

Petition for the vacating
and supplying of a Public Road
In the Honorable the Judge of the Court of
Quarter session of the Peace in and for
the County of Cambria.

The Petition of the undersigned Inhabitants
= to of the Township of Gallatin in the said
County Respectfully Sheweth that your
Petitioners Labor under great Inconvenience
for want of a Public Road or highway to lead
from a Point Called 3 Miles Mill to Point
to w^{ch} Chocies. to vacate & supply same
Road from same Point to the farm
of John Dempsey which distance appears
to us Shorter and will be less Expence to the
said Township your Petitioners therefore Pray
the Court to appoint Proper Persons to
view & lay out vacate & supply the same
according to Law & they will Ever Pray
&c

Allen - Quinn
Harvey - Miller

D. A. Miller
Wm. Christy

J. G. S. G. G. G.
John G. G.
C. C. Platt

William H. H.
J. B. H. H.
C. M. Conrad
J. G. G.
J. G. G.
B. W. Davis

J. T. Dempsey

No 91 Ward 2900 1902
petition of the citizens of
Ballwin township for a
view to locate and supply
a road in said township,
leading from a point called
Hiles Mill to a point at
or near the divide,

And now April 1st, 1902. We
within petition and and
J. A. De remuola, Mayor,
J. T. Schumper and
D. C. Dyball
approve and review as
proper for
By the Court

Filed April, 1902,

Sealed,

In Re petition of the inhabitants of Gallitzin Township for appointment of Viewers to view and lay out a public road to lead from a point called Miles mill

to

a point at William Chirsils and to vacate and supply same road from same point to the farm of John Dempsey

In the Court of Quarter Sessions of Cambria County.

March
No. 7 ~~September~~ Term, 1902.

Road Docket.

Exceptions to report of viewers.

TO THE HONORABLE FRANCIS J. O'CONNOR, PRESIDENT JUDGE OF THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.

The undersigned except to the confirmation of the report of viewers filed in above stated case, for the following reasons:

1. The petition does not name the termini of the road to be vacated and supplied with sufficient certainty.
2. The exceptants do not know of any person living in the Township by the name of William Chirsils.
3. The petition is not in accordance with the provisions of the Act of Assembly for vacating and supplying a road laid out by order of Court and not opened.
4. The petition is not signed by the required number of signers to the original petition for the laying out of the road not opened.
5. J. T. Dempsey signer of the petition for vacating and supplying part of the road was appointed a viewer and acted as a viewer and signed the report vacating and supplying part of the road.
6. The viewers did not vacate and supply a road to the termini named in the petition.
7. The petition did not name a public road or public point as the termini of the proposed road.
8. The viewers located one of the termini in another public road different from that named in the petition and a distance of one half mile therefrom.

9. The report of viewers does not show the width of the road proposed to be supplied.

10. The report does not show that the viewers were sworn before they proceeded to view the site for the road proposed to be supplied.

11. The viewers did not perform their duties as required by law.

E. J. Adams
Wm. Nicholson
Monie L. Hughes
M. J. St. John
Bert McMullen
W. A. Glass

Joseph Myers
John J. Godfrey
Em J. Godfrey
D. R. Moore
Luke Delaney
Jacob Buehler

Cambria County, ss.

Henry Myers and William Glass
being duly sworn according to law depose and say that the matters set forth in the foregoing exceptions are true and correct, to the best of their knowledge and belief.

Sworn and subscribed before me
this 15 day of June 1902.

F. J. Parrish
J. P.

Henry Myers
W. A. Glass

March
No. 7 ~~Sept~~ Serua 1902 (P.D.)

In re petition of the independent
of Gallegos ^{with} ~~in~~ ^{partnership} for appointment
of review to this and by
out a public road to lead from
a point called Mills Mills
to a point at William Elvins
and to create and supply
same road from same point
to the farm of John Sepulveda

Diceptus

Filed 18 August, 1902,

H. A.

To The Honorable The Judge of The Court of Quarter
Sessions of The Peace of The County of Cambria.
We The undersigned Viewers appointed by your
Honor in The Annexed order of Court, to view vacate
and supply road in Gallitzin^{Ind} Township - Do report
That legal notice of the time and place of meeting
having been given and a copy of said notice
left with Commissioners of The County and with
The Supervisor of The Township - We met according
to appointment and having been sworn - We
viewed The ground as having been laid out and
never opened up for travel and now proposed to
be vacated - We then viewed The ground for The
road to be supplied, and finding it in our
opinion a far more desirable location and
better ground with better grade and can be
built with one half the expense to The Township
We therefore proceeded to lay it out - The courses
distances and improvements as shown on The
Annexed draft - We therefore recommend the opening
up of said road as layed out for a public
road for public travel - and The vacating of
that marked on The Draft as vacated.
We assess damage to Anthony Myers Forty
dollars - No other damage.
Witness our hands This 29th day of Mar
A. D. 1902

J. A. Shoemaker
J. T. Dempsey
P. A. Sibert } Viewers

June
 J. A. Shoemaker Surveyor 2 D 20^m
 P. A. Syberts 1 " 4 "
 J. J. Humpson 1 " 2 "
 James Peck 1 Chair
 Ed Shoemaker 1 " "

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 First day of April A. D. 1902 before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Gallitzin, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from a point called Miles Mill to a point to Wm. Chirsils to vacate and supply same road from same point to the farm of John Dempsey which distance appears to us shorter and will be less expence to the said Township your ne

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

J. A. Shoemaker SURVEYOR, and
J. T. Dempsey and P. A. Sybert

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:

B. E. Troppell, 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. 7, MARCH SESSION, 1902.

Order to -- view vacate and
supply road in Gallitzin
Township.

Report of Viewers
Filed June 1902

J. A. Shoemaker
J. T. Dempsey
P. A. Sybert
Viewers

Clerk Troxell 90 cts.

Printed by Sechler.

MOUNTAINEER-HERALD PRINT.

11
Aug. 5, 1902 report approved, and width of road
fixed as thirty feet
By the Court