

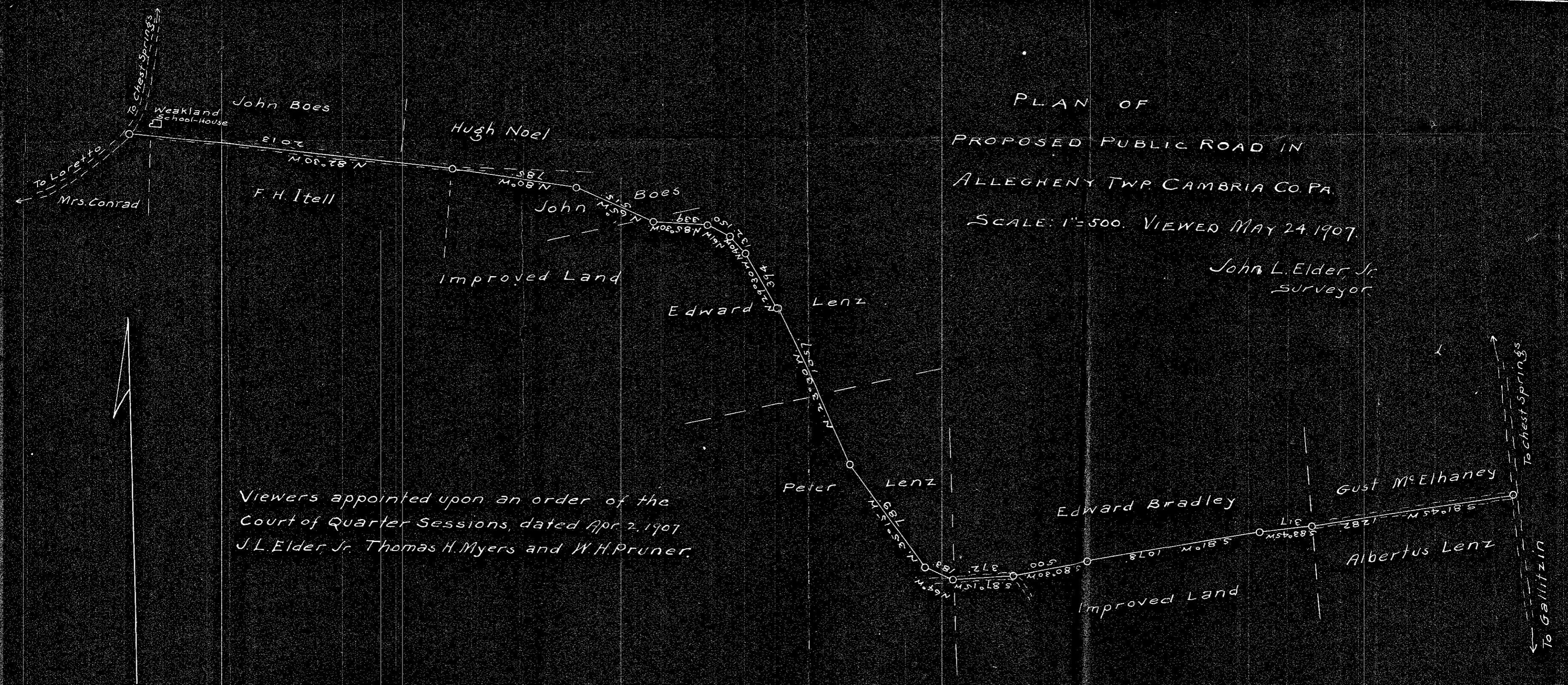
R. 10# 4 MAR. 1957

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PLAN OF
PROPOSED PUBLIC ROAD IN
ALLEGHENY TWP. CAMBRIA CO. PA.

SCALE: 1"=500. VIEWED MAY 24 1907.

John L. Elder, Jr.
Surveyor



Viewers appointed upon an order of the
Court of Quarter Sessions, dated Apr 2, 1907
J. L. Elder, Jr. Thomas H. Myers and W. H. Pruner.

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...second...day of...April...A. D. 1907, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Allegheny, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from a point at corner or on line of and between the lands of...Tiberius Lenz and Gust. McHenry, on the public road leading from Chest Springs to Gallitzin, in Allegheny Township, to a point at the Weakland School House, on the public road leading from Chest Springs to Loreto, in said Allegheny Township.

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 J. L. Elder, Jr. surveyor, and Thomas H. Myers and ~~John Hartung~~ W. N. Pruner 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. Truell, 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. 4 March Session, 1907

Order to view road in
Allegheny Township

Filed June 19, 1907

Viewers.
C. P. Eichen, Jr.
Thomas H. Myers
W. H. Munster
John H. ...

Clerk
90 cts.
Leach

EVANSING MOUNTAIN-HERALD ELECTRIC PRINT.

August 6, 1907, approved and breadth fixed at
thirty feet,
By the Court

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

We, the undersigned viewers, appointed by the
annexed order to view the ground for a
public road in Allegheny Township
respectfully report.

That, in pursuance thereof, after
having been severally sworn or affirmed to
perform our duties impartially and to
the best of our judgment, and having
given due public notice as required by
law, and having served copies of
said notice upon the Supervisors of the
territory through which said road passes
and also upon the County Commissioners
of said County.

All the viewers appointed by said order
viewed the ground for the within
mentioned road, and the undersigned
do agree that there is occasion for a
road as desired by the petitioners,
and having due respect to the shortest
distance and best ground for the
road, we have laid it out as far as
practicable agreeably to the desires
of the petitioners, and do return for
public use the following described
road, Beginning at a point on

The public road leading from Chest Springs to Gallitzin on line between lands of Gust McElhanev and Tibertus Leuz thence along said line south eighty one degrees forty five minutes west twelve hundred and eighty two feet thence through land of Eduard Bradley south eighty three degrees forty five minutes west three hundred and seventeen feet thence south eighty one degrees west ten hundred seventy eight feet thence south eighty degrees thirty minutes west five hundred feet thence south eighty seven degrees fifteen minutes west three hundred seventy two feet thence north sixty four degrees west one hundred eighty three feet through land of Peter Leuz thence north thirty five degrees fifteen minutes west seven hundred eighty nine feet thence north twenty three degrees thirty minutes west ten hundred fifty seven feet thence north twenty nine degrees thirty minutes west three hundred ninety four feet through lands of Eduard Leuz thence north forty degrees west one hundred thirty two feet thence north sixty one west one hundred fifty feet thence north eighty five degrees thirty minutes west three hundred thirty nine feet thence through land of John Boes north sixty five degrees west five hundred fifteen feet thence north eighty degrees west seven hundred

and eighty five feet thence along line of land of Hugh Noel, John Boes, F. H. Stell and Mrs. Conrad north eighty two degrees and thirty minutes west twenty hundred and thirteen feet to a point on the public road leading from Chest Springs to Loritto near the Wakland school house in said Township.

We have awarded the following damages

Tibertus Lenz \$25.00; Gust M. Elhauer \$25.00;
 Edward Bradley \$175.00; Peter Lenz \$125.00
 Edward Lenz \$125.00 John Boes \$150.00
 Hugh Noel \$10.00 F. H. Stell \$50.00

A plot or draft is hereto attached and made part of this report

Witness our hands this the 3rd day of June 1907.

J. L. Elder Jr.
 J. W. Muner

Thos. H. Myers

John H. Myers	3.00
mileage	1.00
Thos. H. Myers	3.00
mileage	.60
Miss Baker Chairman	1.50
Edward Lenz	1.50

ROAD NOTICE.

23 3 7
766 3.24
221711

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions to view the ground for a public road beginning at a point on line between lands of Tebertus Leuz and Gust Meyers on the public road leading from Chest Springs to Gallitzin, and ending at a point on the public road leading from Chest Springs to Lantz's near the McKelard School House in Allegheny Township.

will meet at the house of Edward Leuz in the township of Allegheny aforesaid, on the 24th day of May 1907, at 9 o'clock A.M. for the purpose of viewing said ground.

J. Elder Jr.
Thomas A. Myers
H. H. Pruett

May 11, 1907.

Viewers.

May 16, 1907

Service accepted for the County Commissioners

J. B. Luman
Chairman

will meet at the

120, at o'clock

Witness.

10

To the Honorable Francis J. O'Connor, President
Judge of the Court of Quarter Sessions of
Crawford's County:

The petition of the undersigned, inhabitants
of Allegheny Township, in said
County, respectfully represents:

That they labor under great incon-
venience for want of a public road
or highway, beginning at a point at cor-
ner of a line of land between the lands of
Tiberius Lawrence and Gust McHenry, on the
public road leading from Chest Springs
to Gallitzin, in Allegheny Township, &
or ending at a point at the Woodland
School House, on the public road
leading from Chest Springs to Loretto,
in said Allegheny Township.

The petitioners therefore pray the Court
to appoint three persons qualified ac-
cording to law to view the ground pro-
posed for such road, and, if they see
occasion, lay out the same, and make
report of their proceedings to the next
term of this Court.

And they will ever pray, &c.

Edward Lenz
D. D. Pryce
J. J. ...
W. L. ...

H. J. ...
Dr. J. Murphy
Rev. Ferdinand Kittell

W. ...
John Moran
McSchwa
Patrick Moran
Thos. Litzinger
G. A. Donnell
John ...

John ...
George ...
James ...
Peter, G. Melhorn
Elyas Donough
Charles Donough
John ...
Patrick ...
Thomas ...
Thos. Baker
J. D. Melhorn

Bert Seymour

Jeff Souerville

W. J. Thayer

Ed. J. Brown

J. C. Perkins

A. B. Plunkett

F. H. Basal

W. J. Thayer

Bert Long

J. W. Sharp

Geo. W. C. Perry

Henry Biter

John W. ...
Haughey
T. H. A. Myers

Cambria County, S.S.

Edward Dury, being duly sworn according to law, says that the facts set forth in the foregoing petition are true and correct,

(sworn & subscribed) before me this 1st day of April, 1908.

Edward Long

W. C. Howell

104 March 20 1907 R.D.

Petition of the inhabitants of Allegheny Township Cambria County for the appointment of viewers to view and layout a Public Road beginning at a point on Public road leading from Chest Springs to Gallop at corner in line between land of Tiberius Long & East McHenry in Allegheny Township Tending to a point in public road from Chest Springs to Lyatts at the Westland School House.

Filed 7 April, 1907.

And now April 2, 1907 the within petition read and considered and J. L. Edgar, Thomas H. Myers and John Hastings are appointed viewers as prayed for

Richard

J. L. Edgar

M. G. JOHNSTON & CO. PITTSBURGH, PA.

Leech

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

In re Report of Viewers Laying out a :
Public Road in Allegheny Township. : #4 March Sessions, 1907.
: Road Docket.

TO THE HONORABLE FRANCIS J. O'CONNOR, PRESIDENT JUDGE OF SAID COURT:

EXCEPTIONS TO THE REPORT OF THE VIEWERS.

The report of the viewers fails to disclose that:

- 1- Written notice was given to the supervisors of Allegheny Township of the time of presenting the petition to the Court for the appointment of viewers.
- 2- Written notice was given to the Supervisors of Allegheny Township of the time and place of the meeting of the viewers to view the ground over which the proposed road should be laid out.
- 3- The viewers met and viewed the ground on the date of the notice attached to the report, or, in fact, when the viewers viewed the ground.
- 4- Any effort was made to procure releases from the landowners thru whose land the proposed road was laid out.
- 5- The viewers considered the benefits and advantages to the landowners in estimating the damages awarded.
- 6- The road was laid out so as to do the least injury to the property owners.
- 7- The land thru which the proposed road passes is improved or unimproved land, and what improvements are on the line of the proposed road.
- 8- The viewers were sworn according to law.

Copies of the written notices required to be served on the Supervisors of the time of the presentation of the petition for the appointment of viewers, and of the time of the meeting of the viewers are not attached to the report of the viewers, or filed with the report.

That the viewers took dinner with Edward Lenz, one of the petitioners for the road.

The report of the viewers is incomplete, defective and irregular, and not in accordance with the acts of assembly governing the same.

P. J. Little
Atty for Peter C. Lenz + Anthony
Lenz - tax payers of Allegheny Twp.

State of Pennsylvania, :
County of Cambria. : ss.

Anthony Lenz, being duly sworn according to law, deposes and says that the statements contained in the foregoing are correct and true to the best of his knowledge and belief.

Sworn to and subscribed before me
this *23rd* day of *Aug*, A.D. 1907.

C. A. McYonigle
JUSTICE OF THE PEACE.
BY STATE COMMISSIONER MAY 3 1909.

Anthony Lenz

IN THE COURT OF QUARTER
SESSIONS.

#4 MARCH TERM, 1907.
ROAD DOCKET.

EXCEPTIONS TO THE REPORT
OF VIEWERS FOR ROAD IN ALLEGHENY
TOWNSHIP.

Filed 76 Aug 1907

In the Matter of Proceedings
for road
in
Allegheny Township.

In the Court of Quarter Sessions of
Cambria County, Pa.
No. 4 March Sessions 1907 Road Docket.

EXCEPTION.

The applicants for appointment of viewers did not give written notice of such application to the supervisors of the Township of Allegheny of the time and place of presentation of such application, to the Court; and did not file a copy of such notice showing service, as required by law, among the records of the Court.

W. A. Kittell

Attorney for John Boes, et al, Exceptants.

State of Pennsylvania §
County of Cambria §

John Boes being duly sworn according to law says that the matters set forth in the foregoing Exception are true, as he verily believes.

Sworn and subscribed before me
this 27th day of July, 1907.

Philip W. Shettig

Notary Public

My Commission Expires January 16th, 1909.

John Boes

No. 4 March Sessions, 1907

Road Docket.

In the matter of Proceedings For Road

In

Allegheny Township.

Exception.

Filed 8 Aug 1907

Kittell.

