



J O H N C B E I T E R

PUBLIC ROAD TO BE VACATED 30 FT. WIDE

J O H N C B E I T E R

PUBLIC ROAD TO BE SUPPLIED 30 FT. WIDE

J O H N C B E I T E R

MAP OF VIEW,  
TO VACATE  $\frac{1}{2}$  SUPPLY PUBLIC ROAD  
situate in,  
Allegheny Twp, Cambria Co., Pa.  
Viewed

Nov. 28, 1904. Scale 1 in. = 100 ft.  
S. G. Fetterman, Sur.  
Richard Denny,  
Geo. Farabaugh  
Viewers.

No 12. Sept. Session. 1904.

FD # 12 - Sept 1908  
Nat. Mus. Wash. D. C.

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

To the Honorable Francis J. O'Connor, President Judge of Said Court

The petition of the undersigned, all of whom are taxable inhabitants and residents of Allegheny Township and of Munster Township in said County, as is indicated in the signatures hereto, respectfully represents:

That by reason of the fact that a portion of the Public Road leading from the Plank Road to Pine Grove, in said Township, as laid out and opened, is inconvenient and burdensome to the taxpayers and to the traveling public, owing to being hilly and difficult to travel, and also expensive to maintain, it is desired to change the location of said road between the points hereinafter mentioned to ground lower down, and by avoiding the hilly portion of said road, secure a location more suitable for a good road: the section which it is desired to have vacated and supplied commences at a point on said Public Road in Allegheny Township, near the Munster Township line, indicated by a farm gate on land of John C. Beiter, and ends at a point on said Public Road about fifty feet westerly from the bridge crossing Clearfield Creek, in Allegheny Township, all of said proposed change of route being in Allegheny Township, and upon land of John C. Beiter.

Your petitioners therefore pray that the aforesaid portion of said Public Road may be vacated and a new road between the same points supplied, and that for said purpose viewers be appointed to view the same and report to next term of court, and they will ever pray etc.,

Names.	Township.
1. <i>Wm. Parrish</i>	<i>Munster</i>
2. <i>John P. Bard</i>	<i>Munster</i>
3. <i>Henry Bard</i>	<i>Munster</i>
4. <i>J. J. Brennan</i>	<i>Allegheny</i>
5. <i>Daniel Barry</i>	<i>Allegheny</i>
<i>Edward Bowman</i>	<i>Munster</i>

minutes	6 B A. Carole
minutes	7 Agatha Kern
minutes	8 Sherman Glass
minutes	9 M. E. Deane
minutes	10 J. H. Sautter
minutes	11 James H. Tracy
minutes	12 J. H. Carole
minutes	13 J. H. Deane
minutes	14 H. P. Carole
minutes	15 M. E. Deane
minutes	16 A. A. Noel
minutes	17 J. H. Deane
minutes	18 J. H. Deane
minutes	19 J. H. Deane
minutes	20 J. H. Deane
minutes	James Bradley
minutes	Grant O'Leary
minutes	J. N. Lilly
minutes	James A. Kyle

Cambria County, Pa.

Charles A. Stel, one of the persons signing the foregoing petition, being duly sworn according to law, says that the statements of fact therein set forth are true and correct, that the signatures thereto are genuine and those of taxable inhabitants of the townships indicated.

Charles A. Stel  
Sworn and subscribed to before me this 12<sup>th</sup>  
day of Sept. 1894.

W. E. Hoyle, J. P.



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 21st day of September A. D. 1904, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Munster and Allegheny, in the said County, setting forth that ~~they labor under inconvenience for want of a road or highway to lead from~~

~~by reason of the fact that a portion of the public road leading from the plank road to Pine Grove, in said Township, as laid out and opened, is inconvenient and burdensome to the taxpayers and to the traveling public, owing to being hilly and difficult to travel and also expensive to maintain, it is desired to change the location of said road between the points hereinafter mentioned to ground lower down, and by avoiding the hilly portion of said road, secure a location more suitable for a good road; the section which it is desired to have vacated and supplied commences at a point on said public road in Allegheny Township, near the Munster Township line indicated by a farm gate on land of John C. Beiter and ends at a point on said public road about fifty feet westerly from the bridge crossing Clearfield Creek, in Allegheny Township, all of said proposed change of route being in Allegheny Township, and upon land of John C. Beiter~~

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

S. G. Fetterman SURVEYOR, and  
Richard Denny and George Farabaugh

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:

*C. E. Troxell* Clerk.

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No. 12, September Session 1904.

Order to view vacate and supply road in Allegheny and Munster Townships.

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S. G. Fetterman  
Richard Denny  
George Farabaugh  
Viewers

Clerk Troxell 90 cts.

Itell

MOUNTAIN-HERALD PRINT.

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 rivings and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

To the Honorable Francis J. O'Connor, President Judge of the Court of Quarter Sessions of Cambria County, Pennsylvania,--

The undersigned viewers appointed by your Honorable Court to vacate and supply a section of the public road situate in Allegheny Township, said County, commencing at a point in said road as designated in the annexed order and indicated by a farm gate on land of John C. Beiter and ending at a point in said public road about fifty feet westerly from the bridge crossing Clearfield Creek in Allegheny Township, said County do hereby respectfully report and return:-

That having given due public notice by typewritten notices posted in the most public parts of said Township, not less than ten days before the date fixed for the view, and also having given written notice to the Supervisors of said Township and to the County Commissioners of said County, as will appear from the acceptances of notice hereto attached, the viewers met at the place fixed in said notice, to wit:- at the house of John C. Beiter, near the westerly terminus of said section of road on Monday, the 28th day of November, A. D. 1904, at 2:00 o'clock P.M., all of said viewers being present and having been first sworn to perform their duties impartially and according to the best of their judgment, they proceeded to discharge of their duties under said appointment and having viewed and looked over the section of the road proposed to be vacated and the site for the proposed new road to supply the section proposed to be vacated we find that the said section of the old road between the termini mentioned in said petition and described as follows:-

Commencing at a point in Public road aforesaid at the farm gate above mentioned; thence by said road the following seven courses and distances, to wit:- North 86° 00' East, 127 feet; North 80° 00' East 321 feet; South 63° 30' East 244 feet; South 65° 00' East, 260 feet; South 77° 30' East 218 feet; South 64° 30' East 130 feet and South 51° 10' East 452 feet to a post or point in said road fifty feet westerly from the bridge crossing Clearfield Creek (as now open and laid out is hilly and difficult to travel, and also expensive to maintain, and in view of said conditions, we recommend that said section of

road be vacated, and lay out and return for public use in place thereof, the following public road which we believe to be necessary for the traveling public, to wit:- Commencing at the aforesaid point in said public road, near the farm gate as above-mentioned; thence through land of John C. Beiter, by a straight line South 71° 10' East a distance of 1672 feet to post aforesaid in said public road fifty feet westerly from the bridge crossing Clearfield Creek, the easterly terminus of the section of road to be vacated, which said proposed road is over land which will furnish a very even grade, being nearly level, and upon land suitable for a public road, making a road more direct, easier to maintain, and easier and more desirable to travel than the section of the road to be vacated; the entire course of said road as laid out is in Allegheny Township, the westerly terminus being near the Munster-Township line, and is laid out with respect to the shortest distance and the best ground for a road between the points mentioned in said order and in such manner as to do the least damage to private property, and to be also, as far as practicable, agreeable to the desire of the petitioners; all of the course of said road, as laid out, is through cleared land, having no improvements in the way, excepting the fence and farm gate near the westerly terminus and a fence alongside the line of the old road near the easterly terminus; we further report that we have endeavored to procure release from the said John C. Beiter, the owner of the land, and he has indicated his willingness to grant a release without any other consideration than the opening and construction of said proposed road as laid out; we have considered the advantages and disadvantages to the property of John C. Beiter and believe that the advantage to his land from the opening and construction of said road will be equal to the damages for the taking and occupying of the strip of land required for said proposed road, and we, therefore, award him no damages, but have his assurance that a release will be granted by him as aforesaid; a plot or draft of the said road to be vacated, as well as the section to be supplied is hereto attached and made a part of this report, all of which is respectfully submitted.

*S. G. Fetterman*  
*George Farabough*  
*Richard Denny*  
Viewers.

N O T I C E O F R O A D V I E W .

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Notice is hereby given that the undersigned viewers appointed by the Court of Quarter Sessions of the Peace of Cambria County held at Ebensburg in said County upon the 21st day of September A. D. 1904, to vacate and supply a section of the public road in Allegheny Township, said County, commencing at a point in said Public Road in Allegheny Township, near the Munster Township line and indicated by a farm gate on land of John C. Beiter and ending at a point on said Public Road about fifty (50) feet west from the bridge crossing Clearfield Creek in said Township, all of said proposed change of road being in Allegheny Township, upon land of John C. Beiter, will meet at the house of John C. Beiter near the westerly terminus of said section of road, as above-mentioned, on Monday, the 28th day of November, A. D. 1904, at 2:00 o'clock P. M., and from there to proceed to the discharge of their duties under said appointments, when and where all persons interested may attend, if they see proper.

S. G. BETTERMAN, Surveyor,

RICHARD DENNY,

GEORGE FARABAUGH,

Viewers.

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J Ebensburg, Pa., November 17, 1904.

I hereby accept service of the above notice of Road View for the County Commissioners of Cambria County.

  
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Commissioners' Clerk.

NOTICE OF ROAD VIEW.

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Notice is hereby given that the undersigned viewers appointed by the Court of Quarry Sessions of the Peace of Cambria County held at Ebensburg in said County upon the 28th day of September A. D. 1904, to vacate and supply a section of the public road in Allegheny Township, said County, commencing at a point in said Public Road in Allegheny Township, near the Munster Township Line and indicated by a farm gate on land of John C. Beiter and ending at a point on said Public Road about fifty (50) feet west from the bridge crossing Clearfiled Creek in said Township, all of said proposed change of road being in Allegheny Township, upon land of John C. Beiter, shall meet at the house of John C. Beiter near the westerly terminus of said section of road, as above-mentioned, on Monday the 28th day of November A. D. 1904, at 2000 o'clock P.M., and from there to proceed to the discharge of their duties under said appointment, when and where all persons interested may attend, if they see proper.

S. G. FETTERMAN, Surveyor,  
RICHARD DENNY,  
GEORGE FARABAUGH,  
Viewers.

Allegheny Township, Cambria County, Pa. Nov. 16, 1904.

I hereby accept service of the above notice of road view.

Albert Rhoads

Samuel Mills

Supervisors.

No. 12 September Session 1904, P. 27.

L. 26 County District Session  
of Columbia County, Pa.

Report of Viewers

Appears to view, locate and  
supply a section of public  
Road in Allegheny Twp.,  
commencing at a point on land of  
John C. Biter, on public road of  
leading from Pine Grove to the  
Plank Road, and ending  
at a point on said road  
50 feet west of Pine Grove  
crossing both roads.

Filed December, 1904.

For bill of costs

See # 10.

THOMAS J. ITELL,  
ATTORNEY AT LAW,  
JOHNSTOWN, PA.

HENRY HALL, PRINTER, INDIANA, PA.

Jan'y 17, 1905, approved and breadth fixed at thirty feet;

By the Court.

May 15, 1905 Confirmed  
b. c. Itell

W. C. Itell

To J. G. Itell, Esq.

From Geo. A. Itell.