

No. 11 June Sessions, 1929.

IN THE COURT OF QUARTER

SESSIONS OF CAMBRIA COUNTY, PA.

In re: Vacation of a certain road in the Borough of Dale, Cambria County, Penna., beginning at the intersection of Hummel Street and Strayer Street and extending thence 465 feet diagonally across a number of lots to a point on Cliff Street in said Borough.

EXCEPTIONS

*Filed 8 January 1930*

HOWARD W. STULL  
ATTORNEY AT LAW  
JOHNSTOWN, PENNA.  
FIRST NATIONAL BANK BUILDING

In re: Vacation of a certain road in the Borough of Dale, Cambria County, Penna., beginning at the intersection of Hummel Street and Strayer Street and extending thence 465 feet diagonally across a number of lots to a point on Cliff Street in said Borough. IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA No. 11 June Sessions, 1929

EXCEPTIONS

NOW, January 6, 1930, comes George W. Hewitt, a resident free-holder of the Borough of Dale, County of Cambria, and State of Pennsylvania, by Howard W. Stull, Esq., his attorney, and files the following exceptions to the report of the Viewers in the above proceedings filed December 9, 1929:

1. Renews his exceptions filed to the original report of said Viewers, which exceptions remain undisposed of, and a copy of which is hereto attached and made a part hereof.

2. The findings of the Board of Viewers in their report of the re-view are not sufficient in law to support their order of vacation of said road.

3. The Viewers having found and admitted that the action of the Borough Council of the Borough of Dale in accepting the road under view as a public highway deprived said Board of jurisdiction in the matter, its recommendation for vacation of said road was error.

4. The highway embraced in the petition for vacation being wholly within the Borough limits, Court of Quarter Sessions has no jurisdiction in the premises.

5. The Council of the Borough of Dale having formally accepted the road in question as a public highway previous to the re-view and report of the Viewers on said re-view, the matter of vacating said road was a question belonging to the Borough Council and not to the Board of County Viewers.

*Howard W. Stull*  
Attorney for George W. Hewitt.

State of Pennsylvania  
County of Cambria

Y  
Y  
Y ss.

GEORGE W. HEWITT, being first duly sworn on oath deposes  
and says that the facts set forth in the foregoing exceptions are  
true and correct, as he verily believes.

George W. Hewitt

Sworn to and subscribed before  
me this 7th day of January,  
A. D. 1930.

Mildred L. Harbor  
Notary Public.

My commission expires Jan. 29-1932.

In re: Vacation of a certain road in the Borough of Dale, Cambria County, Penna., beginning at the intersection of Hummel Street and Strayer Street and extending thence 465 feet diagonally across a number of lots to a point on Cliff Street in said Borough.

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA  
COUNTY, PENNSYLVANIA.  
No. 11 June Sessions,  
1929.

EXCEPTIONS TO VIEWERS' REPORT

AND NOW, September 28, 1929, comes GEORGE W. HEWITT, a resident free-holder of the Borough of Dale, County of Cambria, State of Pennsylvania, and excepts to the report of the Viewers in the above mentioned proceedings filed September 6, 1929, wherein the said Viewers report "We are of the opinion and unanimously agree that the road hereinabove described has become useless, inconvenient and burdensome, and, therefore, we vacate the same," and respectfully submits the following points of exception:

1. This Court has no jurisdiction.

The road under view was from about the twelfth day of June, 1883, and until some time during the year 1892, a portion of a township road extending through Stonycreek Township and Conemaugh Township, in said Cambria County; that upon the incorporation of the Borough of Dale during the year 1892, the road under view and being the subject of the Viewers' proceedings, together with other portions of said road falling within the corporate limits of said Dale Borough, became a part of the highway system of said Dale Borough and subject to the control of the corporate authorities of said Borough. Therefore, the municipal authorities of Dale Borough have sole jurisdiction with respect to the opening, widening, improving or vacating of the said road or street.

Should the Court be of the opinion that the foregoing exception is without merit, then the exceptant urges the following further exceptions to the findings and report of the Viewers:

1. The findings of the said Board of Viewers are not supported by the evidence.

The Viewers find that in a proceeding to No. 6 June Sessions, 1916, the Court of Quarter Sessions of Cambria County on a view of the same road, the Viewers in that proceeding filed their report to the effect that in the opinion of said Viewers said road was a main thoroughfare and was useful and necessary for the convenience of the traveling public.

The present Viewers now report that since the filing of the report in No. 6 June Sessions, 1916, that Hummel Street has been improved and a portion of it has been paved, and the manner in which Cliff Street, Strayer Street, Hummel Street and Cummins Street and intersecting alleys along the section of the road hereinbefore described are laid out makes it unnecessary that the road we have just vacated be maintained any longer. The uncontroverted evidence before the Viewers was to the effect that the paved portion of Hummel Street must be used by the traveling public if the road under view be vacated. Under the evidence, the only change made in Hummel Street since the view of 1916 was the paving of the same with vitrified brick, whereby, a highway surface of natural material was changed to one of a slippery and unsafe character and rendered less usable than before the paving thereof.

The evidence further showed that the grade on the portion of Hummel Street to be substituted as a highway for the road so vacated is excessive and wholly impractical as a highway, and entirely impassable during the winter season; that at such times the vacated road is the only means of travel for a large number

of citizens of Dale Borough and for other users of the road beyond the limits of the said municipality. The difference in grade between the two highways is shown by a blue print of a survey thereof attached hereto and made a part hereof, and marked "EXHIBIT A," a similar copy of which was submitted in evidence before the Viewers.

2. Exceptions are made to the findings of the Viewers that the said road described in said proceedings has been useless, inconvenient and burdensome.

(a) Numbers of witnesses testified that the road recommended to be vacated by the Viewers has been in constant use by the traveling public, and at certain seasons of the year is the only means whereby residents of that portion of the Borough lying eastwardly from Strayer Street may have transported coal and other necessities.

(b) Said road is not inconvenient, but on the contrary, is the most convenient route for persons traveling to the township road leading to State Highway Route No. 53 and its junction at or near the Singer farm, the testimony showing that it is the shortest and most direct route, having a lesser grade and a straighter course than the route substituted therefor under the view.

(c) There was no testimony offered, nor any complaint lodged that the upkeep and maintenance of the vacated road was burdensome upon any person or municipality. On the contrary, the evidence indicated that very little expenditure had been made upon the road for some time, and the taxing authorities had entered no objection on this score.

3. The action of the Board of Viewers in reporting in favor of the vacation of the road was an abuse of discretion.

The action in vacating said road denies to a large number of residents, tax payers and property owners of the Borough of Dale a safe means of travel by vehicle to and from their places of residence, and in some portions of the year would completely isolate said residents, the only available remaining route being the paved portion of Hummel Street, which has a grade of more than eighteen (18%) per cent, as shown by the accompanying blue print.

4. The report of the Viewers is against sound public policy.

The action of the Viewers results in depriving the citizens of a highway of reasonable grade which has been established for a period of more than forty-six years, thus abandoning a right-of-way now held by the public and restoring it to private interests without securing or acquiring an alternate safe and usable route to compensate for such abandonment. Public policy dictates a procedure to retain all existing routes of traffic leading out of congested communities, as well as the acquirement of additional routes to meet the needs of increasing traffic. The abandonment of the road under view adds two right-angle turns on the substitute route, where none such existed on the abandoned route. The report of the Viewers was made over the protest of more than one hundred and fifty property owners and users of said highway, the written protest, duly signed by such persons, having been presented to the Viewers, and a copy of the list of signers thereto being appended hereto, marked "EXHIBIT B," and made a part hereof.

WHEREFORE, the exceptant prays that the report of the Viewers be not confirmed.

(Signed) GEORGE L. DEWITT

Howard W. Stull, Esq.,  
Attorney for Exceptant.

State of Pennsylvania  
County of Cambria

ss.  
/

GEORGE W. HEWITT, being first duly sworn on oath deposes and says that the facts set forth in the foregoing exceptions are true and correct, as he verily believes.

(Signed) GEORGE W. HEWITT

Sworn to and subscribed before  
me this 28th day of September,  
A. D. 1929.

(N.P. SEAL) (Signed) MILTON D. BARBER  
Notary Public.  
My commission expires Jan. 29 - 1933.



Copy of 1 Blue Print

"Exhibit A"

IN RE: VACATION OF SINGER  
ROAD

IN THE COURT OF QUARTER SESSIONS  
OF CALIFORNIA COUNTY, KENNA.  
No. 11 June Sessions, 1929.

P R O T E S T

WHEREAS, it appears that certain persons are preparing to institute proceedings for the vacation of a part of the public highway between the intersection of Hummel and Strayer Streets, and Cliff Street near the intersection of Cummins Street, in Dale Borough, being a part of the established highway known as the Singer Road; and,

WHEREAS, the vacation of such portion of the Singer Road would work much hardship upon the users of said highway, by reason of the excessive grades existing on the routes or streets suggested as a substitute for such vacated portion, as well the attendant danger to life and property by the use of said substituted streets;

NOW, THEREFORE, we, the undersigned, property owners, users and parties interested in the said highway, do hereby protest against the vacation of the said portion of the Singer Road, or of any part thereof.

And we will ever pray.

NAME	RESIDENCE	DATE
Charles Hummel	R. D. #2, Box 40, Con. Twp.	July 5, 1929.
Ella Cover	R. D. #2, Box 41, Con. Twp.	July 5, 1929.
Louisa Cover	R. D. #2, Box 41, Con. Twp.	July 5, 1929.
Theo. Cover	Cover Hill, R. D. #2.	July 5, 1929.
F. D. Hornor	Cover Hill, R. D. #2.	July 5, 1929.
David A. Kollabaugh	Canton, Ohio, 2019-15, S.W.	July 5, 1929.
John Ostheim	1010 Lemon St.	July 6, 1929.
Clayton I. Hook	Cover Hill, R. D. #2, Box #26	July 6, 1929.
Chas. L. Held	116 Strayer St.	July 6, 1929.
Wm. J. Gauntner	R. D. #2, Johnstown	July 6, 1929.
A. C. Hipp	Hill Top Daisytown	July 6, 1929.
Oscar Yarnick	Daisytown Boro	July 6, 1929.

"Exhibit B"

NAME	RESIDENCE	DATE
John Lintner, Sr.	Daisytown Boro	July 6, 1929.
John Lintner, Jr.	Daisytown Boro	July 6, 1929.
Geo. S. Rhoades	R. D. #2, Box 45	July 6, 1929.
Wangus Gerber	Daisytown Boro	July 6, 1929.
Ed. A. Brewer	" "	July 6, 1929.
H. H. Seibert	" "	July 6, 1929.
Frank Heinrich	" "	July 6, 1929.
Martin Polosch	" "	July 6, 1929.
Rudolph C. Hamp	" "	July 6, 1929.
Jas. Seier	" "	July 6, 1929.
Frank Gross	" "	July 6, 1929.
Adolf Kontag	" "	July 6, 1929.
Albert Guillard	" "	July 6, 1929.
John Moschgat, Jr.	" "	July 6, 1929.
Fred Steppan	" "	July 7, 1929.
John Seibert	Daisytown	July 6, 1929.
Joseph Kané	"	July 6, 1929.
Fred Hipp	"	July 6, 1929.
Andrew Galus	"	July 6, 1929.
Anthony Sedlmayer	"	July 6, 1929.
Carl Weber	"	July 6, 1929.
Harry Kleinmeyer	"	July 8, 1929.
Otto Senft	R. D. #2, Johnstown	July 8, 1929.
Sophia Bader	327 Cliff St., Dale	July 9, 1929.
Carl W. Partsch	R. D. #2, Johnstown	July 10, 1929.
Anthony Kohler	R. D. #2, Johnstown	July 11, 1929.
George Kohler,	R. D. #2, Johnstown	July 11, 1929.
Ira J. Bernhile	R. D. #2, Johnstown	July 11, 1929.
Mrs. Francis Blank	R. D. #2, Johnstown	July 11, 1929.
Mr. Francis Blank	R. D. #2, Johnstown	July 11, 1929.
Adolf Hilbrecht	921 Nathaniel St.	July 13, 1929.
Mrs. N. P. Maltzerson	Hilltop, Pa.	July 13, 1929.
G. H. McGuire	Cover Hill	July 15, 1929.
John Bloom	Cover Hill	July 19, 1929.
Adam Schmiermund		July 26, 1929.
Mr. J., Mrs. Geo. Hishler,	906 Bedford St.	July 27, 1929.
Hiram Custer	255 David St.	July 27, 1929.
Ralph J. Emmel	Johnstown, R. D. #2	July 27, 1929.
Fred Kintner	224 Strager St.	Aug. 19, 1929.
S. J. Conway	211 Main St. Johnstown, Pa.	Aug. 20, 1929.
George Hewitt	214 Cliff St.	July 1, 1929.
Elizabeth Kasebach	629 Wood St.	July 1, 1929.
Alice Marshall	629 Wood St.	July 1, 1929.
E. J. Kasebach	323 Cliff St.	July 1, 1929.
J. C. Foust	747 Bedford St.	July 2, 1929.
John P. Marshall	629 Wood St.	July 1, 1929.
Lawrence Gessner	631 Wood St.	July 1, 1929.
L. B. Miller	727 Pickworth St.	July 1, 1929.
Chas. T. Schech	107 Cliff St.	July 1, 1929.
Wm. B. Palstich	195 Cliff St.	July 1, 1929.
Philomena Stager	305 Cliff St.	July 1, 1929.
Dale Stager	305 Cliff St.	July 1, 1929.
Rosie L. Hewitt	214 Cliff St.	July 1, 1929.
Dr. H. G. Simon	212 Cliff St.	July 2, 1929.
Calvin B. Foust	214 Hummel St.	July 2, 1929.
Effie D. Foust	214 Hummel St.	July 2, 1929.
Frank A. Moreau	212 Cliff St.	July 2, 1929.
Mary R. Moreau	212 Cliff St.	July 2, 1929.
Grant D. Moreau	212 Cliff St.	July 2, 1929.
Alice E. Moreau	212 Cliff St.	July 2, 1929.

NAME	RES IDENCE	DATE
Fred A. Robel	Bruce St., Box 301	July 2, 1929.
Arthur E. Keiper	200 Cliff St.	July 2, 1929.
Lizzie A. Keiper	200 Cliff St.	July 2, 1929.
H. B. Cabaugh	220 Cliff St.	July 2, 1929.
Harry C. Hummel	224 Hummel St.	July 2, 1929.
Lillian Hummel	224 Hummel St.	July 2, 1929.
R. T. Sellman	307 Cliff St.	July 2, 1929.
Preda P. Sellman	307 Cliff St.	July 2, 1929.
Albert Gerber	325 Cliff St.	July 2, 1929.
Myrtly Gerber	325 Cliff St.	July 2, 1929.
Harry Livingstone	405 Cliff St.	July 2, 1929.
Emanuel Brown	400 Cliff St.	July 2, 1929.
Mary Brown	400 Cliff St.	July 2, 1929.
Harvey Wagner	305 Strayer St.	July 2, 1929.
W. A. McNeal	214 Cummins St.	July 2, 1929.
Guy L. Brown	113 Homestead Ave.	July 2, 1929.
Conrad Hochstein	630 Bedford St.	July 2, 1929.
Mrs. Anna Hantz	117 Cliff St.	July 2, 1929.
Henry J. Erb	209 1/2 Cliff St.	July 3, 1929.
Harry Meyer	207 Cliff St.,	July 4, 1929.
Electa D. Robel	Bruce St.	
Sarah J. Fisher	Bruce St.	
Harlan E. Todd	Bruce St.	
Carl J. Eckenrode	Bruce St.	
Henry J. Dummer	Bruce St.	
Mrs. Chas. Kellar	Cliff St.	
C. A. Parks	R. 218 Cliff St., Dale	July 3, 1929.
Fannie Parks	R. 218 Cliff St., Dale	July 3, 1929.
Clyde R. Mackall	923 McKinley St., Dale	July 3, 1929.
Marian Mackall	923 McKinley St., Dale	July 3, 1929.
Iva Varner	760 Bloom St.	July 3, 1929.
Grace Lamison	760 Bloom St.	July 3, 1929.
Pauline V. Schech	107 Cliff St.	July 5, 1929.
Florence Miller	215 Cliff St.	July 5, 1929.
J. H. Maurer	732 Bedford St.	July 5, 1929.
U. D. Stull	707 Bedford St.	July 5, 1929.
Chas. Schick	R. 707 Bedford St.	July 5, 1929.
H. A. Stull	709 Bedford St.	July 5, 1929.
A. E. Rhoades	669 Bedford St., Dale	
H. E. Tressler	129 Strayer St., Dale	
Geo. T. Gordon	734 Messenger St.	July 5, 1929.
Abrem Keyne	826 Bedford St., Dale.	
Chas. M. Hess	1000 Lemon St.,	July 5, 1929.
H. C. Stull	213 Wheat St.	July 6, 1929.
Joe. H. Joy	545 Pine St.	July 6, 1929.
L. R. Wissinger	145 Purse St.	July 6, 1929.
John Hoffman	Daloytown	July 6, 1929.
W. H. Keiper		July 6, 1929.
F. B. Kinsey	548 Horner St.	July 6, 1929.
Geo. Hofecker	820 Von Lunen St.	July 6, 1929.
W. H. McCreary	1208 Bedford St.	July 6, 1929.
Jno. M. Buchley	609 Wood St.	July 6, 1929.
H. W. Horner	769 Russell Ave.	July 6, 1929.
Mrs. E. E. Horner	769 Russell Ave.	July 6, 1929.
Geo. Senft	127 Strayer St.	July 6, 1929.
Geo. J. Smith	Good Alaly	July 6, 1929.

NAME	RESIDENCE	DATE
R. R. Thiele	1104 Confer Ave.	July 6, 1929.
W. H. Thiele	1081 McKinley Ave.	July 6, 1929.
Louis Keller	706 Pickworth St.	July 6, 1929.
George Fisher	135 Clinton St.	July 6, 1929.
Henry M. Fisher	121 State St.	July 6, 1929.
L. L. Bohne	R. D. #2, City	July 6, 1929.
George Bodor	327 Cliff St.	July 8, 1929.
B. F. Small	1004 Berkley Rd.	July 8, 1929.
Albert W. Walters	407 Lincoln St.	July 9, 1929.
Sylvester Scaletto	194 Peler St.	
J. W. Stiffler	1027 Franklin St.	July 10, 1929.
Herman W. Varner	Pringle St.	July 12, 1929.
Chas. Wissinger	Bedford Pike	July 23, 1929.
Johnstown Electric Co.	415 Franklin St.	Aug. 15, 1929.
J. E. Mitsinger	323 Strayer St.	Aug. 20, 1929.
H. J. Baumgardner	261 David St.	Aug. 20, 1929.
Jos. Erb	903 Lemon St.	Aug. 20, 1929.
P. G. Adairs	110 Hummel St.	Aug. 20, 1929.
D. E. Cover	921 Lina St.	Aug. 21, 1929.
Johnstown Planing Mill Co.,		
by D. L. Phenicio,	422 Horner St.	Aug. 23, 1929.
J. V. Best	819 Franklin St.	Aug. 23, 1929.
Rouben Miller	Cliff St.	

IN RE: VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CONEMAUGH  
COUNTY, PENNA., BEGINNING AT THE IN-  
TERSECTION OF HUNTER STREET AND STRAYER  
STREET AND EXTENDING NORTH 465 FEET  
DIAGONALLY ACROSS BOROUGH OF DALE TO A  
POINT ON CUMMINS STREET

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

Mo. 1st June Sessions, 1929.

NOTICE OF APPLICATION

Notice is hereby given that an application for a Re-view of the  
public highway - the intersection of Hunter Street and Strayer  
Street in the Borough of Dale, Conemaugh County, Pa., formerly Stonycreek Town-  
ship, and extending north 465 feet diagonally across  
a number of lots to Cliff Street, 132 feet north to the intersec-  
tion of said Cliff Street and Cummins Street in said Borough of Dale, will be  
made to the Court of Quarter Sessions on Monday, the 30th day of September,  
1929, by George Gruen, the Burgoon of the Borough of Dale.

D. P. TRILER  
Solicitor for the Borough of Dale

I hereby accept service of a copy of the within notice.

Sept. 28th 1929.

*George Gruen*  
Supervisor - Conemaugh Twp. - -

No. 11 June Sessions, 1929.  
Conemaugh County, Penna.  
of  
In the Court of Quarter Sessions

D. P. TRILER, Secy.

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

No. 11 June Sessions, 1929.

IN RE: VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA.? BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING THENCE  
465 FEET DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CUMMINS STREET  
IN SAID BOROUGH -

NOTICE OF APPLICATION

I hereby accept service of a copy of the within notice.

Sept 1929

Subscribed - Commonwealth - -

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

No. 11 June Sessions, 1929.

IN RE: VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF PALE, CAMBRIDGE  
COUNTY, PENNSYLVANIA.  
AND STRAYER  
STREET IN THE BOROUGH OF PALE,  
CAMBRIDGE COUNTY, PENNSYLVANIA.

In the Court of Quarter Sessions  
of

Cambridge County, Penna.

No. 11 June Sessions, 1929.

NOTICE OF APPLICATION

Given that an application for a review of the  
public highway at the intersection of Hummel Street and Strayer  
Street in the Borough of Dale, Cambridge County, Pa., formerly Stonycreek Town-  
ship, and extending thence in said Borough of Dale 466 feet diagonally across  
a number of lots to a point on Cliff Street, 132 feet north to the intersec-  
tion of said Cliff Street and Cummins Street in said Borough of Dale, will be  
made to the Court of Quarter Sessions on Monday, the 20th day of September,  
1929, by George Ginn, the Burgess of the Borough of Dale.

D. P. MILLER  
Solicitor for the Borough of Dale

I hereby accept service of a copy of the within notice.

*Robert Houck*  
Solicitor for Stonycreek Township  
Supervisors -

Sept. 26 1929.



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

No. 11 June Sessions, 1929.

IN RE: VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE IN-  
TERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING THENCE  
465 feet DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CUMMINS STREET  
IN SAID BOROUGH -

NOTICE OF APPLICATION

D. P. WEIMER, Esq. p

I hereby acknowledge receipt of a copy of the within notice.

Subscribed and sworn to before me  
for the purpose of authenticating the foregoing  
petition for vacation of the within road

Subscribed and sworn to before me  
for the purpose of authenticating the foregoing  
petition for vacation of the within road

IN RE: VACATION OF A CERTAIN ROAD	:	In the Court of Quarter Sessions
IN THE BOROUGH OF DALE, CAMBRIA	:	
COUNTY, PENNA., BEGINNING AT THE IN-	:	of
TERSECTION OF HUMMEL STREET AND STRAYER	:	
STREET AND EXTENDING THENCE 465 FEET	:	Cambria County, Penna.
DIAGONALLY ACROSS A NUMBER OF LOTS TO A	:	
POINT ON CUMMINS STREET IN SAID BOROUGH	:	No. 11 June Sessions, 1929.

# NOTICE OF APPLICATION

Notice is hereby given that an application for a Re-view of the public highway beginning at the intersection of Hummel Street and Strayer Street in the Borough of Dale, Cambria County, Pa., formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North to the intersection of said Cliff Street and Cummins Street in said Borough of Dale, will be made to the Court of Quarter Sessions on Monday, the 30th day of September, 1929, by George Crum, the Burgess of the Borough of Dale.

D. P. WEIMER  
Solicitor for the Borough of Dale-

I hereby accept service of a copy of the within notice.

Sept. 26 1929.

L. S. Jones  
Solicitor for County Commissioners-

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

No. 11 June Sessions, 1929.

IN RE: VACATION OF A CERTAIN ROAD IN  
THE BOROUGH OF DALE, CAMBRIA COUNTY,  
PENNA., BEGINNING AT THE INTERSEC-  
TION OF HUMMEL STREET AND STRAYER  
STREET AND EXTENDING THENCE 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS  
TO A POINT ON CUMMINS STREET IN SAID  
BOROUGH -

NOTICE OF APPLICATION

IN RE: VACATION OF A CERTAIN ROAD	:	In the Court of Quarter Sessions
IN THE BOROUGH OF DALE, CAMBRIA	:	of
COUNTY, PENNA., BEGINNING AT THE IN-	:	Cambria County, Penna.
TERSECTION OF HUMMEL STREET AND STRAYER	:	
STREET AND EXTENDING THENCE 465 FEET	:	
DIAGONALLY ACROSS A NUMBER OF LOTS TO A	:	No. 11 June Sessions, 1929.
POINT ON CUMMINS STREET IN SAID BOROUGH	:	

# NOTICE OF APPLICATION

Notice is hereby given that an application for a Re-view of the public highway beginning at the intersection of Hummel Street and Strayer Street in the Borough of Dale, Cambria County, Pa., formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North to the intersection of said Cliff Street and Cummins Street in said Borough of Dale, will be made to the Court of Quarter Sessions on Monday, the 30th day of September, 1929, by George Crum, the Burgess of the Borough of Dale.

D. P. WEIMER  
Solicitor for the Borough of Dale-

I hereby accept service of a copy of the within notice.

Sept. 25<sup>th</sup> 1929

*Tracy J. D. Tappert*  
Acting for T. H. Bayler, Solicitor of City of Johnstown

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

No. 11 June Sessions, 1929.

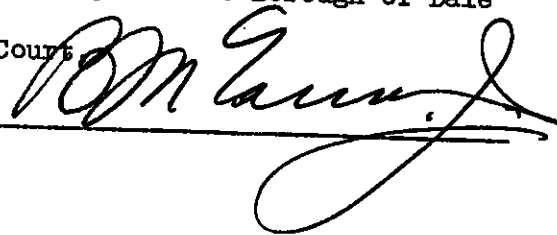
IN RE: VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE IN-  
TERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING THENCE  
465 FEET DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CUMMINS STREET  
IN SAID BOROUGH -

NOTICE OF APPLICATION

- D. P. WEIMER, Esq. -

Now the 11, day of September, 1929, it is ordered that the papers within referred to, be withdrawn from file in the Office of the Clerk of Courts, the same being in the custody of D.P. Weimer, Esq. Attorney for the Borough of Dale

By the Court



A handwritten signature in dark ink, appearing to read 'D.P. Weimer', is written over a horizontal line. The signature is stylized with a large, looping flourish at the end.

No. 11 June Term, 1929

Received Sept. 11 1929

CLERK OF COURT.  
from ~~Prothonotary~~ of Cambria County.

- ① Petition for  
Viewers.
- ② Report of Viewers.

Returned  
Oct. 14, 1929  
JWS

D. P. Werner  
per JWS.  
Atty. for Barrough & Dale

No. 11 <sup>June</sup> ~~Sept.~~ Sessions, 1929

IN THE COURT OF QUARTER SESSIONS  
OF CAMBERIA COUNTY, PA.

IN RE VACATION OF ROAD  
PARTLY IN THE TOWNSHIPS OF  
STONYCREEK AND CONEMAUGH,  
AND IN BOROUGH OF DALE.

*Filed 5 August 1929.*

ORDER.

And now, August 5, 1929,

*Philip B. Buppel*  
*E. C. D. Miller* and  
*M. J. B. Buppel* are  
hereby appointed viewers in ac-  
cordance with the Act of Assembly,  
to report to the Court on the ex-  
pediency of vacating the section  
of road described in the within  
petition.

*By the Court*  
*Samuel J. Buppel*

LAW OFFICES

ROBERT C. HOERLE

JOHNSTOWN, PA.

UNITED STATES NATIONAL BANK BUILDING



IN THE COURT OF QUARTER SESSIONS OF THE PEACE IN AND FOR  
THE COUNTY OF CAMBRIA, PENNSYLVANIA.

The petition of the undersigned respectfully represents:

That they are inhabitants of said Cambria County, residing within the municipality set opposite their respective names. That on the 12th day of June, 1883, a road was laid out by the Court of Quarter Sessions of said Cambria County, beginning "at a post on margin of the Johnstown and Scalp Level Turnpike," in the then Township of Stonycreek, Cambria County, Pennsylvania, now the Borough of Dale, County aforesaid, and extending thence through what was then Stonycreek Township and Conemaugh Township, to a point on the Frankstown Road in said Township of Conemaugh, including in its said course that part of said road hereby sought to be vacated and hereinafter more fully described and set forth. That the proceedings pertaining to said road, laid out as aforesaid are found of record in Road Docket Vol. , page , of the Quarter Sessions records on file in the office of the Clerk of Courts of said County and is hereby made a part of this petition as though here set out in full.

That a part of said road beginning at the intersection of Hummel Street and Strayer Street in the said Borough of Dale, formerly Township of Stonycreek, and extending thence in the said Borough of Dale four hundred and sixty-five (465) feet diagonally across lots owned by some of the petitioners herein, to a point on Cliff Street one hundred thirty-two (132) feet North of the intersection of said Cliff Street and Cummings Street in said Borough of Dale, has become useless, inconvenient and burdensome to the inhabitants of the said Borough of Dale and also to the inhabitants of the City of Johnstown, the Township of Stonycreek and Township of Conemaugh, through which the entire road as laid out in 1883, as aforesaid, extends, the said Borough of Dale and that part of the City of Johnstown through which the said road passes having been formed from the said Township of Stonycreek.

That the said part of the road hereby sought to be vacated,

to-wit: the four hundred and sixty-five (465) feet extending from Strayer Street to Cliff Street lying within the said Borough of Dale is inconvenient, burdensome, and practically useless. During the wet seasons of the year it is altogether impassable. It cuts diagonally across eight (8) intervening lots between said Strayer Street and Cliff Street, leaving parts of each of said lots on one side of said road and parts on the other side, greatly depreciating the value of all of said lots and in some cases almost destroying their value, and the owners of all of these lots have joined in this petition and hereby give a release of damages.

Your petitioners further aver that many, if not all, of the owners of said lots, as aforesaid, have deeds which do not except or reserve or in any way refer to the said road which passes over their lots so that they purchased without any knowledge or notice of any easement such as is imposed by the presence of the aforesaid road.

On the first day of August, 1916, a petition was filed in your Honorable Court, praying that the portion of the road hereinbefore described be vacated, whereupon viewers were appointed, who, by report dated the second day of September, 1916, and filed on the 4th day of September, 1916, at No. 6, June Sessions, 1916, reported among other things: "That after due consideration, all the matter before us, we are of the opinion that the said road is a main thoroughfare, is used very extensively, is useful and necessary and convenient to the traveling public. Therefore, we are of the opinion that same should not be vacated until some time that as good or better and as satisfactory means of access is supplied and maintained." Said proceedings are entered in Road Docket Vol. 5, page 432.

Your petitioners further say that since the filing of the said report of the viewers, that the portion of the road hereinbefore described has ceased to be a main thoroughfare, nor is it useful, necessary, or convenient to the traveling public for the reason that as good or better, and as satisfactory means of access is supplied and maintained. And your petitioners further say that the manner in which Cliff, Strayer, Hummel and Cummings Streets and the

intersecting alleys along the sections of the road hereinbefore described are laid out, makes it unnecessary that the road be maintained any longer.

Your petitioners, therefore, pray the Court that the part of said road, to-wit: from the intersection of Strayer Street and Hummel Street to Cliff Street, as aforesaid, four hundred and sixty-five (465) feet in length, be vacated, agreeable to the Acts of Assembly in such case made and provided.

NAME	RESIDENCE
Flourence Swanhart	Pringle Ave - 6/27/29
✓ Char T Palm	R 327 Cliff St 6/27/29
- Harlan E Todd	Box 301 Cliff St 6/27/29
Leo R Sabor	Box 226 Cliff St 6/27/29
✓ B J Fisher	Box 301 Cliff St 6/27/29
- Fred A. Robel	Box 301 Cliff St 6/27/29
- Electa B. Robel	Box 301 Cliff St 6/27/29
- Rena E. Todd	Box 301 Cliff St 6/27/29
C W Jeffers	Knull St. Dale 6/27/29
M. K. K.	Bruce St. 6/27/29
Velma Kyle	Bruce St. 6/27/29
Daniel Carouse	223 Cliff St 6/27/29
Mrs. Alma Pfile	Bruce St. 6/27/29
William Pfile	Bruce St 6/27/29
L P Garretson	Bruce St 6/27/29
R. Richardson	Bruce St. 6/27/29
H. C. Grimes	Bruce St 6-27-29

1 Mr. Norman Rogers: Cliff St 6-27-29.  
 2 Mr A. J. Gramling R.B. School 6-27-29  
 3 J. Gramling 77-79 Banner St 6-27-29  
 4 Roy Gramling 330 Strayer St. 6-27-29  
 5 Vincent Schellhammer R P No 2 6-27-29  
 6 Richard Schellhammer R P #2 June 23 1929  
 7 Francis Harris 150 Cleveland Ave June 27 1929  
 8 Edward Mosby at 238 Market Dairym 6-27-29  
 9 Frank Shaffer 207 Hummel St 6-28-29  
 10 Frank H. W. Co. Main St. June 28 - 1929  
 11 <sup>P. M. 400 N. 4th St. June 28</sup> ~~Swaps~~ <sup>Wright</sup> 6/28/29 full. ~~Wright~~  
 12 John Anna the man is 4-7-29  
 13 ~~Frank Shaffer~~ 6/28/29 Wash St Johnston Pa  
 14 H. A. Malzi R. P. 2 Johnston Pa 6/28-1929  
 15 C. A. Parks Rear 218 Cliff St Dale 6/28-1929  
 16 J. R. Billick Rear 127 Strayer St Dale 6/28/29  
 17 Francis Bauer Rear 121 Strayer St Dale 6/28/29  
 18 W. M. Graham Rear 121 Strayer St Dale 6/28/29  
 19 Morris Billick 737 Pickworth St. Dale 6/28/29  
 20 W. L. Swaney 735 Pickworth St Dale 6/28/29  
 21 Ernest L. Miller 727 Pickworth St. Dale 6/28/29  
 22 Lillian Schomper 721 Pickworth St Dale 6/28/29  
 23 Mrs. Urinah Davies 419 Pickworth St. Dale 6/28/29  
 24 Frank Kegg 717 Pickworth St Dale 6-28-29  
 25 J. J. Reanna 715 Pickworth St. 6-28-29  
 26 August Schneider 103 Cliff St 6-28-29  
 27 Philip Schneider 103 Cliff St 6-28-29  
 28 Tony Di Pasquale 101 Cliff St 6-28-29  
 29 V. J. Espar 700 ~~Cliff St~~ <sup>Pickworth</sup> 6-28-29  
 30 Frank Mosby 211 Hummel St 6-28-29  
 31 Charles Walber 205 Strayer St 6-29-29  
 32

Charles J Kline Cliff St 6/29/29  
 Christ Block Cliff St 7/1/29  
 Herbert Gato 329 Cliff St 7-1-29  
 Charles Trick 406 Cliff St. 7-1-29  
 Lorena M. Rager Cliff St 7-1-29  
 Viola Trick 406 Cliff St 7-1-29  
 ✓ West Raby 216 Cummins St 7-1-29  
 ✓ Elsie M. Raby 216 Cummins St 7-1-29  
 John McCune R 218 Cummins St 7-1-29  
 Ada McCune R 218 Cummins St 7-1-29  
 Mrs Abbie Cole 218 Cummins St 7-1-29  
 Geo H Wagner 212 Cummins St 7-1-29  
 Mrs Louis Sato Cliff St 7/1-29  
 W J K Monger Cliff St 7-1-29  
 Mrs H J. Killinger Cliff St 7-1-29  
 Mrs James Dronfield Cliff St 7-1-29  
 Mrs Melvin Knight Cliff St 7-1-29  
 Mrs M L Beemish Rev Cliff St 7-1-29  
 Mrs Rebekah Walker Cliff St 7-1-29  
 Mr Calvin H Kline Cliff St 7-1-29  
 Miss Calvin H Kline Cliff St 7-1-29  
 Mrs Chas H Kline Cliff St 7-1-29  
 ✓ Miss Edna Kline Cliff St 7-1-29  
 Mrs Margaret E Coleman Cliff St 7-1-29  
 ✓ Miss Grace E Coleman Cliff St 7-1-29  
 Chas Raby 225 Cliff St 7/1/29  
 Mrs Chas Raby 225 Cliff St 7/1/29  
 Mrs Chas. T. Church 107 Cliff St. 7-1-29  
 H. A. Uron 438 Franklin St 7-1-29  
 ✓ E. V. Kline 220 Union St 7-1-29  
 George George R. D # 2 7/21/29

1 Mrs. Nora Georges. R.D. #2 7/21/1929.  
 2 Daisy M. Georges, R.D. #2, Johnstown Pa. 7-2-29  
 3 Adolph G. Bewak R.D. #2 Box 37 7-2-29  
 4 Julia Bewak R.D. #2 Box 37 7-2-29  
 5 R. D. Horner R.D. #2 Box 36 7-2-29  
 6 J. E. McClestin R.D. #2 7-2-29  
 7 Roy M. Horner R.D. #2 7-2-29  
 8 C. G. Fleishman R.D. #2 7-2-29  
 9 Elsie A. Fleishman R.D. #2 7-2-29  
 10 Mrs. R. Fleishman R.D. #2 7-2-29  
 11 Mrs. J. C. Schellhammer R.D. #2 7-2-29  
 12 Mr. J. C. Schellhammer R.D. #2 7-2-29  
 13 Mr. James Ribbitt R.D. #2 7-2-29  
 14 Mrs. James Ribbitt R.D. #2 7-2-29  
 15 Miss Gertrude Shaffer R.D. #2 7-2-29  
 16 Mrs. Georgie Laver R.D. #2 7-2-29  
 17 W. H. Pittsburgh - 226 Levee Road St. Johnstown Pa. 7-2-29  
 18 John E. Schaffer - Parkersburg Pa. 7-3-29  
 19 John B. Schaffer - Parkersburg Pa. 7-3-29  
 20 Geo. F. Shaffer R.D. Box 45 7-3-29  
 21 Albert W. Wier R.D. #2 55. 7/3/29  
 22 Richard Schellhammer R.D. #2 7/3-29  
 23 Mrs. Berene Schellhammer R.D. #2 7-3-29  
 24 Peter Schellhammer R.D. #2 7-3-29  
 25 Mrs. Paul Daniels R.D. #2 Box 46 7-3-29  
 26 Florence Pascoe R.D. #2 7-3-29  
 27 Joseph Christian 633 Bedford St. 7-3-29  
 28 W. J. Sarlonis R.D. #2 Johnstown Pa. 7/3-29  
 29 Frank C. Vogel R.D. #2 Johnstown Pa. 7/3-29  
 30 Walter J. Sarlonis R.D. #2 Johnstown Pa. 7/3-29  
 31 Bertha Sarlonis R.D. #2 7-3-29  
 32 C. D. Haas R.D. #2 7/3/29

Mrs. Edward James. R.D. 2. 7-3-29  
 Mrs. Marquette Wise R.D. 2-7-3-29  
 Mr. Albert Sraft R.D. 2-7-3-29  
 Mrs. Albert Sraft R.D. 2-7-3-29  
 Mrs. Maud Schellhammer R.D. 2-7-3-29  
 Mrs. Daniel Crouse 223 Cliff St. 7/3/29  
 Mr. Grover C. Wagner 211 Strayer St. 7/3/29  
 Mrs. Chas. Walker 205 Strayer St. 7/3/29  
 R. J. Klass 207 Strayer St. 7/3/29  
 Mrs. C. A. Klass 207 Strayer St. 7/3/29  
 Chas. Billick 39 Martin St. 7/3/29  
 Regu. Lohr 721 Bedford St. 7/3/29  
 Chas. Lerer 721 Bedford St. 7/3/29  
 Earl Tyler 230 Strayer St. 7.4.29  
 Otto H. Gips 225 Strayer St. 7/4/29  
 Floyd Smith 211 1/2 Cummins St. 7/4/29  
 Mrs. Floyd Smith Cummins St. 7/4/29  
 Harry A. Brickett, Strayer St. 4 July 1929  
 Emma Brickett Strayer St. " " "  
 Harry T. Long 233 Strayer St. 7-4-29  
 James Haple 235 Strayer St. 7/4-29  
 Daisy Hull 308 Strayer St. 7/4-29  
 John Billick 39 Martin St. 7/5-29  
 Mrs. Julia Billick 39 Martin St. 7/5-29  
 Edward Rose 47 Martin St. 7/5-29  
 Mrs. Daniel Harburt 214/29  
 Mr. Daniel Harburt 214/29  
 Mr. Gustav Schrier Martin St. 7-4-29  
 Mrs. Gustav Schrier Martin St. 7/4-29  
 Minnie Keim Martin St. 7/5/29  
 L. M. Watts Martin St. 7/4/29  
 S. H. Guther Johnson R.D. 3 7/5/29

1 H. L. Richardson <sup>Ington 9.8.29</sup> Johnston Pa 7/5/29  
 2 M. C. Richardson 978 Martin St 7/5/29  
 3 O. V. Brown 401 Cliff St 2/5/29  
 4 Mrs Charles Tenenb night Bruce St. 7/5/29  
 5 Mrs Rebecca Higby Cliff St 3/9 1/29  
 6 Geo O. Pigby 724 Parkworth 7/5/29  
 7 W. W. Muck 1012 May St 7-5-1929  
 8 H. U. Lehman <sup>Stoney Creek Township</sup> Solomon Rd. Pine Gap 7-5-1929  
 9 Ralph Jucker Solomon Rd 7-5-1929  
 10 Earl Jucker Solomon Rd 7-5-1929  
 11 Albert Kintz R. T. H. 2 7-5-1929  
 12 Martha Jucker Solomon St 7-5-29  
 13 Harry O. Barney Solomon St 7/5/29  
 14 Mrs. Harry Barney Solomon St 7-5-29  
 15 Earl Stutzman Solomon St 7-5-29  
 16 Mrs. Daniel Jucker Solomon St 7-5-29  
 17 Mrs. Howard Lehman Solomon St 7/5-29  
 18 Daniel Jucker Solomon St 7/5/29  
 19 O. O. Kue Rader Solomon St 7/5/29  
 20 Mrs. Annie Kue Rader Solomon 7/5/29  
 21 Mrs. J. L. Hoepcker Solomon 7-5-29  
 22 Mrs. E. L. Kue Rader Solomon 7-5-29  
 23 Mrs. L. Lehman Solomon Rd. 7-5-29  
 24 Mrs. M. L. Lehman Solomon Rd. 7-5-29  
 25 Mrs. Anna L. L. Solomon St 7/5-29  
 26 Ralph W. Ringler Solomon St 7-5-29  
 27 Mrs. R. W. Ringler Solomon St. 7-5-29  
 28 R. G. S. Stutzman Solomon St 7-5-29  
 29 Mrs. R. S. Stutzman Solomon St. 7-5-29  
 30 Mrs. Emil Bassick Solomon St 7-5-29  
 31 Mr. Robert Haas Solomon St. 7-5-29  
 32 Mr. John H. Haas Solomon St. 7-5-29



1 Bill Ernst Solomon st 7/5/29  
2 Dora Ernst Solomon st 7/5/29  
3 Edgell Haas Solomon st 7/5/29.  
4 Clara Haas Solomon st 7/5/29.  
5 Mrs Ethel Mae Wagner Bruce st 7/6/29  
6 Mr Cha E Wagner Bruce st 7/6/29.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Or

COMMONWEALTH OF PENNSYLVANIA, )  
COUNTY OF CAMBRIA, ) SS:  
)

Personally appeared before me, a notary public in and  
for said state and county, Ira E. Wagner, who being duly  
sworn according to law deposes and says that the statements contained in  
the foregoing petition are true and correct to the best of his knowledge,  
information and belief.

Ira E. Wagner

Sworn and subscribed before me  
this 12th day of July, 1929.

Rhea V. Spatz  
Notary Public.

My commission expires April 1, 1931

IN RE VACATION OF ROAD IN THE ) IN THE COURT OF QUARTER SESSIONS OF  
BOROUGH OF DALE, COUNTY OF CAM- ) CAMBRIA COUNTY, PENNSYLVANIA.  
BRIA AND STATE OF PENNSYLVANIA. ) No. September Sessions, 1929.

B O N D.

KNOW ALL MEN BY THESE PRESENTS, That we,

IRA E. WAGNER and CHAS. P. RIGBY and CHARLES I. KLINE  
all of the Borough of Dale, County of Cambria, and State of Pennsylvania,  
are held and firmly bound unto the County of Cambria aforesaid, in the sum  
of Fifty Dollars (\$50.00), lawful money of the United States, to be paid to  
the said County of Cambria, to which payment well and truly to be made we  
bind ourselves, our heirs, executors, administrators and assigns, and every  
of them, by these presents.

Sealed and dated the 19th day of June, A.D. 1929.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above  
bounden Ira E. Wagner and Chas. P. Rigby  
and Charles I. Kline, their heirs, executors, or administrators,  
or any of them shall well and truly pay or cause to be paid unto the County  
of Cambria, a sufficient sum to pay for the purpose of viewing the above men-  
tioned road, if the Court shall so order, then this obligation to be void,  
otherwise to remain in full force and effect.

Ira E. Wagner (SEAL)  
Chas. P. Rigby (SEAL)  
Charles I. Kline (SEAL)

9 Sept. 1929  
By the Court  
Cause No. 12

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 11 JUNE SESSIONS, 1929.

IN RE LAYING OUT A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNSYLVANIA, BEGINNING  
AT THE INTERSECTION OF HUMMEL  
STREET AND STRAYER STREET AND  
EXTENDING THENCE 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS  
TO A POINT ON CLIFF STREET IN  
SAID BOROUGH.

REPORT OF VIEWERS.

Filed 6 Sept. 1929

CERTIFIED

*Joseph L. Baugardner*  
COUNTY ..

MAHLON J. BAUMGARDNER  
ATTORNEY AT LAW  
JOHNSTOWN, PENNA.  
SWANK BLDG.

IN RE LAYING OUT A CERTAIN ROAD IN  
THE BOROUGH OF DALE, CAMBRIA COUNTY,  
PENNSYLVANIA, BEGINNING AT THE INTER-  
SECTION OF HUMMEL STREET AND STRAYER  
STREET, AND EXTENDING THENCE 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS TO  
A POINT ON CLIFF STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 11 JUNE SESSIONS, 1929.

REPORT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned Viewers, appointed by the annexed order of the above Court to view said premises for the purpose of vacating a Public Highway, beginning at an intersection of Hummel Street and Strayer Street, in the Borough of Dale, Cambria County, Pennsylvania, formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North of the intersection of said Cliff Street and Cummings Street in said Borough of Dale, respectfully report:-

That we were duly sworn or affirmed as members of the permanent Board of Viewers of Cambria County, as shown by the records of said Court; that we gave due public notice of the time and place of the meeting of said Viewers by hand bills posted upon the premises and by notice served upon the Commissioners of Cambria County, upon Tillman K. Saylor, Esq., Solicitor for the City of Johnstown, upon Robert C. Hoerle, Esq., Attorney for the Petitioners, upon D. P. Weimer, Esq., Solicitor for the Borough of Dale, and upon D. J. Shaffer, Secretary of the Board of Supervisors of Conemaugh Township, and by advertisement in the Cambria County Legal Journal and the Johnstown Tribune, at least ten days prior to the time of the making of 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 the notice given, on Saturday, August 24, A. D. 1929, at nine o'clock A. M., Eastern Standard Time, and proceeded with the duties of our appointment.

That we viewed the site and locality of the road proposed to be vacated, making a personal inspection of the grounds. There were present at the view a number of citizens, who desired that a hearing be had in the matter. It was agreed by and between all of the parties that a hearing be had in the Judge's Chambers, 404 Swank Building, Johnstown, Cambria County, Pennsylvania, on Tuesday, August 27, A. D. 1929, at nine thirty o'clock A. M., Eastern Standard Time. All parties interested were notified of the time and place of said hearing. Pursuant to said continuance or adjournment had thereto, we met in the Judge's Chambers, 404 Swank Building, Johnstown, Cambria County, Pennsylvania, on Tuesday, August 27, A. D. 1929, at nine thirty o'clock A. M., Eastern Standard Time, and heard testimony at length. There were present at said hearing a large number of witnesses, practically



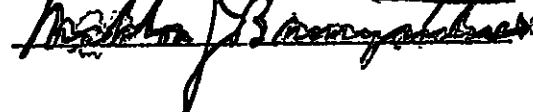
all of whom were called, sworn and testified.

That after hearing the testimony and evidence pertaining to said road, and we having viewed the site and locality of the road proposed to be vacated, and having made a personal inspection of the road, beginning at the intersection of Hummel Street and Strayer Street, in the Borough of Dale aforesaid, formerly the Township of Stonycreek, and extending thence in said Borough of Dale, 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North of the intersection of said Cliff Street and Cummings Street in said Borough of Dale, we believe that the said road has become useless, inconvenient and burdensome, and, therefore, we vacate same.

In the year of 1916, a petition was filed to your Honorable Court, praying that the portion of the road hereinabove vacated be vacated, which report was filed on September 4, 1916, to No. 6 June Sessions, 1916, and that said report stated that the Viewers were of the opinion that the said road was a main thoroughfare and was useful and necessary for the convenience of the traveling public.

Your Board of Viewers further state that since the filing of the aforesaid report that Hummel Street has been improved and a portion of it has been paved, and the manner in which Cliff Street, Strayer Street, Hummel Street and Cummings Street and the intersection alleys along the section of the road hereinbefore described are laid out makes it unnecessary that the road we have just vacated be maintained any longer. We are of the opinion and unanimously agree that the road hereinabove described has become useless, inconvenient and burdensome, and, therefore, we vacate the same.

WITNESS our hands and seals this sixth day of September, A. D. 1929.

 (SEAL)  
 (SEAL)  
 (SEAL)

IN RE LAYING OUT A CERTAIN ROAD IN  
THE BOROUGH OF DALE, CAMBRIA COUNTY,  
PENNSYLVANIA, BEGINNING AT THE INTER-  
SECTION OF HUMMEL STREET AND STRAYER  
STREET, AND EXTENDING THENCE 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS TO  
A POINT ON CLIFF STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JUNE SESSIONS, 1929.

TO MAHLON J. BAUMGARDNER, S. E. DICKEY  
AND PHILIP CAULFIELD, DRS.

To Mahlon J. Baumgardner, Dr.

Checking record at Ebensburg re prior view	\$ 12.00	
Data and preparing notices to view	12.00	
Stenographer and stationery	3.50	
Obtaining acceptance of service of notice to view	12.00	
Posting notices to view	12.00	
Mileage	.40	
Making view	12.00	
Mileage	.40	
Hearing testimony in said view	12.00	
Conference re taking testimony	12.00	
Preparing Report of Viewers	12.00	
Stenographer and stationery	3.50	
Cambria County Legal Journal, Advertising view	5.00	
Johnstown Tribune, Advertising view	9.46	\$ 118.26

To S. E. Dickey,

Making view	\$ 12.00	
Mileage	.40	
Hearing testimony in said view	12.00	
Conference re taking testimony	12.00	\$ 36.40

*Preparing Prop  
Tracing Map & Plan Viewers*

To Philip Caulfield, Dr.

Making view	\$ 12.00	
Mileage	.40	
Hearing testimony in said view	12.00	
Conference re taking testimony	12.00	\$ 36.40

*Ed. H. Gierke  
Philip Caulfield  
Johnstown*

IN RE LAYING OUT A CERTAIN ROAD IN  
THE BOROUGH OF DALE, CAMBRIA COUNTY,  
PENNSYLVANIA, BEGINNING AT THE INTER-  
SECTION OF HUNNELL STREET AND TALLAH  
STREET, AND EXTENDING THEREON 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS TO  
A POINT ON CLIFF STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JULY SESSIONS, 1929.

NOTICE TO VIEW.

So, the undersigned Viewers appointed by the above Court  
to view the above premises and vacate a certain road now in the  
Borough of Dale, Cambria County, Pennsylvania, beginning at the inter-  
section of Hunnell Street and Strayer Street, formerly in the Township  
of Stonycreek, and extending thence in said Borough of Dale 465 feet  
diagonally across a number of lots to a point on Cliff Street, 132 feet  
North of intersection of said Cliff Street and Cummings Street in said  
Borough of Dale, will view the premises and determine whether or not the  
said road has become useless, inconvenient and burdensome to the  
inhabitants of the said Borough of Dale, and also the inhabitants of  
the City of Johnstown, Township of Stonycreek and Township of Conemaugh,  
and will meet at the place of beginning on Saturday, August 24, 1929,  
at nine o'clock A. M., Eastern Standard Time, for the purpose of per-  
forming the duties of our appointment.

WILCOX J. BARTHOLOMEW,  
C. L. DICKY,  
PHILIP G. MULLER,  
Viewers.

Dated August 13, 1929.



IN RE LAYING OUT A CERTAIN ROAD IN  
THE BOROUGH OF DALE, CAMBRIA COUNTY,  
PENNSYLVANIA, BEGINNING AT THE INTER-  
SECTION OF HUMMEL STREET AND STRAYER  
STREET, AND EXTENDING THENCE 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS TO  
A POINT ON CLIFF STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JUNE SESSIONS, 1929.

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above Court to view the above premises and vacate a certain road now in the Borough of Dale, Cambria County, Pennsylvania, beginning at the intersection of Hummel Street and Strayer Street, formerly in the Township of Stonycreek, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North of intersection of said Cliff Street and Cummings Street in said Borough of Dale, will view the premises and determine whether or not the said road has become useless, inconvenient and burdensome to the inhabitants of the said Borough of Dale, and also the inhabitants of the City of Johnstown, township of Stonycreek and Township of Conemaugh, and will meet at the place of beginning on Saturday, August 24, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,  
S. E. DICKEY,  
PHILIP CAULFIELD,  
Viewers.

Dated August 13, 1929.

AND NOW, this 14<sup>th</sup> day of August, A. D. 1929, I hereby accept service of the above Notice to View as Solicitor for the County Commissioners of Cambria County, Pennsylvania.

L. S. Jones  
Solicitor, County Commissioners.

IN RE LAYING OUT A CERTAIN ROAD IN  
THE BOROUGH OF DALE, CAMBRIA COUNTY,  
PENNSYLVANIA, BEGINNING AT THE INTER-  
SECTION OF HUMMEL STREET AND STRAYER  
STREET, AND EXTENDING THENCE 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS TO  
A POINT ON CLIFF STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JUNE SESSIONS, 1929.

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above Court to view the above premises and vacate a certain road now in the Borough of Dale, Cambria County, Pennsylvania, beginning at the intersection of Hummel Street and Strayer Street, formerly in the Township of Stonycreek, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North of intersection of said Cliff Street and Cummings Street in said Borough of Dale, will view the premises and determine whether or not the said road has become useless, inconvenient and burdensome to the inhabitants of the said Borough of Dale, and also the inhabitants of the City of Johnstown, Township of Stonycreek and Township of Conemaugh, and will meet at the place of beginning on Saturday, August 24, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,  
S. E. DICKEY,  
PHILIP CAULFIELD.  
Viewers.

Dated August 13, 1929.

AND NOW, this *12th* day of August, A. D. 1929, I hereby accept service of the above Notice to View as Solicitor for the City of Johnstown, Cambria County, Pennsylvania.

*Indy B. Tappert*  
Solicitor, City of Johnstown.  
*Acting for T. K. Taylor*

IN RE LAYING OUT A CERTAIN ROAD IN  
THE BOROUGH OF DALE, CAMBRIA COUNTY,  
PENNSYLVANIA, BEGINNING AT THE INTER-  
SECTION OF HUMMEL STREET AND STRAYER  
STREET, AND EXTENDING THENCE 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS TO  
A POINT ON CLIFF STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JUNE SESSIONS, 1929.

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above Court to view the above premises and vacate a certain road now in the Borough of Dale, Cambria County, Pennsylvania, beginning at the intersection of Hummel Street and Strayer Street, formerly in the Township of Stonycreek, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North of intersection of said Cliff Street and Cummings Street in said Borough of Dale, will view the premises and determine whether or not the said road has become useless, inconvenient and burdensome to the inhabitants of the said Borough of Dale, and also the inhabitants of the City of Johnstown, Township of Stonycreek and Township of Conemaugh, and will meet at the place of beginning on Saturday, August 24, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BRAUNGARNER,  
S. E. DICKEY,  
PHILIP CAULFIELD.

Viewers.

Dated August 13, 1929.

AND NOW, this 12 day of August, A. D. 1929, I hereby accept service of the above Notice to View as Counsel for Petitioners.

  
Counsel for Petitioners.

IN RE LAYING OUT A CERTAIN ROAD IN  
THE BOROUGH OF DALE, CAMBRIA COUNTY,  
PENNSYLVANIA, BEGINNING AT THE INTER-  
SECTION OF HUMMEL STREET AND STRAYER  
STREET, AND EXTENDING THENCE 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS TO  
A POINT ON CLIFF STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JUNE SESSIONS, 1929.


NOTICE TO VIEW

We, the undersigned Viewers appointed by the above Court  
to view the above premises and vacate a certain road now in the  
Borough of Dale, Cambria County, Pennsylvania, beginning at the inter-  
section of Hummel Street and Strayer Street, formerly in the Township  
of Stonycreek, and extending thence in said Borough of Dale 465 feet  
diagonally across a number of lots to a point on Cliff Street, 132 feet  
North of intersection of said Cliff Street and Cummings Street in said  
Borough of Dale, will view the premises and determine whether or not the  
said road has become useless, inconvenient and burdensome to the  
inhabitants of the said Borough of Dale, and also the inhabitants of  
the City of Johnstown, Township of Stonycreek and Township of Conemaugh,  
and will meet at the place of beginning on Saturday, August 24, 1929,  
at nine o'clock A. M., Eastern Standard Time, for the purpose of per-  
forming the duties of our appointment.

MAHLON J. BAUMGARDNER,  
S. E. DICKEY,  
PHILIP CAULFIELD,  
Viewers.

Dated August 13, 1929.

AND NOW, this 12 day of August, A. D. 1929, I hereby  
accept service of the above Notice to View as Solicitor for the Borough  
of Dale, Cambria County, Pennsylvania.

  
Solicitor, Borough of Dale.

IN RE LAYING OUT A CERTAIN ROAD IN  
THE BOROUGH OF DALE, CAMBRIA COUNTY,  
PENNSYLVANIA, BEGINNING AT THE INTER-  
SECTION OF HUMMEL STREET AND STRAYER  
STREET, AND EXTENDING THENCE 465 FEET  
DIAGONALLY ACROSS A NUMBER OF LOTS TO  
A POINT ON CLIFF STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 11 JUNE SESSIONS, 1929.

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above Court to view the above premises and vacate a certain road now in the Borough of Dale, Cambria County, Pennsylvania, beginning at the intersection of Hummel Street and Strayer Street, formerly in the Township of Stonycreek, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street 132 feet North of intersection of said Cliff Street and Cummings Street in said Borough of Dale, will view the premises and determine whether or not the said road has become useless, inconvenient and burdensome to the inhabitants of the said Borough of Dale, and also the inhabitants of the City of Johnstown, Township of Stonycreek and Township of Conemaugh, and will meet at the place of beginning on Saturday, August 24, 1929, at nine o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,  
S. E. DICKEY,  
PHILIP CAULFIELD.  
Viewers.

Dated August 13, 1929.

AND NOW, this 12 day of August, A. D. 1929, I hereby accept service of the above Notice to View, as Solicitor for the Township of Conemaugh, Cambria County, Pennsylvania.

*W. B. Shaffer*  
Solicitor, Conemaugh Township. *Secretary*

That they are inhabitants of said Cambria County, residing within the municipality set opposite their respective names. That on the 12th day of June, 1883, a road was laid out by the Court of Quarter Sessions of said Cambria County, beginning "at a post on margin of the Johnstown and Scalp Level Turnpike," in the then Township of Stonycreek, Cambria County, Pennsylvania, now the Borough of Dale, County aforesaid, and extending thence through what was then Stonycreek Township and Conemaugh Township, to a point on the Frankstown Road in said Township of Conemaugh, including in its said course that part of said road hereby sought to be vacated and hereinafter more fully described and set forth. That the proceedings pertaining to said road, laid out as aforesaid are found of record in Road Docket Vol. , page

, of the Quarter Sessions records on file in the office of the Clerk of Courts of said County and is hereby made a part of this petition as though here set out in full.

That a part of said road beginning at the intersection of Hummel Street and Strayer Street in the said Borough of Dale, formerly Township of Stonycreek, and extending thence in the said Borough of Dale four hundred and sixty-five (465) feet diagonally across lots owned by some of the petitioners herein, to a point on Cliff Street one hundred thirty-two (132) feet North of the intersection of said Cliff Street and Cummings Street in said Borough of Dale, has become useless, inconvenient and Burdensome to the inhabitants of the said Borough of Dale and also the inhabitants of the City of Johnstown, the Township of Stonycreek and Township of Conemaugh, through which the entire road as laid out in 1883, as aforesaid, extends, the said Borough of Dale and that part of the City of Johnstown through which the said road passes having been formed from the said Township of Stonycreek.

That the said part of the road hereby sought to be vacated, to-wit: the four hundred and sixty-five (465) feet extending from Strayer Street to Cliff Street lying within the said Borough of Dale is inconvenient, burdensome and practically useless. During the wet seasons of the year it is altogether impassable. It cuts diagonally across eight (8) intervening lots between said Strayer Street and Cliff Street, leaving parts of each of said lots on one side of said road and parts on the other side, greatly depreciating the values of all of said lots and in some cases destroying their value, and the owners of all of these lots have joined in this petition and hereby give a release of damages.

Your petitioners further aver that many, if not all of the owners of said lots, as aforesaid, have deeds which do not except or reserve or in any way refer to the said road which passes over their lots so that they purchased without any knowledge or notice of any easement such as is imposed by the presence of the aforesaid road.

On the first day of August, 1916, a petition was filed in your Honorable Court, praying that the portion of the road hereinbefore vacated, whereupon viewers were appointed, who, by report dated the second day of September, 1916, and filed on the 4th day of September, 1916, at No. 6 June Sessions, 1916, reported among other things: "That after due consideration, all the matter before us, we are of the opinion that the said road is a main thoroughfare, is used very extensively, is useful and necessary and convenient to the traveling public. Therefore, we are of the opinion that same should not be vacated until some time that as good or better and as satisfactory means of access is supplied and maintained." Said proceedings are entered in Road Docket Vol. 5, page 432.

That the said part of the road hereby sought to be



Your petitioners further say that since the filing of the said report of viewers, that the portion of the road hereinbefore described has ceased to be a main thoroughfare, nor is it useful, necessary, or convenient to the traveling public for the reason that as good or better, and as satisfactory means of access is supplied and maintained. And your petitioners further say that the manner in which Cliff, Strayer, Hummel and Cummings Streets and the intersecting alleys along the section of the road hereinbefore described are laid out, makes it unnecessary that the road be maintained any longer.

Your petitioners, therefore, pray the Court that the part of said road, to-wit: from the intersection of Strayer Street and Hummel Street to Cliff Street, as aforesaid, four hundred and sixty-five (465) feet in length, be vacated, agreeable to the Acts of Assembly in such case made and provided.

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 5th day of August A. D. 1929, be-  
fore the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township  
Borough of Dale  
of Stonycreek, Conemaugh and in the said County, setting forth that they labor under incon-  
venience for want of a \_\_\_\_\_ road or highway, to lead from

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 \_\_\_\_\_

S.E. Dickey surveyor, and \_\_\_\_\_  
Philip Caulfield and M. J. Baumgardner  
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:

Frank B. Robb, Clerk.

No. 11, June SESSIONS, 1929

Order to view and vacate road

in Townships of Stonycreek

and Conemaugh and Borough of

Dale

Philip Caulfield

S. E. Dickey

M. J. Baumgardner

Viewers

Clerk \_\_\_\_\_ 90 cts.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to 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 nothing 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. 11 JUNE SESSIONS, 1929.  
IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY.

In re:

PETITION FOR REVIEWERS.

In the Matter of the Application  
to Vacate a Portion of a Public  
Road Originally Laid Out, Partly  
in the Townships of Stonycreek  
and Conemaugh, and now Partly in  
the Borough of Dale.

DECREE

*Filed 25 March 1930.*

CLAIR W. LUTHER  
OFFICIAL STENOGRAPHER  
FOR THE  
FORTY-SEVENTH JUDICIAL DISTRICT  
PENNSYLVANIA

IN RE:

PETITION FOR REVIEWERS

In the Matter of the Application to Vacate a Portion of a Public Road Originally Laid Out, Partly in the Townships of Stonycreek and Conemaugh, and now Partly in the Borough of Dale.

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY.

No. 11 June Sessions, 1929.

DECREE

And Now, March 25, 1930, the report of the reviewers having failed to show a determination of the question as to whether or not the portion of the public road sought to be vacated has become useless, inconvenient and burdensome, the report is now referred back to the viewers for the purpose of having them amend their report and include therein their findings as to whether or not the portion of the public road in question has or has not become useless, inconvenient and burdensome, and whether, therefore, it should or should not be vacated.

BY THE COURT:

Evans P.J.

16612/32

6th June 1929.  
0812-30936

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

No. 11 June Sessions, 1929.

IN RE: VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA CO.,  
PA., BEGINNING AT THE INTERSECTION  
OF HUMMEL STREET AND STRAYER STREET  
AND EXTENDING THENCE 465 FEET DIAGON-  
ALLY ACROSS A NUMBER OF LOTS TO A  
POINT ON CUMMINGS STREET IN SAID  
BOROUGH

EXCEPTIONS

*Filed 7 January 1930.*

D. P. WEIMER.  
ATTORNEY AT LAW.  
JOHNSTOWN, PA.

IN RE VACATION OF A CERTAIN ROAD	:	In the Court of Quarter Sessions
IN THE BOROUGH OF DALE, CAMBRIA	:	of
COUNTY, PENNA., BEGINNING AT THE	:	Cambria County, Penna.
INTERSECTION OF HUMMEL STREET AND	:	
STRAYER STREET AND EXTENDING THENCE	:	No. 11 June Sessions, 1929.
465 FEET DIAGONALLY ACROSS A NUMBER	:	
OF LOTS TO A POINT ON CUMMINGS STREET	:	
IN SAID BOROUGH	:	

#### EXCEPTIONS

NOW, January 6th, 1930, comes the Borough of Dale, by D. P. Weimer, its attorney, and files the following exceptions to the Report of the Viewers:

- 1 - The Viewers having found that the Borough of Dale accept said public highway as a public thoroughfare, it was error to recommend or vacate said highway.
  
- 2 - Under the findings of the Board of Viewers it had no jurisdiction to act at the time of the above review.

  
Attorney for Borough of Dale

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY.

In re, Petition to Vacate a  
Portion of a Public Highway Ex-  
tending from a Point on the  
Johnstown and Scalp Level Turn-  
pike in what was then Stony-  
creek Twp, Cambria County, Pa.,  
through Stonycreek Twp. and  
Conemaugh Twp. to a Point on  
the Frankstown Road in the Tp.  
of Conemaugh, the part proposed  
to be vacated being now in the  
Borough of Dale, Cambria Co. Pa.

Opinion of the Court Dis-  
missing the exceptions.

*Filed 30 Sept. 1930*

**CLAIR W. LUTHER**  
**OFFICIAL STENOGRAPHER**

FOR THE  
FORTY-SEVENTH JUDICIAL DISTRICT  
PENNSYLVANIA

*L.L.*



In re, Petition to Vacate a Portion of a Public Highway Extending from a Point on the Johnstown and Scalp Level Turnpike in what was then Stonycreek Township, Cambria County, Pa., through Stonycreek Township and Conemaugh Township to a Point on the Frankstown Road in the Township of Conemaugh, the part proposed to be Vacated being now in the Borough of Dale, Cambria County, Pa.

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

No. 11 June Sessions, 1929.

Exceptions to the Report of Reviewers.

\* OPINION OF THE COURT \*

Heard before Evans, P.J., McCann, J. and Reed, P.J., O.C.,  
Specially Presiding.

EVANS, P.J.:

On the 5th day of August, 1929, a petition was presented to the Court of Quarter Sessions of Cambria County signed by a large number of citizens of the townships and borough through which the road in question passes, setting up that on the 12th day of June, 1883, a road was laid out by the Court of Quarter Sessions of Cambria County beginning "at a post on the margin of the Johnstown and Scalp Level Turnpike" in the then township of Stonycreek, Cambria County, Pennsylvania, now the Borough of Dale, county aforesaid, and extending thence through what was then Stonycreek Township and Conemaugh Township to a point on the Frankstown Road in said township of Conemaugh, including in its said course that part of the road sought to be vacated; that that part of the said road beginning at the intersection of Hummel Street and Strayer Street in said Borough of Dale, formerly Township of Stonycreek, and extending thence in said Borough of Dale four hundred and sixty five (465) feet diagonally across lots owned by some of the petitioners herein, to a point on Cliff Street one hundred and thirty two (132) feet north of the intersection of said Cliff Street and Cummings Street in the said Borough of Dale, had become useless,

inconvenient and burdensome; and praying that that portion of the said highway should be vacated. Viewers were appointed, who filed their report on the 6th day of September, 1929, in which they report that the said portion of said highway in the Borough of Dale above described has become useless, inconvenient and burdensome, and should be vacated. To this report, exceptions were filed on the 30th day of September, 1929 by George W. Hewitt, a resident of the Borough of Dale, and, on the same day, a petition for review was filed by George Crum at the instance of the Borough Council of the Borough of Dale and reviewers appointed. On the 9th day of December, 1929 the report of the reviewers was filed, in which they recommend that the road be vacated, but the report did not indicate whether the reviewers had found the same to be useless, inconvenient and burdensome. On the 7th day of January, 1930, exceptions were filed by counsel for the Borough of Dale, raising the question of the jurisdiction of the Court of Quarter Sessions, and, on the 8th day of January, 1930, exceptions were filed on behalf of George W. Hewitt, also contending that the Court of Quarter Sessions did not have jurisdiction. On the 25th day of March, 1930, the report of the viewers, not yet being confirmed, the court made an order referring the report back to the reviewers for the purpose of having them supplement their report so as to show whether or not the portion of the public road sought to be vacated had become useless, inconvenient and burdensome, and, on the 24th day of April, 1930, the reviewers filed their supplemental report including a finding that the portion of the road sought to be vacated had become useless, inconvenient and burdensome, and recommended its vacation.

There was a contention at the time of the argument that the viewers should have found the road to be necessary, not useless,

inconvenient and burdensome, and for this reason the report should be set aside, but no application was made for re-reviewers. As to this question, we are of the opinion that the report of the viewers and reviewers is final. In the case of Ohio and Ross Township Road, 166 Pa. 132, Mr. Chief Justice Sterrett, in his opinion as found on page 133, among other things said, "Finally the court sustained the exceptions, set aside the reports of the viewers and re-reviewers, and confirmed the report of the reviewers, saying: 'We think the evidence does not show a necessity for a public road.' This remark would appear to indicate that the learned court's decision was based, not upon the report of either viewers, reviewers or re-reviewers, but upon the mass of testimony taken on a sort of general appeal from the reports of viewers, etc. Strictly speaking, that testimony is no part of the record before us; nor do we think it was properly before the court below on the question of necessity or non-necessity of the proposed road. That question should be determined in the duly appointed mode of proceeding, by views, reviews and, in the discretion of the court, re-reviews." This, it seems to us, is quite in line with orderly procedure under the practice generally where juries are required to act. Juries of view are the fact-finding body the same as trial or other juries, and, while a court may grant a new trial or hearing where in the interest of right and justice such is deemed necessary, it may not substitute its judgment for that of the jury. We are of the opinion, therefore, that the findings of fact by a jury of view and re-view that the portion of the road complained about has become useless, inconvenient and burdensome is <sup>a</sup> the final determination of this fact.

The second matter contended for was that the Court of Quarter Sessions of Cambria County does not have jurisdiction to

CLAIR W. LUTHER, OFFICIAL STENOGRAPHER, FORTY-SEVENTH JUDICIAL DISTRICT EBERSBURG, PA.

vacate the portion of the road in question, but that the same is exclusively vested in the town council of the Borough of Dale. Before discussing the matter of jurisdiction, it may be well to refer to some decisions and authority for referring the report back to the reviewers.

In Pepper & Lewis' Digest of Decisions, Vol. 18, Col. 30915, it is said as to the report of viewers: "The report may be referred back to the viewers for correction, at any time before final confirmation; and where the defects in the proceedings are such as occurred in the oversight of the viewers, or in the insufficiency of the report, and can be cured by a reference back to them for further action and a more complete report, it will be so referred to them." In the case of Hilltown Road, 18 Pa. 233, Mr. Chief Justice Black says, "A report may properly be referred back to the viewers for such correction as it needs, at any time before final confirmation." See also Petition of Conshohocken Borough, 90 Pa. Superior Ct. 109, 115.

As to whether or not the Court of Quarter Sessions has jurisdiction to vacate a part of a public road which is located partly within and partly without a borough, where the part proposed to be vacated is entirely within the borough, the question, we believe, has been determined by the courts unless there is something in the Borough Code of 1927 which takes away the jurisdiction of the Court of Quarter Sessions. An examination of this act, however, so far as we have been able to find, does not disclose any action by the legislature which would make the situation different than it was after the passage of the General Borough Act of 1851. On the contrary, section 1620 of the said Borough Code provides as follows: "Proceedings Where Roads Partly in Borough. - In opening, widening and straightening roads partly within a borough, like proceedings shall be had as for the laying out and opening of public

roads under the general road laws of the Commonwealth." Section 1621 of the act reads as follows: "Juries of View have Reference to Town Plot. - Every jury appointed to view, lay out, widen or vacate any road, or part of a road in any borough so laid out, shall have reference to the town plot and to the general arrangement, convenience and advantage of the borough, and shall set forth the facts fully in their report." This Borough Code of 1927, therefore, instead of introducing anything taking away the jurisdiction of the Court of Quarter Sessions, recognizes the jurisdiction of that court in the act itself by the provisions thereof. The language in the act referring to straightening roads necessarily implies vacating and supplying, as is indicated in reading sections 1620 and 1621 together.

The question as to jurisdiction has been very fully considered with a careful review of the decided cases by Judge Keller in the case of McCall v. D.L. & W. R.R. and the Borough of Duryea, 71 Pa. Superior Ct. 508. In this particular case, the question raised was as to whether or not the borough had jurisdiction to vacate a part of a public highway which was within the borough, the entire road being partly within and partly without the borough, and the court held that the borough and the Court of Quarter Sessions had concurrent jurisdiction to vacate and supply a part of such road under the circumstances of that case. Among the cases cited and discussed in the opinion is that of Palo Alto Road, 160 Pa. 104. In discussing this case, in the opinion as found on page 519, it is said: "A petition to vacate a short piece of road or street in Palo Alto Borough was presented to the court of quarter sessions, in order to do away with a dangerous grade crossing. The road had been laid out before the incorporation of the borough and was a through highway. Part of the road, a bridge partly in Palo Alto Borough and partly in Pottsville Borough adjoining, had recently

been vacated, and the part now desired to be vacated adjoined the bridge on the Palo Alto side. The exceptants claimed that, because the bridge had been vacated, the court had no jurisdiction over the remaining street. The court, Bechtel, J., said: 'No one ever questioned the jurisdiction of the court when we had before us the report vacating the old bridge and opening the new bridge and its approaches. If we had jurisdiction then, we feel confident we have now, for had that report vacated 150 feet more than it did, it would have included the part now in question, and no possible question of jurisdiction could have arisen.' Referring to the case of Somerset and Stoystown Road, 75 Pa. 61, Judge Bechtel goes on to say: 'It was decided that, as one of the termini was beyond the borough limits, the jurisdiction was in the court, although the other of the termini was within the borough.' The court below, therefore, in an opinion approved by the Supreme Court, held that the court had jurisdiction; but there is not a line in the opinion that intimates that the borough did not possess the power to vacate this small stretch of street if it had desired to do so and was willing to pay the damages. The borough was not objecting to the jurisdiction of the court, but joined in desiring and urging the vacation. The first syllabus in this case correctly summarizes the opinion: 'The exclusive power of the authorities of a borough to regulate roads, streets, alleys, etc., under the Act of April 3, 1851, P.L. 320, does not extend to public roads laid out to a point within the borough limits where only a part of the road is within the borough.' The case does not decide that the borough did not have the power to vacate this stretch of road, but only that the court of quarter sessions did have such jurisdiction. It does not hold that the jurisdiction in either was exclusive."

The case of Curtis v. R.R. Co. 250 Pa. 480, also discussed on pages 512 and 513 of the opinion, would seem to be authority

for the proposition that the Court of Quarter Sessions had exclusive jurisdiction where a road is partly within and partly without a borough. Mr. Justice Moschzisker, in his opinion as found on page 483, among other things said; "It is true the plaintiff admitted on cross-examination that, prior to the building of the embankment by the defendant company, there had been a vacation of Torrence avenue by borough ordinance; but, in considering the effect of this admission, it must be kept in mind that he produced evidence tending to prove that Torrence avenue was a continuous public highway leading through the neighboring country into and out of the Borough of Connellsville, and not simply and exclusively a road within the confines of the borough, and that in Palo Alto Road, 160 Pa. 104, we decided that, where a 'road is not wholly within the borough limits,' the jurisdiction to vacate a part thereof in the borough is not vested in the municipal authorities, but in the Court of Quarter Sessions (also see Somerset & Stoystown Road, 74 Pa. 61; Warner v. Coatesville Boro., 231 Pa. 141, 148; St. David's Church v. Sayen, 244 Pa. 300)." However, in this case Judge Keller points out that the borough had attempted to block or destroy the continuity of the through highway and that they had no authority to so interfere with the public highways of the state.

Among all the cases cited, we find nothing in conflict with the conclusion that the Court of Quarter Sessions does have jurisdiction to vacate and supply part of a public highway partly within and partly without the borough where the part proposed to be vacated and supplied lies entirely within the borough limits. The decision in the case of McCall v. D.L. & W. R.R. Co. & Borough of Duryea, supra, only holds that the borough has concurrent jurisdiction under such circumstances under the General Borough Act of 1851. We are of the opinion, therefore, that this court does have jurisdiction in this proceeding. Viewers and reviewers have re-

CLAIR W. LUTHER, OFFICIAL STENOGRAPHER FORTY-SEVENTH JUDICIAL DISTRICT EBERSBURG, PA.

ported that they find as a fact, following their investigations and hearings, that the portion of the road complained of has become useless, inconvenient and burdensome, and that the same has been supplied by means of streets and highways, and that the portion complained of has become useless, inconvenient and burdensome and should be vacated. This finding is binding upon the court and is final and conclusive unless we were to direct a re-review, which, however, has not been asked for and which would not seem to be warranted if it had been asked for. The court having jurisdiction in this proceeding, as indicated from the decisions cited above, the exceptions must be dismissed.

DECREE:

AND NOW, September 29, 1930, after argument and due consideration, the exceptions filed in this proceeding are dismissed, and the report of the viewers and reviewers confirmed absolutely; and the portion of the highway complained of in this proceeding as having become useless, inconvenient and burdensome be and is hereby vacated.

BY THE COURT:

Evans P.J.

EXCEPTION

To all of which counsel for the exceptants except and pray that an exception be noted and bill sealed; all of which is, the day and year aforesaid, accordingly done.

John E. Evans, P.J. (Seal).



IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 11 JUNE SESSIONS, 1929.

IN RE VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET, AND EXTENDING  
THENCE 465 FEET DIAGONALLY ACROSS  
A NUMBER OF LOTS TO A POINT ON  
CUMMINGS STREET IN SAID BOROUGH.

SUPPLEMENTAL REPORT OF VIEWERS  
ON A REVIEW FILED DEC. 3, 1929.

*Filed 24 April 1930.*

MAHLON J. BAUNGARDNER  
ATTORNEY AT LAW  
JOHNSTOWN, PENNA.  
SWANK BLDG.

IN RE VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET, AND EXTENDING THENCE  
465 FEET DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CUMMINGS STREET  
IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JUNE SESSIONS, 1929.

SUPPLEMENTAL REPORT OF VIEWERS  
ON A REVIEW FILED DECEMBER 3, 1929.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned Viewers, appointed by the annexed order of the above Court to review said premises for the purpose of inquiring into the expediency of vacating a section of a public highway in the Borough of Dale, County of Cambria and State of Pennsylvania, beginning at intersection of Hummel Street and Strayer Street, which was formerly in the Township of Stonycreek, and extending thence in said Borough 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North of intersection of said Cliff Street and Cummings Street in said Borough of Dale, respectfully report:-

That we were duly sworn or affirmed as members of the Permanent Board of Viewers, as is shown by the records of said Court; that we gave due public notice of the time and place of meeting of said Viewers by hand bills posted upon the premises and by notice served upon D. P. Weimer, Esq., Solicitor for the Borough of Dale, and upon J. D. Shaffer, Secretary of the Board of Supervisors of Conemaugh Township, and by advertisement in the Cambria County Legal Journal and Johnstown Tribune, at least ten (10) days prior to the time of the making of said view; that we met upon the premises according to the notice given on Saturday, November 9, 1929, at ten o'clock A. M., and proceeded with the duties of our appointment.

That we reviewed the site and locality of the road vacated, making a special inspection of the grounds. There were present at the said view a number of witnesses, together with J. M. Bennett, Esq., representing D. P. Weimer, Esq., Solicitor for the Borough of Dale, and Howard W. Stull, Esq., representing a number of witnesses. All parties interested desired that a hearing be had with reference to the expediency of vacating said portion of road. It was agreed by and between all the parties that a hearing be had in the Viewers' Rooms, Woolf Block, Franklin Street, Johnstown, Cambria County, Pennsylvania, on Tuesday, November 15, 1929, at ten o'clock A. M. Pursuant to said continuance or adjournment had thereto we met in the Viewers' Rooms, Woolf Block, Franklin Street, Johnstown, Cambria County, Pennsylvania, on Tuesday, November 15, 1929, at ten o'clock A. M., and heard testimony at length. There were present at said hearing many witnesses, all of whom were called, sworn and testified. Robert C. Hoerle, Esq., and Howard W. Stull, Esq. were present, representing interested

citizens, and D. P. Weimer, Esq., representing the Borough of Dale, was also present at said hearing.

That after hearing testimony and evidence pertaining to the said public highway, and having reviewed the site and locality of said highway, and having made a personal inspection of said highway, beginning at the intersection of Hummel Street and Strayer Street in the Borough of Dale, Cambria County, Pennsylvania, formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North of intersection of said Cliff Street and Cummings Street in said Borough of Dale, and having taken into consideration all the facts before us, we are of the opinion and unanimously agree that the road hereinabove described has become useless, inconvenient and burdensome, and, therefore, we vacate the same.

WITNESS our hands and seals this twenty-first day of April, A. D. 1930.

Philip E. Leach (SEAL)  
S. E. Dickel (SEAL)  
Walter J. Brown (SEAL)  
Viewers.

IN RE VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET, AND EXTENDING THENCE  
465 FEET DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CUMMINGS STREET  
IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JUNE SESSIONS, 1929.

MAHLON J. BAUMGARDNER, Dr.:

Data and Preparing Supplemental Report of Viewers on a Review Filed December 3, 1929, .....	\$ 12.00
Stenographer and Stationery .....	<u>3.50</u>
Total .....	\$ 15.50

1089  
IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 11 JUNE SESSIONS, 1929.

IN RE VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING  
THENCE 465 FEET DIAGONALLY ACROSS  
A NUMBER OF LOTS TO A POINT ON  
CUMMINGS STREET IN SAID BOROUGH.

REPORT OF VIEWERS.

*The within Report  
filed since two times  
as of Dec 6-6829.*

*By the Court  
Augustus F. Brown Reed  
J. C. S. J.  
Filed 9 December 1929*

CERTIFIED

*John P. Baumgardner*  
MAHLON J. BAUMGARDNER  
ATTORNEY AT LAW  
COUNTY OF CAMBRIA, PENNA.  
JOHNSTOWN, PENNA.  
SWANE BLDG.  
JULIUS J. JULLER

9 Dec. 1929

*By the Court  
Augustus F. Brown Reed*

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 11 JUNE SESSIONS, 1929.

IN RE VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING  
THENCE 465 FEET DIAGONALLY ACROSS  
A NUMBER OF LOTS TO A POINT ON  
CUMMINGS STREET IN SAID BOROUGH.

REPORT OF VIEWERS.

*Measures Report  
filed same pro  
as of Dec 6-1929.*

*By the Court  
Maurice Raymond Reed  
J. C. S. J.  
Filed 9 December 1929*

**MAHLON J. BAUMGARDNER**  
ATTORNEY AT LAW  
JOHNSTOWN, PENNA.  
SWANK BLDG.

*1 Dec. 1929  
By the Court  
Maurice Raymond Reed*

IN RE VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING THENCE  
465 FEET DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CUMMINGS  
STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JUNE SESSIONS, 1929.

REPORT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned Viewers, appointed by the annexed order of the above Court to review said premises for the purpose of inquiring into the expediency of vacating a section of a public highway in the Borough of Dale, County of Cambria and State of Pennsylvania, beginning at intersection of Hummel Street and Strayer Street, which was formerly in the Township of Stonycreek, and extending thence in said Borough 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North of intersection of said Cliff Street and Cummins Street in said Borough of Dale, respectfully report:-

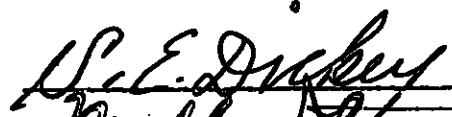
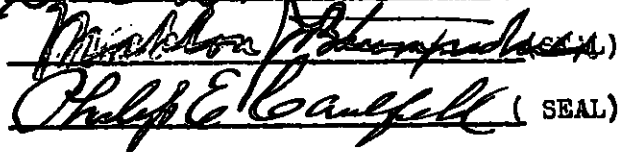
That we were duly sworn or affirmed as members of the Permanent Board of Viewers, as is shown by the records of said Court; that we gave due public notice of the time and place of meeting of said Viewers by hand bills posted upon the premises and by notice served upon D. P. Weimer, Esq., Solicitor for the Borough of Dale, and upon J. D. Shaffer, Secretary of the Board of Supervisors of Conemaugh Township, and by advertisement in the Cambria County Legal Journal and Johnstown Tribune, at least ten (10) days prior to the time of the making of 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 the notice given on Saturday, November 9, 1929, at ten o'clock A. M., and proceeded with the duties of our appointment.

That we reviewed the site and locality of the road vacated, making a special inspection of the grounds. There were present at the said view a number of witnesses, together with J. M. Bennett, Esq., representing D. P. Weimer, Esq., Solicitor for the Borough of Dale, and Howard W. Stull, Esq., representing a number of witnesses. All parties interested desired that a hearing be had with reference to the expediency of vacating said portion of road. It was agreed by and between all the parties that hearing be had in the Viewers' Rooms, Woolf Block, Franklin Street, Johnstown, Cambria County, Pennsylvania, on Tuesday, November 15, 1929, at ten o'clock

A. M. Pursuant to said continuance or adjournment had thereto we met in the Viewers' Rooms, Woolf Block, Franklin Street, Johnstown, Cambria County, Pennsylvania, on Tuesday, November 15, 1929, at ten o'clock A. M. and heard testimony at length. There were present at said hearing many witnesses, all of whom were called, sworn and testified. Robert C. Hoerle, Esq., and Howard W. Stull, Esq. were present, representing interested citizens, and D. P. Weimer, Esq., representing the Borough of Dale was also present at said hearing.

That after testimony and evidence offered, pertaining to said public highway, and having reviewed the site and locality of the said public highway, and having made a personal inspection of said highway, beginning at intersection of Hummel Street and Strayer Street in the Borough of Dale, Cambria County, Pennsylvania, formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North of intersection of said Cliff Street and Cummins Street in said Borough of Dale, and whereas, the report of Viewers entered to the above number was filed in the Office of the Clerk of Courts, which recommended that said public highway as prayed for be vacated, and subsequent to the filing of said report of Viewers, Council for the Borough of Dale proceeded by Ordinance to accept said public highway as a public thoroughfare. Therefore, in consideration of the passing of said Ordinance by the Borough Council of Dale, by which they accepted this as a public road, formerly laid out by the Township prior to the incorporation of the Borough of Dale, we are of the opinion that this action on the part of the Borough of Dale places this road out of the jurisdiction of the Court of Quarter Sessions, and for that reason we recommend that the same be vacated as recommended in the Report of Viewers filed to your Honorable Court on the first Monday of September, 1929. We, therefore, unanimously agree that the road hereinabove described be vacated, and we, therefore, vacate the same.

WITNESS our hands and seals this third day of December, 1929.

 (SEAL)  
 (SEAL)

Viewers.



IN RE VACATION OF A CERTIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING THENCE  
465 FEET DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CUMMINGS  
STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 11 JUNE SESSIONS, 1929.

TO MAHLON J. BAUMGARDNER, S. E. DICKEY  
AND PHILIP CAULFIELD, DRS.

Mahlon J. Baumgardner, Dr.

Data and preparing Notice to View	\$ 12.00	
Stenographer and Stationery	4.00	
Obtaining Acceptance of Service on all parties	12.00	
Posting Notices to View	12.00	
Mileage	.40	
Making View	12.00	
Mileage	.40	
Hearing testimony in said view	12.00	
Conference in re taking testimony	12.00	
Preparing Report of Viewers	12.00	
Stenographer and Stationery	3.50	
Advertising Notice to View in Tribune	7.56	
Advertising Notice to View in Legal Journal	5.00	\$ 104.86 ✓

S. E. Dickey, Dr.

Making View	\$ 12.00	
Mileage	.40	
Taking testimony at said view	12.00	
Conference in re taking testimony	12.00	
2 Blue Prints	.50	\$ 36.90 ✓

Philip Caulfield, Dr.

Making View	\$ 12.00	
Mileage	.40	
Taking testimony at said view	12.00	
Conference in re taking testimony	12.00	\$ 36.40 ✓

APPROVED FOR PRINTING  
*[Handwritten signatures and stamps]*  
JUN 10 1929

IN RE: VACATION OF A CERTAIN ROAD	:	IN THE COURT OF QUARTER SESSIONS
IN THE BOROUGH OF DALE, CAMBRIA	:	
COUNTY, PENNA., BEGINNING AT THE	:	OF CAMBRIA COUNTY, PENNSYLVANIA.
INTERSECTION OF HUMMEL STREET AND	:	
STRAYER STREET AND EXTENDING THENCE	:	
465 FEET DIAGONALLY ACROSS A NUMBER	:	
OF LOTS TO A POINT ON CUMMINS	:	
STREET IN SAID BOROUGH	:	No. 11 June Sessions, 1929.

To the Honorable the Judges of the above named Court:

The petition of the undersigned respectfully represents:

1 - That on the 26th day of September, 1929, at a meeting of Council of the Borough of Dale a resolution was passed authorizing the Burgess of the Borough of Dale to petition the Court of Quarter Sessions of Cambria County for a re-view of the within described road.

2 - That on the 6th day of September, 1929, Philip Cauffield, S. E. Dickey and M. J. Baumgardner, Viewers, filed their report in which they recommended that "a certain road beginning at the intersection of Hummel Street and Strayer Street in the Borough of Dale, Cambria County, Pa., formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North to the intersection of said Cliff Street in said Borough of Dale," has become useless, inconvenient and burdensome and should be vacated.

3 - That you Honorable Court approved the said report on the 9th day of September, 1929.

4 - That your petitioner believes that the above described road has not become useless, inconvenient and burdensome and your petitioner further believes that the same should not be vacated.

5 - That the above described road is still convenient and necessary to the use of your petitioner and the public.

6 - That notice of the within application has been served on the Commissioners and Supervisors of Roads and Highways of the territory through which the said road is laid out and constructed, in accordance with the Act of March 20, 1905, P. L. 69.

WHEREFORE your petitioner prays your Honorable Court to appoint Re-Viewers to re-view the within described road for the same purposes.

George Crum.

And now, Sept. 30th, 1929, Mahlon J. Baumgardner, Esq., Philip Cauffiel and S. E. Dickey are hereby appointed re-viewers in accordance with the Act of Assembly, to report to the Court on the expediency of vacating the section of road described in the within petition.

By the Court,

Evans, P. J.

Extract from the Record.

Certified this 1st day  
of October, A. D. 1929.

Frank E. Riddle  
Clerk of the Court of Quarter  
Sessions.

IN RE VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING THENCE  
465 FEET DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CUMMINS  
STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,  
  
OF CAMBRIA COUNTY, PENNSYLVANIA.  
  
NO. 11 JUNE SESSIONS, 1929.


NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court  
for the purpose of reviewing a certain road situate in the Borough of  
Dale, Cambria County, Pennsylvania, beginning at the intersection of  
Hummel Street and Strayer Street in said borough, formerly Stonycreek  
Township, and extending thence in said Borough of Dale 465 feet  
diagonally across a number of lots to a point on Cliff Street, 132 feet  
North to the intersection of said Cliff Street in said Borough of Dale,  
will meet at the place of beginning on Saturday, November 9, at ten  
o'clock A. M., for the purpose of inquiring into said road vacated on  
the sixth day of September, 1929, and for the further performance of  
our duties.

MAHLON J. BAUMGARDNER,  
PHILIP CAULFIELD,  
S. E. DICKEY.  
Re-Viewers.

Dated October 25, 1929.

AND NOW, this 31<sup>st</sup> day of October, A. D. 1929, I  
hereby accept service of the above Notice to View, as Counsel for  
the Commissioners of Cambria County.

  
\_\_\_\_\_

IN RE VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNA., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING THENCE  
465 FEET DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CUMMINS  
STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,  
  
OF CAMBRIA COUNTY, PENNSYLVANIA.  
  
NO. 11 JUNE SESSIONS, 1929.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court for the purpose of reviewing a certain road situate in the Borough of Dale, Cambria County, Pennsylvania, beginning at the intersection of Hummel Street and Strayer Street in said borough, formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North to the intersection of said Cliff Street in said Borough of Dale, will meet at the place of beginning on Saturday, November 9, at ten o'clock A. M., for the purpose of inquiring into said road vacated on the sixth day of September, 1929, and for the further performance of our duties.

MAHLON J. BAUMGARDNER,  
PHILIP CAULFIELD,  
S. E. DICKEY,  
Re-Viewers.

Dated October 25, 1929.

AND NOW, this 27 day of October, A. D. 1929, I hereby accept service of the above Notice to View, as Solicitor for the Borough of Dale.

D. P. Weiner  
Solicitor, Borough of Dale.

IN RE VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIDG  
COUNTY, PENN., BEGINNING AT THE  
INTERSECTION OF HUMMEL STREET AND  
STRAYER STREET AND EXTENDING THENCE  
465 FEET DIAGONALLY ACROSS A NUMBER  
OF LOTS TO A POINT ON CLIFF  
STREET IN SAID BOROUGH.

IN THE COURT OF QUARTER SESSIONS,

OF CAMBRIDG. COUNTY, PENNSYLVANIA.

NO. 11 JUN: SESSIONS, 1929.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court  
for the purpose of reviewing a certain road situate in the Borough of  
Dale, Cambria County, Pennsylvania, beginning at the intersection of  
Hummel Street and Strayer Street in said borough, formerly Stonycreek  
Township, and extending thence in said Borough of Dale 465 feet  
diagonally across a number of lots to a point on Cliff Street, 132 feet  
North to the intersection of said Cliff Street in said Borough of Dale,  
will meet at the place of beginning on Saturday, November 9, at ten  
o'clock A. M., for the purpose of inquiring into said road vacated on  
the sixth day of September, 1929, and for the further performance of our  
duties.

HARLOW J. SMITHMASTER,  
PHILIP C. ULFIELD,  
S. H. DICKEY,  
Re-Viewers.

Dated October 25, 1929.

Notice to View

Notice to View

**VIEWERS' NOTICE**—In re vacation of a certain road in the Borough of Dale, Cambria County, Pennsylvania, beginning at the intersection of Hummel street and Strayer street and extending thence 465 feet diagonally across a number of lots to a point on Cummins street in said borough. In the Court of Quarter Sessions of Cambria County, Pennsylvania. No. 11 June Sessions, 1929.

**NOTICE TO VIEW.**

We, the undersigned Viewers, appointed by the above court for the purpose of reviewing a certain road situate in the Borough of Dale, Cambria County, Pennsylvania, beginning at the intersection of Hummel street and Strayer street in said borough, formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff street, 132 feet north to the intersection of said Cliff street in said Borough of Dale, will meet at the place of beginning on Saturday, November 9, at 10 o'clock a. m., for the purpose of inquiring into said road vacated on the 6th day of September, 1929, and for the further performance of our duties.

MAHLON J. BAUMGARDNER,  
PHILIP CAULFIELD,  
S. E. DICKEY,  
Dated Oct. 25, 1929. Re-Viewers.

**NOTICE TO VIEW**

In re vacation of a certain road in the Borough of Dale, Cambria County, Penna., beginning at the intersection of Hummel Street and Strayer Street and extending thence 465 feet diagonally across a number of lots to a point on Cummins Street in said Borough.

In the Court of Quarter Sessions, of Cambria County, Pennsylvania. No. 11 June Sessions, 1929.

**NOTICE TO VIEW**

We, the undersigned Viewers, appointed by the above Court for the purpose of reviewing a certain road situate in the Borough of Dale, Cambria County, Pennsylvania, beginning at the intersection of Hummel Street and Strayer Street in said borough, formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North to the intersection of said Cliff Street in said Borough of Dale, will meet at the place of beginning on Saturday, November 9, at ten o'clock A. M., for the purpose of inquiring into said road vacated on the sixth day of September, 1929, and for the further performance of our duties.

Mahlon J. Baumgardner,  
Philip Caulfield,  
S. E. Dickey,  
Dated October 25, 1929. Re-Viewers. 11-1-2t

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

In re: Vacation of a certain  
road in the Borough of Dale,  
Cambria County, Penna.,  
beginning at the intersection  
of Hummel Street and Strayer  
Street and extending thence  
465 feet diagonally across a  
number of lots to a point  
on Cliff Street in said  
Borough.

EXCEPTIONS TO VIEWERS' REPORT

*Filed 30 Sept. 1929.*

HOWARD W. STULL  
ATTORNEY AT LAW  
JOHNSTOWN, PENNA.  
FIRST NATIONAL BANK BUILDING



In re: Vacation of a certain road in the Borough of Dale, Cambria County, Penna., beginning at the intersection of Hummel Street and Strayer Street and extending thence 465 feet diagonally across a number of lots to a point on Cliff Street in said Borough.

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA  
COUNTY, PENNSYLVANIA.  
No. 11 June Sessions,  
1929.

#### EXCEPTIONS TO VIEWERS' REPORT

AND NOW, September 28, 1929, comes GEORGE W. HEWITT, a resident free-holder of the Borough of Dale, County of Cambria, State of Pennsylvania, and excepts to the report of the Viewers in the above mentioned proceedings filed September 6, 1929, wherein the said Viewers report "We are of the opinion and unanimously agree that the road hereinabove described has become useless, inconvenient and burdensome, and, therefore, we vacate the same," and respectfully submits the following points of exception:

1. This Court has no jurisdiction.

The road under view was from about the twelfth day of June, 1883, and until some time during the year 1892, a portion of a township road extending through Stonycreek Township and Conemaugh Township, in said Cambria County; that upon the incorporation of the Borough of Dale during the year 1892, the road under view and being the subject of the Viewers' proceedings, together with other portions of said road falling within the corporate limits of said Dale Borough, became a part of the highway system of said Dale Borough and subject to the control of the corporate authorities of said Borough. Wherefore, the municipal authorities of Dale Borough have sole jurisdiction with respect to the opening, widening, improving or vacating of the said road or street.

Should the Court be of the opinion that the foregoing exception is without merit, then the exceptant urges the following further exceptions to the findings and report of the Viewers:

1. The findings of the said Board of Viewers are not supported by the evidence.

The Viewers find that in a proceeding to No. 6 June Sessions, 1916, the Court of Quarter Sessions of Cambria County on a view of the same road, the Viewers in that proceeding filed their report to the effect that in the opinion of said Viewers said road was a main thoroughfare and was useful and necessary for the convenience of the traveling public.

The present Viewers now report that since the filing of the report in No. 6 June Sessions, 1916, that Hummel Street has been improved and a portion of it has been paved, and the manner in which Cliff Street, Strayer Street, Hummel Street and Cummins Street and intersecting alleys along the section of the road hereinbefore described are laid out makes it unnecessary that the road we have just vacated be maintained any longer. The uncontroverted evidence before the Viewers was to the effect that the paved portion of Hummel Street must be used by the traveling public if the road under view be vacated. Under the evidence, the only change made in Hummel Street since the view of 1916 was the paving of the same with vitrofied brick, whereby, a highway surface of natural material was changed to one of a slippery and unsafe character and rendered less usable than before the paving thereof.

The evidence further showed that the grade on the portion of Hummel Street to be substituted as a highway for the road so vacated is excessive and wholly impractical as a highway, and entirely impassable during the winter season; that at such times the vacated road is the only means of travel for a large number

of citizens of Dale Borough and for other users of the road beyond the limits of the said municipality. The difference in grade between the two highways is shown by a blue print of a survey thereof attached hereto and made a part hereof, and marked "EXHIBIT A," a similar copy of which was submitted in evidence before the Viewers.

2. Exceptions are made to the findings of the Viewers that the said road described in said proceedings has been useless, inconvenient and burdensome.

(a) Numbers of witnesses testified that the road recommended to be vacated by the Viewers has been in constant use by the traveling public, and at certain seasons of the year is the only means whereby residents of that portion of the Borough lying eastwardly from Strayer Street may have transported coal and other necessities.

(b) Said road is not inconvenient, but on the contrary, is the most convenient route for persons traveling to the township road leading to State Highway Route No. 53 and its junction at or near the Singer farm, the testimony showing that it is the shortest and most direct route, having a lesser grade and a straighter course than the route substituted therefor under the view.

(c) There was no testimony offered, nor any complaint lodged that the upkeep and maintenance of the vacated road was burdensome upon any person or municipality. On the contrary, the evidence indicated that very little expenditure had been made upon the road for some time, and the taxing authorities had entered no objection on this score.

3. The action of the Board of Viewers in reporting in favor of the vacation of the road was an abuse of discretion.

The action in vacating said road denies to a large number of residents, tax payers and property owners of the Borough of Dale a safe means of travel by vehicle to and from their places of residence, and in some portions of the year would completely isolate said residents, the only available remaining route being the paved portion of Hummel Street, which has a grade of more than eighteen (18%) per cent, as shown by the accompanying blue print.

4. The report of the Viewers is against sound public policy.

The action of the Viewers results in depriving the citizens of a highway of reasonable grade which has been established for a period of more than forty-six years, thus abandoning a right-of-way now held by the public and restoring it to private interests without securing or acquiring an alternate safe and usable route to compensate for such abandonment. Public policy dictates a procedure to retain all existing routes of traffic leading out of congested communities, as well as the acquirement of additional routes to meet the needs of increasing traffic... The abandonment of the road under view adds two right-angle turns on the substitute route, where none such existed on the abandoned route. The report of the Viewers was made over the protest of more than one hundred and fifty property owners and users of said highway, the written protest, duly signed by such persons, having been presented to the Viewers, and a copy of the list of signers thereto being appended hereto, marked "EXHIBIT B," and made a part hereof.

WHEREFORE, the exceptant prays that the report of the Viewers be not confirmed.

*George W. Stull*

Howard W. Stull, Esq.,  
Attorney for Exceptant.

State of Pennsylvania

County of Cambria

ss.

GEORGE W. HEWITT, being first duly sworn on oath deposes and says that the facts set forth in the foregoing exceptions are true and correct, as he verily believes.

George W. Hewitt

Sworn to and subscribed before  
me this 28<sup>th</sup> day of September,  
A. D. 1929.

Mildred L. Harper  
Notary Public.

My commission expires Jan 29 - 1933..

IN RE: VACATION OF SINGER  
ROAD

IN THE COURT OF QUARTER SESSIONS  
OF CALBRIA COUNTY, PENNA.  
No. 11 June Sessions, 1929.

P R O T E S T

WHEREAS, it appears that certain persons are preparing to institute proceedings for the vacation of a part of the public highway between the intersection of Hummel and Strayer Streets, and Cliff Street near the intersection of Cummins Street, in Dale Borough, being a part of the established highway known as the Singer Road; and,

WHEREAS, the vacation of such portion of the Singer Road would work much hardship upon the users of said highway, by reason of the excessive grades existing on the routes or streets suggested as a substitute for such vacated portion, as well the attendant danger to life and property by the use of said substituted streets;

NOW, THEREFORE, we, the undersigned, property owners, users and parties interested in the said highway, do hereby protest against the vacation of the said portion of the Singer Road, or of any part thereof.

And we will ever pray.

NAME	RESIDENCE	DATE
Charles Emmel	R. D. #2, Box 40, Con. Twp.	July 5, 1929.
Ella Cover	R. D. #2, Box 41, Con. Twp.	July 5, 1929.
Louisa Cover	R. D. #2, Box 41, Con. Twp.	July 5, 1929.
Theo. Cover	Cover Hill, R. D. #2.	July 5, 1929.
F. D. Horner	Cover Hill, R. D. #2.	July 5, 1929.
David A. Hollabaugh	Canton, Ohio, 2019-15, S.W.	July 5, 1929.
John Cstheim	1010 Lemon St.	July 6, 1929.
Clayton I. Mock	Cover Hill, R. D. #2, Box #26	July 6, 1929.
Chas. L. Held	115 Strayer St.	July 6, 1929.
Wm. J. Gauntner	R. D. #2, Johnstown	July 6, 1929.
A. C. Hipp	Hill Top Daisytown	July 6, 1929.
Cscar Yarnick	Daisytown Boro	July 6, 1929.

*Exhibit B*

NAME	RESIDENCE	DATE
John Lintner, Sr.	Daisytown Boro	July 6, 1929.
John Lintner, Jr.	Daisytown Boro	July 6, 1929.
Geo. S. Rhoades	R. D. #2, Box 43	July 6, 1929.
Mangus Gerber	Daisytown Boro	July 6, 1929.
Ed. A. Brewer	" "	July 6, 1929.
H. H. Seibert	" "	July 6, 1929.
Frank Heinrich	" "	July 6, 1929.
Martin Polocsek	" "	July 6, 1929.
Rudolph C. Hamp	" "	July 6, 1929.
Jas. Beier	" "	July 6, 1929.
Frank Gross	" "	July 6, 1929.
Adolf Montag	" "	July 6, 1929.
Albert Guillardmod	" "	July 6, 1929.
John Moschgat, Jr.	" "	July 6, 1929.
Fred Steppan	" "	July 7, 1929.
John Seibert	Daisytown	July 6, 1929.
Joseph Kant	"	July 6, 1929.
Fred Hipp	"	July 6, 1929.
Andrew Galus	"	July 6, 1929.
Anthony Seidlmeyer	"	July 6, 1929.
Carl Waber	"	July 6, 1929.
Harry Kleinmyer	"	July 8, 1929.
Otto Senft	R. D. #2, Johnstown	July 8, 1929.
Sophia Bader	327 Cliff St., Dale	July 9, 1929.
Carl W. Partsch	R. D. #2, Johnstown	July 10, 1929.
Anthony Kohler	R. D. #2, Johnstown	July 11, 1929.
George Kohler,	R. D. #2, Johnstown	July 11, 1929.
Ira J. Berkebile	R. D. #2, Johnstown	July 11, 1929.
Mrs. Francis Blank	R. D. #2, Johnstown	July 11, 1929.
Mr. Francis Blank	R. D. #2, Johnstown	July 11, 1929.
Adolf Hilbrecht	921 Nathaniel St.	July 13, 1929.
Mrs. M. P. Baltzersen	Hilltop, Pa.	July 13, 1929.
G. H. McGuire	Cover Hill	July 16, 1929.
John Bloom	Cover Hill	July 19, 1929.
Adam Schmiermund		July 26, 1929.
Mr. J., Mrs. Geo. Mishler,	906 Bedford St.	July 27, 1929.
Hiram Custer	255 David St.	July 27, 1929.
Ralph J. Emmel	Johnstown, R. D. #2	July 27, 1929.
Fred Mintmier	224 Strayer St.	Aug. 19, 1929.
S. J. Conway	211 Main St. Johnstown, Pa.	Aug. 20, 1929.
George Hewitt	214 Cliff St.	July 1, 1929.
Elizabeth Masebach	629 Wood St.	July 1, 1929.
Alice Marshall	629 Wood St.	July 1, 1929.
K. J. Mosebach	323 Cliff St.	July 1, 1929.
J. C. Foust	747 Bedford St.	July 2, 1929.
John P. Marshall	629 Wood St.	July 1, 1929.
Lawrence Wesner	631 Wood St.	July 1, 1929.
L. E. Miller	727 Pickworth St.	July 1, 1929.
Chas. T. Schech	107 Cliff St.	July 1, 1929.
Wm. B. Falstick	195 Cliff St.	July 1, 1929.
Philomena Stager	305 Cliff St.	July 1, 1929.
Balsar Stager	305 Cliff St.	July 1, 1929.
Rosie L. Hewitt	214 Cliff St.	July 1, 1929.
Dr. U. G. Simon	218 Cliff St.	July 2, 1929.
Calvin B. Foust	214 Hummel St.	July 2, 1929.
Effie D. Foust	214 Hummel St.	July 2, 1929.
Frank A. Moreau	212 1/2 Cliff St.	July 2, 1929.
Mary R. Moreau	212 1/2 Cliff St.	July 2, 1929.
Grant D. Moreau	212 Cliff St.	July 2, 1929.
Alice M. Moreau	212 Cliff St.	July 2, 1929.

NAME	RES IDENCE	DATE
Fred A. Robel	Bruce St., Box 301	July 2, 1929.
Arthur E. Keiper	200 Cliff St.	July 2, 1929.
Lizzie A. Keiper	200 Cliff St.	July 2, 1929.
H. B. Cobaugh	220 Cliff St.	July 2, 1929.
Harry C. Emmel	224 Hummel St.	July 2, 1929.
Lillian Emmel	224 Hummel St.	July 2, 1929.
E. T. Sellman	307 Cliff St.	July 2, 1929.
Freda P. Sellman	307 Cliff St.	July 2, 1929.
Albert Gerber	325 Cliff St.	July 2, 1929.
Myrtly Gerber	325 Cliff St.	July 2, 1929.
Harry Livingstone	403 Cliff St.	July 2, 1929.
Emanuel Brown	400 Cliff St.	July 2, 1929.
Mary Brown	400 Cliff St.	July 2, 1929.
Harvey Wagner	305 Strayer St.	July 2, 1929.
W. A. McNeal	214 Cummins St.	July 2, 1929.
Guy L. Brown	113 Homestead Ave.	July 2, 1929.
Conrad Hochstein	830 Bedford St.	July 2, 1929.
Mrs. Anna Hautz	117 Cliff St.	July 2, 1929.
Henry J. Erb	209½ Cliff St.	July 3, 1929.
Harry Meyer	207 Cliff St.,	July 4, 1929.
Electa D. Robel	Bruce St.	
Sarah J. Fisher	Bruce St.	
Harlan E. Todd	Bruce St.	
Carl J. Eckenrode	Bruce St.	
Henry J. Dumayer	Bruce St.	
Mrs. Chas. Kellar	Cliff St.	
C. A. Parks	R. 218 Cliff St., Dale	July 3, 1929.
Fannie Parks	R. 218 Cliff St., Dale	July 3, 1929.
Clyde R. Mackall	923 McKinley St., Dale	July 3, 1929.
Marian Mackall	923 McKinley St., Dale	July 3, 1929.
Iva Varner	760 Bloom St.	July 3, 1929.
Grace Lamison	760 Bloom St.	July 3, 1929.
Pauline V. Schech	107 Cliff St.	July 5, 1929.
Florence Miller	215 Cliff St.	July 5, 1929.
J. H. Maurer	732 Bedford St.	July 5, 1929.
U. D. Stull	707 Bedford St.	July 5, 1929.
Chas. Schick	R. 707 Bedford St.	July 5, 1929.
H. A. Stull	709 Bedford St.	July 5, 1929.
A. E. Rhoades	669 Bedford St., Dale	
H. E. Tressler	129 Strayer St., Dale	
Geo. T. Gordon	734 Messenger St.	July 5, 1929.
Abrem Keyne	826 Bedford St., Dale.	
Chas. M. Hess	1000 Lemon St.,	July 5, 1929.
N. C. Stull	213 Wheat St.	July 6, 1929.
Jos. H. Joy	545 Pine St.	July 6, 1929.
M. R. Wissinger	145 Purse Ave.	July 6, 1929.
John Hoffman	Daisytown	July 6, 1929.
W. H. Keiper		July 6, 1929.
F. B. Kinzey	548 Horner St.	July 6, 1929.
Geo. Hofecker	820 Von Lunen St.	July 6, 1929.
W. H. McCreary	1208 Bedford St.	July 6, 1929.
Jno. M. Buechley	609 Wood St.	July 6, 1929.
H. E. Horner	769 Russell Ave.	July 6, 1929.
Mrs. H. E. Horner	769 Russell Ave.	July 6, 1929.
Geo. Senft	127 Strayer St.	July 6, 1929.
Geo. W. Smith	Wood Alaly	July 6, 1929.



NAME	RESIDENCE	DATE
R. R. Thiele	1104 Confer Ave.	July 6, 1929.
W. H. Thiele	1081 McKinley Ave.	July 6, 1929.
Louis Keller	706 Pickworth St.	July 6, 1929.
George Fisher	135 Clinton St.	July 6, 1929.
Henry M. Fisher	121 State St.	July 6, 1929.
L. L. Bohne	R. D. #2, City	July 6, 1929.
George Bader	327 Cliff St.	July 8, 1929.
B. F. Small	1004 Berkley Rd.	July 8, 1929.
Albert W. Walters	407 Lincoln St.	July 9, 1929.
Sylvester Scaletto	194 Pelor St.	
J. W. Stiffler	1027 Franklin St.	July 10, 1929.
Herman W. Varner	Pringle St.	July 12, 1929.
Chas. Wissinger	Bedford Pike	July 23, 1929.
Johnstown Electric Co.	415 Franklin St.	Aug. 15, 1929.
J. E. Litsinger	326 Strayer St.	Aug. 20, 1929.
H. J. Baumgardner	261 David St.	Aug. 20, 1929.
Jos. Erb	903 Lemon St.	Aug. 20, 1929.
F. G. Adairs	110 Hummel St.	Aug. 20, 1929.
D. E. Cover	921 Lina St.	Aug. 21, 1929.
Johnstown Planing Mill Co.,		
by D. L. Phenicie,	422 Horner St.	Aug. 23, 1929.
J. V. Best	819 Franklin St.	Aug. 23, 1929.
Reuben Miller	Cliff St.	

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

~~No. 11 June Sessions, 1929.~~

IN RE: VACATION OF A CERTAIN ROAD  
IN THE BOROUGH OF DALE, CAMBRIA  
COUNTY, PENNSYLVANIA, BEGINNING AT  
THE INTERSECTION OF HUMMEL STREET  
AND STRAYER STREET AND EXTENDING  
THENCE 465 FEET DIAGONALLY ACROSS  
A NUMBER OF LOTS TO A POINT ON  
CUMMINS STREET IN SAID BOROUGH -

PETITION FOR RE-VIEWERS

ORDER

And now, Sept 30th 1929,

Walter A. Hammond  
Philip Campbell and  
A. E. Dickey are

hereby appointed re-viewers in ac-  
cordance with the Act of Assembly,  
to report to the Court on the ex-  
pediency of vacating the section  
of road described in the within  
petition.

By the Court  
Evans P. J.

Filed 30 Sept. 1929

D. P. WEIMER,  
ATTORNEY AT LAW,  
JOHNSTOWN, PA.

IN RE: VACATION OF A CERTAIN ROAD	:	In the Court of Quarter
IN THE BOROUGH OF DALE, CAMBRIA	:	
COUNTY, PENNA., BEGINNING AT THE IN-		Sessions of Cambria
TERSECTION OF HUMMEL STREET AND STRAYER	:	
STREET AND EXTENDING THENCE 465 FEET		County, Penna.
DIAGONALLY ACROSS A NUMBER OF LOTS TO A		
POINT ON CUMMINS STREET IN SAID BOROUGH	:	No. 11 June Sessions, 1929.

To the Honorable the Judges of the above-named Court;-

The petition of the undersigned respectfully represents: -

1 - That on the 26<sup>th</sup> day of September, 1929, at a meeting of Council of the Borough of Dale a resolution was passed authorizing the Burgess of the Borough of Dale to petition the Court of Quarter Sessions of Cambria County for a re-view of the within described road.

2 - That on the 6th day of September, 1929, Philip Cauffield, S. E. Dickey and M. J. Baumgardner, Viewers, filed their report in which they recommended that a certain road beginning at the intersection of Hummel Street and Strayer Street in the Borough of Dale, Cambria County, Pa., formerly Stonycreek Township, and extending thence in said Borough of Dale 465 feet diagonally across a number of lots to a point on Cliff Street, 132 feet North to the intersection of said Cliff Street and Cummins Street in said Borough of Dale, has become useless, inconvenient and burdensome and should be vacated.

3 - That your Honorable Court approved the said report on the 9th day of September, 1929.

4 - That your petitioner believes that the above described road has not become useless, inconvenient and burdensome and your petitioner further believes that the same should not be vacated.

5 - That the above described road is still convenient and necessary to the use of your petitioner and the public.

6 - That notice of the within application has been served on the Commissioners and Supervisors of Roads and Highways of the territory through which the said road is laid out and constructed, in accordance with the Act of March 20, 1905, P. L. 69.

WHEREFORE your petitioner prays your Honorable Court to appoint Reviewers to re-view the within described road for the same purposes.

George Brum

CAMBRIA COUNTY, SS:

GEORGE CRUM being duly sworn according to law, deposes and says that he is Burgess of said Borough of Dale and that the statements contained in the foregoing petition are true and correct to the best of his knowledge and belief.

George Brum

Sworn and subscribed to before me

this 24<sup>th</sup> day of Sept. 1929.

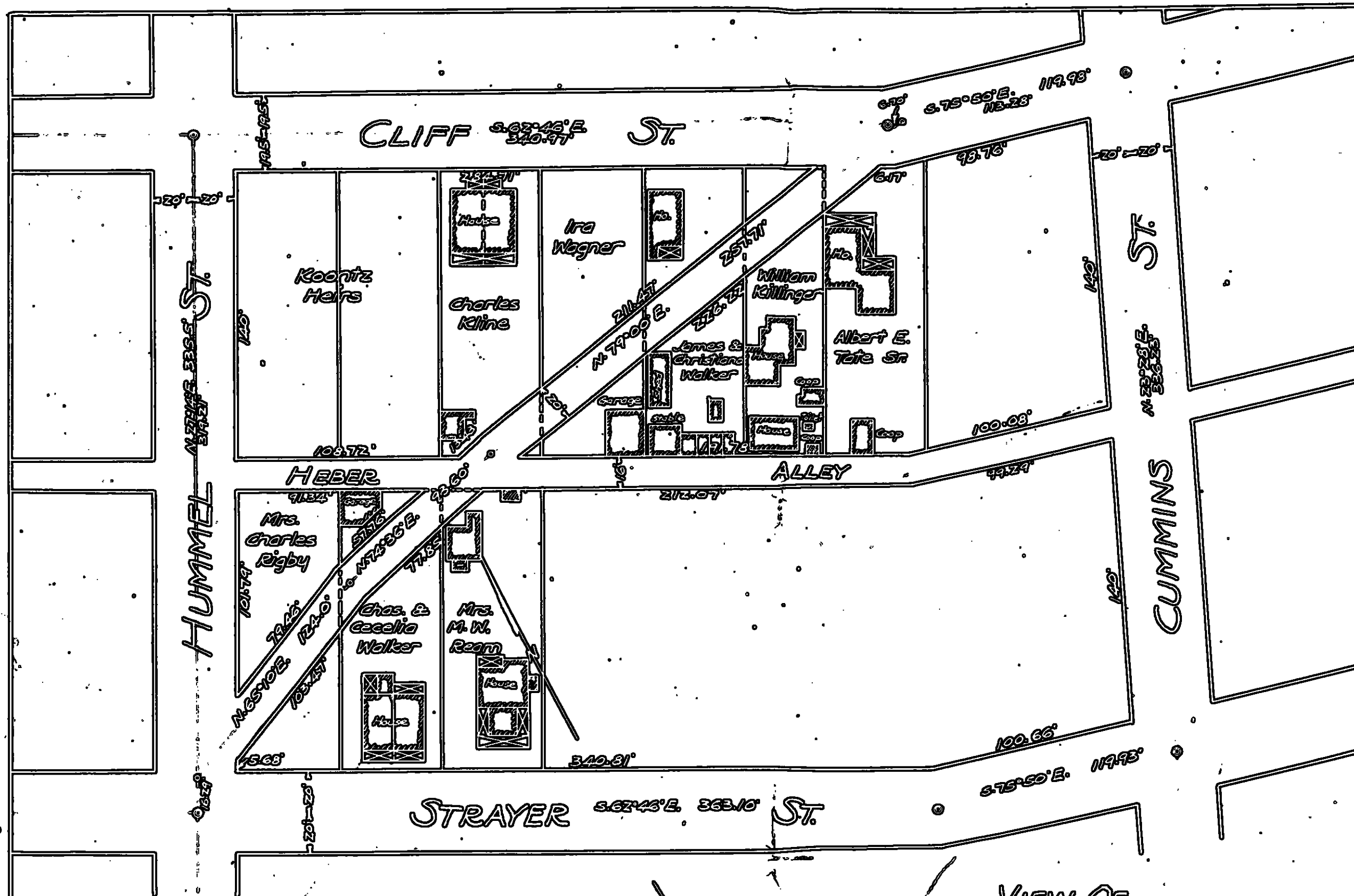
Helen Keisinger

Notary Public

My commission expires Mar. 7-1931

Ad # 11 June 1929

Rat Microfilmed



No. 11 - June Sessions 1929.  
 Mahlon J. Baumgardner  
 S. E. Diekey  
 Philip Caulfield  
 Viewers

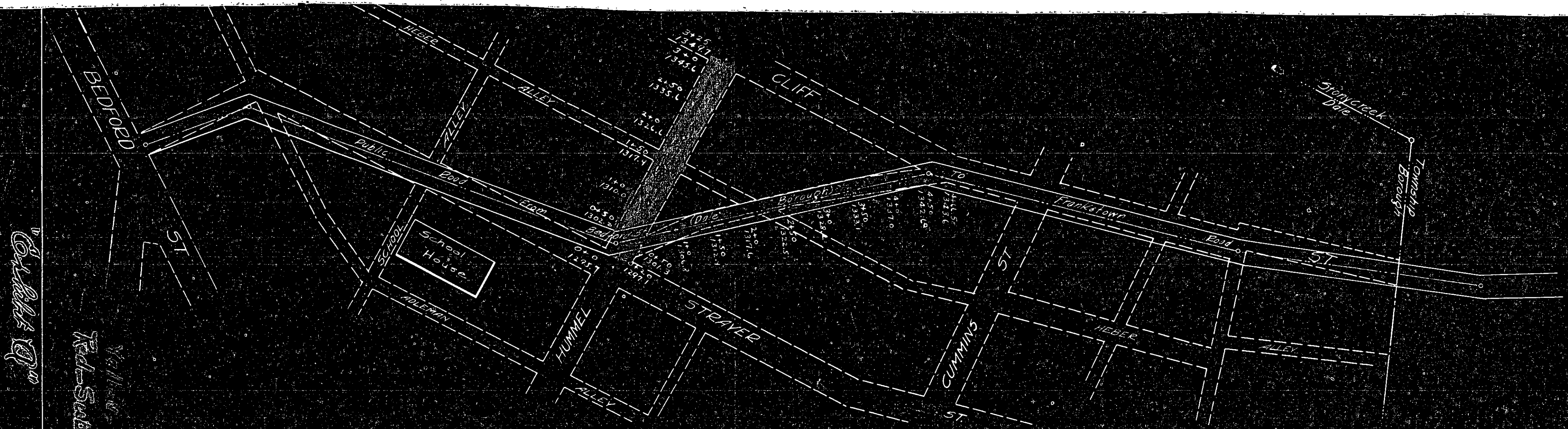
VIEW OF  
 ROAD TO BE VACATED  
 situate in  
 The Borough of Dale, Cambria Co., Pa.  
 Scale 1"=50' - S. E. Diekey & Co. - Aug. 13, 1929.  
 Civil and Mining Engineers  
 Johnstown, Penna.

Not Microfilmed

RD # 11 June 1929

Box of Oale, location  
of a certain road

Exhibit A



*Charles D. W.*

*Red-Substituted Route*

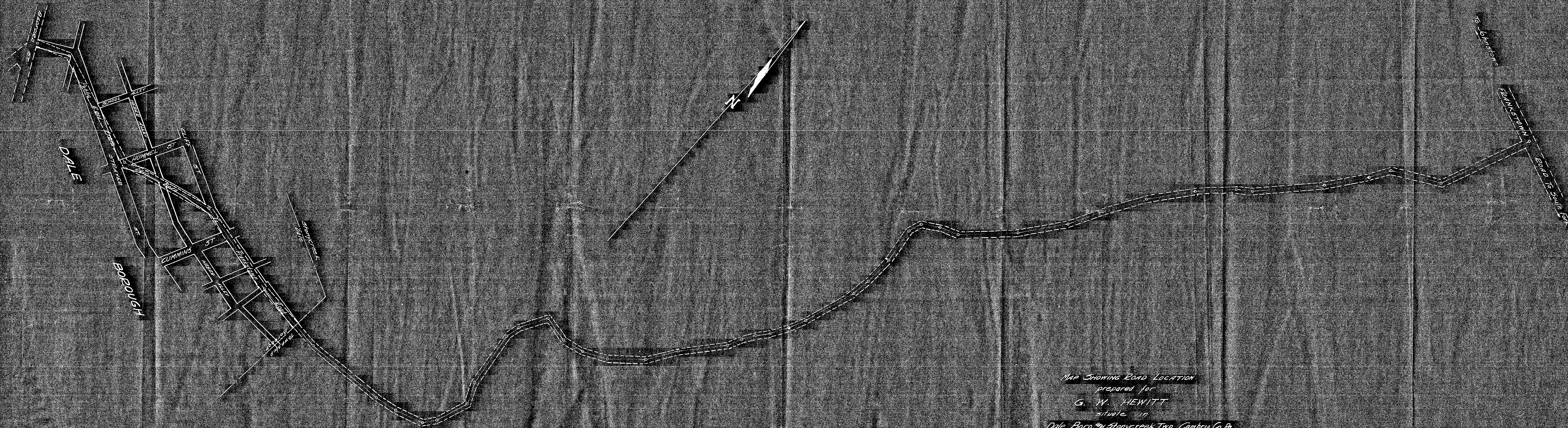
Map Showing Location of Road  
 surveyed for  
**G. W. HEWITT**  
 situate in  
 Dale Boro. Cambria Co. Pa.  
 scale 1"=100' NOV. 2, '23  
 Fetterman Eng. Co.



Rd # 11 June 1929

Not Microfilmed





MAP SHOWING ROAD LOCATION  
prepared for  
G. W. HEWITT  
situate in  
Date Boro. of Stonycreek Twp Camb.  
scale 1"=200' Dec. 28, 1901  
Fatterman Eng. Co.