South Fork, and to inquire whether the care, maintenance and responsibility of the said bridge is greater then it is reasonable that the Borough of South Fork should bear, will meet on the bridge aforesaid on Saturday, June 29, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER, A. M. SHOEMAKER, PHILIP CAULFIELD. Viewers.

Dated June 12, 19291

AND NOW, this 13 day of June, A. D. 1929, I hereby accept service of the above Notice to View as Solicitor for the Borough of South Fork.

Solicitor for Borough of South For

PETITION OF BOROUGH OF SOUTH FORK,
A MUNICIPALITY IN CAMBRIA COUNTY,
PENNSYLVANIA, RE MAINTENANCE OF
STEEL BRIDGE IN SAID BOROUGH CONSTRUCTED AND MAINTAINED BY CAMBRIA
COUNTY, PENNSYLVANIA RAILROAD COMPANY,
SOUTHERN CAMBRIA RAILWAY COMPANY AND
BOROUGH OF SOUTH FORK.

IN THE COURT OF QUARTER SESSIONS.

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 1 JUNE SESSIONS, 1929.

NOTICE TO VIEW.

We, the undersigned Viewers appointed by the above Court to view a steel bridge in the Borough of South Fork, over the Little Conemaugh River, said bridge having been constructed and maintained by the County of Cambria, Pennsylvania Railroad Company, Southern Cambria Railway Company and the Borough of South Fork, and to inquire whether the care, maintenance and responsibility of the said bridge is greater then it is reasonable that the Borough of South Fork should bear, will meet on the bridge aforesaid on Saturday, June 29, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER, A. M. SHOEMAKER, PHILIP CAULFIELD. Viewers.

Dated June 12, 1929.

AND NOW, this day of June, A. D. 1929, I hereby accept service of the above Notice to View as Solicitor for the Pennsylvania Railroad Company.

Jenry N. Stores
olicitor for Perina. Railross

PETITION OF BOROUGH OF SOUTH FORK,
A MUNICIPALITY IN CAMBRIA COUNTY,
PENNSYLVANIA, RE MAINTENANCE OF
STEEL BRIDGE IN SAID BOROUGH CONSTRUCTED AND MAINTAINED BY CAMBRIA
COUNTY, PENNSYLVANIA RAILROAD COMPANY,
SOUTHERN CAMBRIA RAILWAY COMPANY AND
BOROUGH OF SOUTH FORK.

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IN THE COURT OF QUARTER SESSIONS.

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 1 JUNE SESSIONS, 1929.

NOTICE TO VIEW.

We, the undersigned Viewers appointed by the above Court to view a steel bridge in the Borough of South Fork, over the Little Conemaugh River, said bridge having been constructed and maintained by the County of Cambria, Pennsylvania Railroad Company, Southern Cambria Railway Company and the Borough of South Fork, and to inquire whether the care, maintenance and responsibility of the said bridge is greater then it is reasonable that the Borough of South Fork should bear, will meet on the bridge aforesaid on Saturday, June 29, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER, A. M. SHOEMAKER, PHILIP CAULFIELD. Viewers.

Dated June 12, 1929.

AND NCW, this day of June, A. D. 1929, I hereby accept service of the above Notice to View as Solicitor for the Commissioners of Cambria County.

Solicitor for Commissioners of Cambria County. PETITION OF SCROUGH OF GOUTH FORE, A MUNICIPALITY IN CAMBRIA COUNTY, PENECYLVANIA, RE MAINTENANCE OF STEEL BRIDGE IN SAID BOROUGH COMBINATION OF CAMBRIA POUNTY, PENECYLVANIA RAILMAY GCUPANY AND BOROUGH OF SOUTH FORT.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

no. 1 June exesions, 1929.

notice to vire.

Court to view a steel bridge in the Borough of South Fork, over the Little Consumus River, said bridge having been constructed and maintained by the County of Cambria, Pennsylvania Railroad Company, Southern Cambria Railway Company and the Borough of South Fork, and to inquire shother the care, maintenance and responsibility of the said bridge is greater then it is remonable that the Borough of South Fork should bear, will meet on the bridge aforecast on Saturd June 29, 1929, at nine o'clock A. M., Enstern Standard Time, for the purpose of performing the duties of our appointment.

MAHLOH J. BAUMGARDNER, a. H. SHOEMAKER, PHILIP GAULFIELD. VIOTOFS.

Dated June 12, 1929:

PETITION OF BOROUGH OF SOUTH FORK,
A MUNICIPALITY IN CAMBRIA COUNTY,
PENNSYLVANIA, RE MAINTENANCE OF
STEEL BRIDGE IN SAID BOROUGH CONSTRUCTED AND MAINTAINED BY CAMBRIA
COUNTY, PENNSYLVANIA RAILROAD COMPANY,
SOUTHERN CAMBRIA RAILWAY COMPANY AND
BOROUGH OF SOUTH FORK.

IN THE COURT OF QUARTER SESSIONS.

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 1 JUNE SESSIONS, 1929.

NOTICE TO TAKE TESTIMONY.

We, the undersigned Viewers, appointed by the above Court to view a Steel Bridge in the Borough of South Fork, over the Little Conemaugh River, said bridge having been constructed and maintained by the County of Cembria, Pennsylvania Railroad Company, Southern Cambria Railway Company and the Borough of South Fork, and to inquire whether the care, maintenance and responsibility of said bridge is greater than it is reasonable that the Borough of South Fork should bear, will meet in the Judges' Chambers, 403-4 Swank Building, Johnstown, Pennsylvania, on Friday, July 12, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of taking testimony and hearing all evidence pertaining to the above matter, at which time and place all interested parties may be heard.

MAHLON J. BAUMGARDNER, PHILIP CAULFIELD, A. M. SHOEMAKER, Viewers.

Dated July 2, 1929.

AND NOW, this 2 day of July, A. D. 1929, I hereby accept service of the above Notice to Take Testimony, as Solicitor for the Borough of South Fork.

Solicitor, Borough of South Fork.

PETITION OF BOROUGH OF SOUTH FORK,
A MUNICIPALITY IN CAMBRIA COUNTY,
PENNSYLVANIA, RE MAINTENANCE OF
STEEL BRIDGE IN SAID BOROUGH CONSTRUCTED AND MAINTAINED BY CAMBRIA
COUNTY, PENNSYLVANIA RAILROAD COMPANY,
SOUTHERN CAMBRIA RAILWAY COMPANY AND
BOROUGH OF SOUTH FORK.

IN THE COURT OF QUARTER SESSIONS.

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 1, JUNE SESSIONS, 1929.

NOTICE TO TAKE TESTIMONY.

We, the undersigned Viewers, appointed by the above Court to view a Steel Bridge in the Borough of South Fork, over the Little Conemaugh River, said bridge having been constructed and maintained by the County of Cambria, Pennsylvania Railroad Company, Southern Cambria Railway Company and the Borough of South Fork, and to inquire whether the care, maintenance and responsibility of said bridge is greater than it is reasonable that the Borough of South Fork should bear, will meet in the Judges' Chambers, 403-4 Swank Building, Johnstown, Pennsylvania, on Friday, July 12, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of taking testimony and hearing all evidence pertaining to the above matter, at which time and place all interested parties may be heard.

MAHLON J. BAUMGARDNER, PHELIP CAULFIELD, A. M. SHOEMAKER. Viewers.

Dated July 2, 1929.

AND NOW, this day of July, A. D. 1929, I hereby accept service of the above Notice to Take Testimony as County Commissioners.

County Commissioners

Solutor

PETITION OF BOROUGH OF SOUTH FORK, A MUNICIPALITY IN CAMBRIA COUNTY, PENNSYLVANIA, RE MAINTENANCE OF STEEL BRIDGE IN SAID BOROUGH CONSTRUCTED AND MAINTAINED BY CAMBRIA COUNTY, PENNSYLVANIA RAILROAD COMPANY, SOUTHERN CAMBRIA RAILWAY COMPANY AND BOROUGH OF SOUTH FORK.

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

NO. 1 JUNE SESSIONS, 1929.

NOTICE TO TAKE TESTIMONY.

We, the undersigned Viewers, appointed by the above Court to view a Steel Bridge in the Borough of South Fork, over the Little Conemaugh River, said bridge having been constructed and maintained by the County of Cambria, Pennsylvania Railroad Company, Southern Cambria Railway Company and the Borough of South Fork, and to inquire whether the care, maintenance and responsibility of said bridge is greater than it is reasonable that the Borough of South Fork should bear, will meet in the Judges' Chambers, 403-4 Swank Building, Johnstown, Pennsylvania, on Friday, July 12, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of taking testimony and hearing all evidence pertaining to the above matter, at which time and place all interested parties may be heard.

MAHLON J. BAUMGARDNER, PHILIP CAULFIELD, A. M. SHOEMAKER, Viewers.

Dated July 2, 1929.

AND NOW, this day of July, A. D. 1929, I hereby accept service of the above Notice to Take Testimony, as Solicitor of the Pennsylvania Railroad Company,

Henry M. Starey Sr. Solicitor Penna. Railroad Co. S. S.

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

No . 1 June Sessions, 1929.

To the Honorable the Judges of the above named Court:

The petition of the Borough of South Fork, a municipality in the County of Cambria and State of Pennsylvania, respectfully represents:

That the County Commissioners of Cambria County, together with the Pennsylvania Railroad and Southern Cambria Railway Company assisted the Borough of South Fork in defraying the expenses of erecting a steel bridge in the Borough of South Fork over the Little Conemaugh River and the right-of-way of the Pennsylvania Railroad Co., said bridge having been built in 1909-1910.

That the cost of maintenance of said bridge has been paid by the Pennsylvania Railroad, Southern Cambria Railway and the Borough of South Fork jointly.

That recently the Southern Cambria Railway Co., ceased operations and is no longer transacting business, and that the entire cost of maintenance of said bridge has fallen upon the Pennsylvania Railroad Co. and the Borough of South Fork.

That the care, maintenance and responsibility of said bridge is greater than it is reasonable that the Borough of South Fork should bear.

WHEREFORE your petitioner prays the Court to appoint persons, qualified according to law, to view said bridge and inquire whether the care, maintenance and responsibility of said bridge is greater than it is reasonable that the Borough should bear.

ORDER OF COURT.

Now the 3rd day of June, 1929, the within petition having been read and approved, the Court, upon due consideration, appoints M. J. Baumgardner, Esq., A. M. Shoemaker, Esq., and Philip Cauffield, Viewers, who, after being respectively sworn or affirmed to perform their duties impartially and to the best of their judgment are to view the bridge, mentioned aforesaid, and if they, or any two of them, view the same, and any two of the actual viewers agree that the care, maintenance and responsibility of said bridge is greater than it is reasonable that the Borough should bear, they are to make report accordingly, the report aforesaid to be made returnable on the first day of the term following the within appointment, to-wit the first Monday of September, 1929.

By the Court,

Evans, P. J.

Extract from the Record.

Certified this 6th day of June, A. D. 1929.

Jirank le Rolle

Clerk of the Court of Quarter . Sessions.

PETITION OF BOROUGH OF SOUTH FORK, A MUNICIPALITY IN CAMBRIA COUNTY, PENNSYLVANIA, RE MAINTENENCE OF STEEL BRIDGE IN SAID BOROUGH CON-STRUCTED AND MAINTAINED BY CAMBRIA COUNTY, PENNSYLVANIA RAILROAD COMPANY, SOUTHERN CAMBRIA RAILWAY COMPANY AND BOROUGH OF SOUTHFORK.

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

:: No. 1. June Sess 1929.

MAHLON J. BAUMGARDNER, A. M. SHOEMAKER AND PHILIP CAULFIELD, DRS.

MAHLON J. BAUMGARDNER	
Preparing Notices to view	\$12.00
Stenographer and Stationery	4.00
Posting Notices to View	12.00 v
Mileage	2100g
Obtaining acceptances of service onlall interested parties	12.00
View	12.00
Mileage	2.00
Preparing notices & obtaining acceptances for hearing	12.00
Hearing and taking testimony	12.00
Conference -Viewers re care, maintenence and responsibilit	y 12.00
Preparing Report of Viewers	12.00
Stenographer and Stationery	4.00
• • • • • • • • • • • • • • • • • • • •	108.00

TRIBUNE advertising Notice to view LEGAL JOURNAL "

PHILIP CAULFIELD

VIEW \$ 12.00 Mileage 2.00 Hearing and Taking testimony 12.00 Conference - Viewers re-care, maintenance and 12.00 \$38.00

A. M. SHOEMAKER

Reconstantement cating head the return

Day on view of bridge	\$12.00.
52 miles @ 10 cts. per mile	5.20.
Day at Hearing ,) §	12.00.
36 miles	3,60,
Day at Hearing 36 miles Reviewing testimony and conference relative to care maintenance and responsibility Engineering work - Survey, plotting, days, help and transportation for self and help	12.00.
Engineering work - Survey, plotting, dyar, help and transportation for self and help	48.60.

COMMISSIDILERS

Plot or draft showing location, length, width and approaches to the bridge over the Little Conemaugh River and the tracks of the Pernosylvania Railroad Company, at South Fork Borough, Cambria Clounty, Pennia. Viewed Julie 29"1929, upon du order of the Court of Quarter Sessions of said county and state entered to No. 1. June Ses. 1929. Trolley track. Southern Cambria Trolley track. tracks of the P. Co. at South fork. Bridge over Little Conemaugh River a land Foot walk. Total length 531.3 pet. Viewers appointed by the Court of Quarter Sessions of Cambria County, Bennsylvahia. Philip E. Caulfield, M. J. Baumgardner, a. M. Shoernaher.

Nov 1 Gramol Serriams 1929

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

PETITION OF BOROUGH OF SOUTH

FORK FOR AID OF THE COUNTY

COMMISSIONERS IN RE BRIDGE

OVER LITTLE CONEMAUGH RIVER

P. WEIMER.

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

To the Honorable the Judges of the above named Court:

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The petition of the Borough of South Fork, a municipality in the County of Cambria and state of Pennsylvania, respectfully represents: -

That the County Commissioners of Cambria County, together with the Pennsylvania Railroad and Southern Cambria Railway Company assisted the Borough of South Fork in defraying the expense of erecting a steel bridge in the Borough of South Fork over the Little Conemaugh River and the right-of-way of the Pennsylvania Railroad Co., said bridge having been built in 1909-1910.

That the cost of maintenance of said bridge has been paid by the Pennsylvania Railroad, Southern Cambria Railway and the Borough of South Fork jointly.

That recently the Southern Cambria Railway Co. ceased operations and is no longer transacting business, and that the entire cost of maintenance of said bridge has fallen upon the Pennsylvania Railroad Co. and the Borough of South Fork.

That the care, maintenance and responsibility of said bridge is greater than it is reasonable that the Borough of South Fork should bear.

WHEREFORE your petitioner prays the Court to appoint proper persons, qualified according to law, to view said bridge and inquire whether the care, maintenance and responsibility of said bridge is greater than it is reasonable that the Borough should bear.

affea Schopela

on a Medwan

Councilmen

SIGNATURES OF CITIZENS Frank mops town J.C. Brennan a. M. Frys J.C. Mespestree Ernest Winder

James Williams J. A. Hourd.

CAMBRIA COUNTY, 55:

JOHN JARVIE, A being duly sworn according to law, deposes and says that he is Burgess of the Borough of South Fork, and acquainted with the facts set forth in the above and foregoing petition and that they are true and correct to the best of his knowledge and belief.

John Jarvie

Sworn to and subscribed before me

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ORDER OF COURT

NOW the 3rd day of June, 1929, the within petition having
been read and approved, the Court, upon due consideration, appoints
My Bannigably, Otherhound en an
Philip Conffield and
Viewers, who, after being respectively sworn or affirmed to perform
their duties impartially and to the best of their judgment are to
view the bridge, mentioned aforesaid, and if they, or any two of them
view the same, and any two of the actual viewers agree that the care
maintenance and responsibility of said bridge is greater than it is
reasonable that the Borough should bear, they are to make report
accordingly, the report aforesaid to be made returnable on the first
day of the term following the within appointment, to-wit: the first
Monday of September, 1929.
Loons L