

No. 13 June Sess., 1931.
In the Court of Quarter Sessions
of Cambria County, Pennsylvania.

PETITION for appointment of
Viewers to vacate portion of
road leading from State Route
No. 234, at a point about a
half mile South of Van Ormer
Station to point of intersection
with road leading from
Hollentown to Mountindale,
about one and one-fourth
miles East of Mountindale,
in Reade Township, Cambria
County, Pennsylvania.

AND NOW, Aug. 31
1931, Am. Shoenaker Esq.

and

and

J. D. Ritter
are appointed Viewers, as
within prayed for.

By the Court
McKenney

Filed 31 August 1931

LAW OFFICES
EVANS & EVANS
EBENSBURG, PA.

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

TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of the undersigned, residents and citizens of the Township of Reade, County of Cambria and State of Pennsylvania, respectfully represents:

That by Order of your Honorable Court, bearing date the 7th day of April, 1885, in proceedings entered to No. 5 September Sessions, 1884, recorded in Cambria County Road Docket Vol. 4, Page 54, a public road was laid out in Reade Township, leading from a point on the road from Fallen Timber Bridge to Fruality Bridge, at a point near Powell's saw mill, and intersecting the road leading from J. G. Hollen's to Mountindale, at a point near T. M. Apple's private road.

That the portion of said road leading from State Route No. 234, at a point about a half mile South of Van Ormer Station, to the point of intersection with the road leading from Hollentown to Mountindale, about one and one-fourth miles East of Mountindale, has become useless, inconvenient and burdensome, for the reason that the traffic on said road has now been transferred to a road leading from said road through Hollentown to Van Ormer.

The portion of said road sought to be vacated is in a dangerous condition on account of depressions in the road, caused by caves in the mine workings immediately underneath the same.

Your petitioners, therefore, pray that the portion of said road above described, within the Township of Reade, be vacated.

Your petitioners further pray that your Honorable Court appoint Viewers for vacating the portion of said road above describ-

ed, for the reasons above specified.

And they will ever pray, &c.

Leslie Boyce
W. H. McCartney

5th + 30 1931

Supervisors for Reading Township,
Cambria County, Pennsylvania.

B. C. Whittaker

Fallen Timber Pa

Harold Apple

Fallen Timber Pa

L. E. Dwyer

Glasgow Pa

J. Dwyer

Glasgow Pa

Harold Dwyer

Glasgow Pa.

A. C. Hollen

Fallen timber Pa.

Mrs. A. C. Hollen

Fallen timber Pa.

Mrs. J. L. Marks

Fallen Timber Pa

Joseph Kleinerman

Fallen Timber

William Kleinerman

Fallen Timber

Wilbert Kleinerman

Fallen Timber

Willie Richard

Fallen Timber

Van Richard

Fallen timber

Merle Thomas

Mountaindale Pa.

George J. Holden

Fallen Timber

Frank J. Holden

Fallen Timber

John W. Hollen

Fallen Timber Pa

W. Lewis Garrison Fall in timber 18

Norma W. Apple Gallentimber

H. E. Weston Tract Commission

Robert Charles Penner

Calvin B. Stone Glasgow, Pa.

122 Swan Glasgow Ga

W. Ind cost. Fallentimber. Po

V. E. LeKane *Monticello, Pa.*

C. L. Ingell Mountain Lake Pa

John H. Green Martinidele

Martinboll Mountain Fall

J. V. 177 Century Mountaindale, Pa

A. C. Hammer Glasgow Pa

R. E. Peterson Tally Rd Tinker P.

G. H. Davis Glasgow Pa

1. *Journal of the American Medical Association*, 1997; 277: 1033-1036.

STATE OF PENNSYLVANIA

COUNTY OF CAMBRIA

SS:

Before me, the subscriber, a Justice of the Peace in
and for said County and State, personally appeared W. L. McCartney, who being duly sworn according to
law doth depose and say that the matters set forth in the fore-
going petition are true and correct, as he verily believes.

W. L. McCartney

Sworn and subscribed before me

this 26 day of ^{Aug}~~May~~, A.D.,

1931.

L. W. Love
Justice of the Peace. Blandburg Pa.

My commission expires My Commission Expires

First January, in January, 1932.

TO THE COMMISSIONERS OF CAMBRIA COUNTY

AND THE SUPERVISORS OF ROADS OF THE TOWNSHIP OF

READE, IN SAID COUNTY OF CAMBRIA.

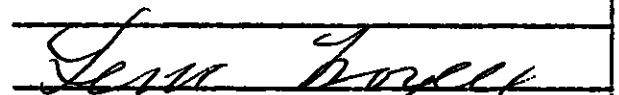

GENTLEMEN:

You are hereby notified that a petition will be presented to the Court of Quarter Sessions of Cambria County, Pennsylvania, on Monday, August 31, 1931, asking for the appointment of Viewers to vacate that portion of the road leading from State Route No. 234, at a point about a half mile South of Van Ormer Station to the point of intersection with the road leading from Hollentown to Mountindale, about one and one-fourth miles East of Mountindale, all of which portion of said road lies within the Township of Reade, County of Cambria and State of Pennsylvania.



Attorneys for Petitioners.

May _____, A. D., 1931, we, the undersigned, Supervisors of Reade Township, Cambria County, Pennsylvania, do hereby accept service of the above and foregoing notice.



Supervisors.

August 27., A.D., 1931, service of the above and foregoing notice accepted.

COMMISSIONERS OF CAMBRIA COUNTY,

Per N. J. Don

6 2

R E P O R T OF VIEWERS .

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

We, the undersigned members of the Permanent Board of Viewers of Cambria County, appointed by your Honorable Court and upon the attached order directed to view and determine as to the propriety of vacating a certain piece of public road in Reade Township, Cambria County, Pennsylvania, from a point on State Highway Route 234 and extending in a general north easterly direction to the juncture of the road leading from Hollentown to Mountaindale, respectfully report:

That having given due legal notice of the view and of the time and place of meeting of the viewers to the Commissioners of Cambria County and to the Supervisor of Reade Township ; evidence of which is hereto attached; and to the general public by printed hand bills posted in public and conspicuous places at and near the termini and along the route of the piece of road petitioned to be vacated: We, the undersigned viewers, (Adam Shuman not appearing) met in accord with the notices given and posted, as aforesaid, and having gone over and carefully viewed the premises and noting the location of the road and the improvements near and adjacent thereto and having enquired into and investigated as to the necessity for same and are of the opinion that the piece of public road in question is not necessary for the accomodation of the general public and has become inconvenient and dangerous as a public thoroughfare and therefore should be vacated as a public highway, between the points indicated on the attached order; but recommend that the said piece of road be left to remain as a private road for the convenience and accomodation of these owning property along and adjacent thereto and desiring to travel the same at their own risk.

The piece of road in question, a plot, or draft of which is hereto attached and made a part of this report, begins at the intersection of the road leading from the road from Fallen Timber

with the new State Highway Route No. 234
Bridge to Frugality/and extending thence in an easterly direction
to the juncture of the piece of road proposed to be vacated with
the Hollentown - Mountaindale road (a distance of 13,598.5 feet).

The courses and distances of the particular piece of road proposed, and herein recommended to be vacated, beginning at the above referred to State Highway, are as follows, viz: South 80° 30' East 736.7 feet, South 85° 20' East 416.5 feet, North 63° 30' East 331.2 North 51° East 1097 feet, North 48° East 442.8 feet, North 63° East 720 feet, North 81° 30' East 435.5 feet, North 75° 25' East 912 feet, North 80° 30' East 313 feet, South 85° 15' East 262.9 feet, South 78° East 411.5 feet, South 73° 40' East 372.5 feet, North 76° East ~~17~~ 175.4 feet, North 56° East 408.7 feet, North 45° East 355 feet, North 54° 45' East 641.7 feet, North 68° 40' East 292.3 feet, North 80° 20' East 425.2 feet, North 79° East 222.5 feet, South 89° 30' East 257.4 feet, South 88° 30' East 579.8 feet, North 80° East 376.5 feet, North 71° 30' East 213 feet, North 46° East 705 feet, North 60° 30' East 295.5 feet, North 73° East 669.4 feet, North 65° 10' East 581.5 feet and South 89° 45' East 748 feet to the juncture of the Hollentown - Mountaindale road.

From our observation and the information obtainable there are two occupied houses adjacent to the piece of road proposed to be vacated and two small mine openings, one of which use a portion of the above referred to road.

At one place along the route of the said piece of road a small portion has already caved in, and from what we have learned, from what we believe to be our most reliable source of information, there are other places along same which are liable to cave in at any time, and further there is another road, now under construction, with a better grade and better located to accommodate the general public which will accommodate the public better than than the present road in almost all instances.

Witness our hands this 11th.
day of September, A. D., 1931.

J. D. Ritten
A. M. Shoemaker

Viewers.

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine as to the propriety of vacating a certain piece of public road in Reade Township, said county and state: Beginning at a point on State Highway Route No. 234, at a point about one half mile south of Van Ormer Station, and ending at the intersection of the road proposed to be vacated, ~~with the road leading in an easterly direction therefrom~~ with the public road leading from Hollentown to Mountaindale; which said piece of road is alleged to have become useless, inconvenient and burdensome: said viewers will meet at the point of beginning, above indicated, in the Township of Reade, Cambria County, Pa., September 11th. 1931, at 9:30 a. m., E. S. T., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Service of the above notice is hereby accepted for the Commissioners of the County of Cambria, Pennsylvania.

H. F. Don

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

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine as to the propriety of vacating a certain piece of public road in Reade Township, said county and state;; Beginning at a point on State Highway Route 234, at a point about a half mile south of Van Ormer Station, ^{piece of road proposed to be vacated with the} and ending at the intersection of the road leading in an easterly direction therefrom with the public road leading from Hollentown to Mountindale; which said piece of road is alleged to have become useless, inconvenient and burdensome; said viewers will meet at the point of beginning, above indicated, in the Township of Reade at 9:30 o'clock a. m., E.S.T., September 11th., 1931, for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Service of the above notice is hereby accepted by the undersigned supervisor of the township of Reade, Cambria Co., Pa.

L. M. D. P. S.

Costs of View.

Preparing posting & serving notices of view	\$18.00
Stenographer & Stationery	2.75
46 miles at 10¢ per mi	4.60
Day on View	12.00
46 miles	4.60
Survey, plotting & draft- ing, helpers & transportation. (13,598.574 of road)	53.60
Preparing, having signed assembling & filing report	18.00
Stenographer & Stationery	2.50
	<u>126.05</u>

J. D. Ritter

Day on View	12.00
78 miles @ 10¢ per mi	7.80
	<u>\$19.80</u>

[Signature]
M. B. Cowley

State of Pennsylvania

SS.

County of Cambria

Before me, James McClune, Deputy Controller, personally came A. M. Shoemaker, one of the viewers named on the attached order of Court, who being duly sworn according to law deposes and says that the items contained in the attached bill relative to time of employment, milage, stenographer, stationery, postage &c. are true and correct and the expense of auto hire, help, stenographer, stationery, help &c. paid and settled as he verily believes.

A. M. Shoemaker

Sworn and subscribed to this

3rd. day of August, A. D., 1931.

James McClune
Deputy Controller.

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

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine as to the propriety of vacating a certain piece of public road in Reade Township, said county and state: Beginning on State Highway Route No. 234, at a point about one half mile south from an Ormer Station, and ending at the intersection of the road leading in an easterly direction therefrom with the public road leading from Hollentown to Mountindale; which said piece of road is alleged to have become useless, inconvenient and burdensome;: said viewers will meet at the point of beginning, above indicated, in the township of Reade, said county and state, at 9:30 o'clock a. m., E.S.T., September 11th. 1931, for the purpose of performing the duties of their appointment.

A..M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

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 31st day of August A. D. 1931, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Reade, in the said County, setting forth that ~~the~~ ~~labor and~~ ~~incon-~~ ~~venience~~ ~~caused~~ ~~by~~ ~~the~~ ~~order~~ ~~of~~ ~~your~~ ~~Honorable~~ ~~Court~~ ~~bearing~~ ~~date~~ ~~the~~ ~~7th~~ ~~day~~ ~~of~~ ~~April~~ ~~1885~~ ~~in~~ ~~proceedings~~ ~~entered~~ ~~to~~ ~~No.~~ ~~5~~ ~~September~~ ~~Sessions~~ ~~1884~~ ~~recorded~~ ~~in~~ ~~Cambria~~ ~~County~~ ~~Road~~ ~~Docket~~ ~~Vol.~~ ~~4~~ ~~Page~~ ~~54~~ ~~a~~ ~~public~~ ~~road~~ ~~was~~ ~~laid~~ ~~out~~ ~~in~~ ~~Reade~~ ~~Township~~ ~~leading~~ ~~from~~ ~~a~~ ~~point~~ ~~on~~ ~~the~~ ~~road~~ ~~from~~ ~~Fallen~~ ~~Timber~~ ~~Bridge~~ ~~to~~ ~~Frugality~~ ~~Bridge~~ ~~at~~ ~~a~~ ~~point~~ ~~near~~ ~~Powell's~~ ~~saw~~ ~~mill~~ ~~and~~ ~~intersecting~~ ~~the~~ ~~road~~ ~~leading~~ ~~from~~ ~~J.~~ ~~G.~~ ~~Hollen's~~ ~~to~~ ~~Mountaindale~~ ~~at~~ ~~a~~ ~~point~~ ~~near~~ ~~T.~~ ~~M.~~ ~~Apple's~~ ~~private~~ ~~road~~

by order of your Honorable Court bearing date the 7th day of April, 1885, in proceedings entered to No. 5 September Sessions, 1884, recorded in Cambria County Road Docket Vol. 4, Page 54, a public road was laid out in Reade Township, leading from a point on the road from Fallen Timber Bridge to Frugality Bridge, at a point near Powell's saw mill, and intersecting the road leading from J. G. Hollen's to Mountaindale, at a point near T. M. Apple's private road.

That the portion of said road leading from State Route No. 234, at a point about a half mile South of Van Ormer Station, to the point of intersection with the road leading from Hollentown to Mountaindale, about one and one-fourth miles East of Mountaindale, has become useless, inconvenient and burdensome, for the reason that the traffic on said road has now been transferred to a road leading from said road through Hollentown to Van Ormer.

The portion of said road sought to be vacated is in a dangerous condition on account of depressions in the road, caused by caves in the mine workings immediately underneath the same.

Your petitioners, therefore, pray that the portion of said road above described, within the Township of Reade, be vacated.

and therefore praying the Court to appoint proper persons to view and ~~vacate~~ ^{vacate} the same according to law. The Court, upon due consideration had of the premises, do order and appoint

A. M. Shoemaker

surveyor, and

J. D. Ritter and Adam Shuman

viewers, to view the ground proposed for said ~~road~~ ^{vacation}, and if they view the same, and shall agree that there is occasion for such ~~road~~ ^{vacation}, they shall proceed to ~~lay out~~ ^{vacate} 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 L. Roff, Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may, be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

NO. 13 June SESSIONS, 1931

Order to view and vacate road

In Reade Township

and

Report of Viewers.

Filed 12 Sept 1931

Viewers

A. M. Shoemaker

J. D. Ritter

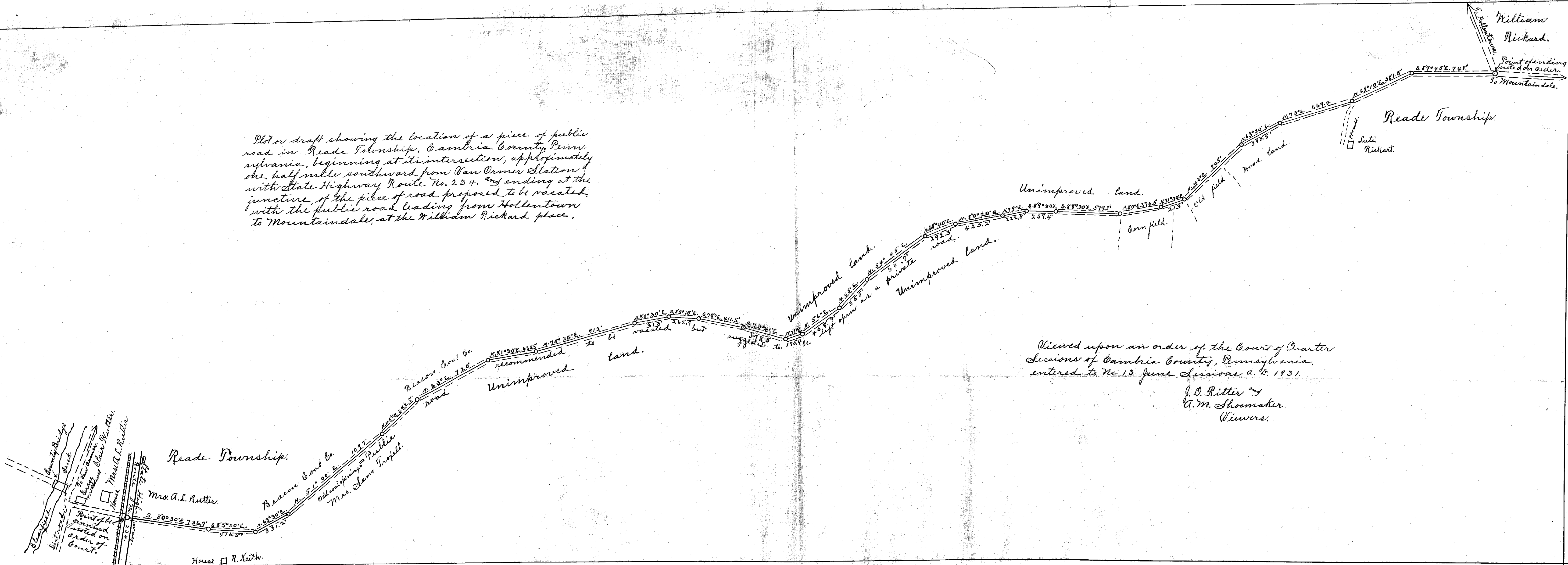
Adam Shuman

Clerk 90 cts.

14 Sept. 1931 Approved
By the Court
Cram of

14 Dec. 1931 confirmed absolutely
Frank L. Roth
Clerk

Plot or draft showing the location of a piece of public road in Reade Township, Cambria County, Pennsylvania, beginning at its intersection; approximately one half mile southward from Van Ormer Station with State Highway Route No. 234, and ending at the juncture of the piece of road proposed to be vacated with the public road leading from Hollentown to Mountaindale, at the William Rickard place.



Viewed upon an order of the Court of Quarter Sessions of Cambria County, Pennsylvania, entered to No. 13 June Sessions A. D. 1931.

J. D. Ritter and
A. M. Shoemaker.
Viewers.