

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

The petition of the undersigned, inhabitants of the township of Gallitzin, in the County aforesaid, respectfully represents:-

That a public road was laid out from a point on the road from Chest Springs to Altoona, where West Main Street connects with the said road in the Borough of Ashville, to a point on the road leading from Chest Springs to Gallitzin, at or near the property of William Christy, in pursuance of a petition filed 14th June, 1900 and an order to open issued on the 6th of May, 1901, said proceeding being recorded in Cambria County in Road Docket Vol 5, pages 13 and 499.

That a portion of the said road from a point near the bridge where the same crosses Clearfield Creek to Amsbry has become burdensome, useless and inconvenient by reason of the occupation of the same by the New York Central Railroad Company.

That on account of the laying of the tracks of the said railroad Company across and along said public road the grades have been made inconveniently steep and it is now dangerous to attempt to travel the same.

That the said New York Central Railroad Company has laid out a new road between the points mentioned, in order to supply the portion of the road which they have appropriated, and your petitioners are desirous of having said new road opened and said old road vacated, between the points set forth above, by due process of law.

That they labor under great inconvenience for want of a suitable road between the points mentioned and they therefore pray the Court to appoint three persons, qualified according to law, to view the ground proposed for said road, and, if they see occasion to lay out the same, to inquire of and vacate the above specified portion of the public road laid out as above stated, and to make report of their proceedings to the next term of Court.

And they will ever pray, etc.

W. H. Plumbell

H. T. Harris

Daniel P. Harlin

D. A. Graves

Samuel Bantersbach

John C. Mott

W. A. Glass

John Dignam

Hugh Dignam

J. Dignam

James Harlin

H. Harlin

James

James Bantersbach

John Bantersbach

James Tawle

John C. Tawle

J. & M. Tawle

John L. Tawle

John L. Tawle

John L. Tawle

M. Wainley

S. L. Barker

Tom Tawle

William Tawle

Ed. M. Tawle

Chas. Tawle

Joseph Tawle

Alfred Tawle

J. C. Tawle

P. A. Tawle

State of Pennsylvania,)
County of Cambria.) SS.

Before me, the subscriber, Prothonotary of Cambria County,
personally appeared J. P. Myers, who, being duly sworn according to law did depose and say that the facts set forth in the within and foregoing petition are true and correct to the best of his knowledge and belief.

Sworn and subscribed this 4th
day of June, 1906.

W. C. Howell

} J. P. Myers

to 3 June Sess 1906

In the Court of Quarter Sessions
of Cambria County.

Petition of the inhabitants
of Gallitzin Township for the
appointment of viewers to
vacate and supply a road in
said Township.

And now, June 4th, 1906, the
within petition read and con-
sidered and John A. McClure,

Oscar Yethow, and

J. L. Elder are
appointed viewers.

By the Court

Filed 6 June, 1906,

B. & B.

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

We, the undersigned, viewers, who were appointed by your Honorable Court to view that portion of a public road in Gallitzin Township, County and State aforesaid, as laid out from a point on the road from Chest Springs to Altoona, where West Main Street connects with the said road in the Borough of Ashville, to a point on the road leading from Chest Springs to Gallitzin, at or near the property of William Christy, extending from a point near the bridge where the said road crosses Clearfield creek to Amsbry, and instructed to pass upon the advisability of vacating the above portion of the said road and supplying a new road between the said points.

We, therefore, in compliance with the said order, after giving due and legal notice to the Commissioners of Cambria County, the Supervisors of Gallitzin Township and by printed hand bills posted at the points designated as the termini of the road in said order, and at the public places in the neighborhood according to law, and after having been severally sworn to perform the duties of our appointment impartially and to the best of our judgment, at the time and place mentioned and designated in the said notices, to-wit, on the 15th day of August, 1906, at 10.30 A. M., at the above mentioned bridge, met for the purpose of performing the duties of our appointment.

We first viewed the portion of the road designated in the said order as having become burdensome, useless and inconvenient and are of the opinion that the same has become burdensome, useless and inconvenient and that the grades have become inconveniently steep and dangerous and it ought therefore to be vacated.

We then inspected and viewed the new road as laid out by the New York Central Railroad Company between the points designated to supply the portion of the road vacated by this proceeding, and we

viewed and inspected the ground between the points as designated aforesaid, for the purpose of satisfying ourselves as to the advisability of vacating the said road and the advantages to be gained and derived by supplying a new road between the said points.

We now report to your Honorable Court that we found occasion, after careful inspection and due deliberation, for a new road for public use between the points designated and proceeded to lay out the same with respect to the road laid out by the said Railroad Company, the shortest distance and the best ground for the road and in such manner as shall do the least injury to the private property through which it passes. A plat or draft hereto attached and made a part of this report shows the courses and distances of the road hereby vacated and also the courses and distances of the new road as laid out and supplied with the nature of the improvements through which the said road passes.

Further having in mind the disadvantages as well as the advantages to be derived by the property owners through whose property the road passes, we assessed no damages in favor of the said property owners as no damage was done thereto, by reason of such change of road. The road hereby supplied passes entirely through the property of the Pennsylvania Coal & Coke Company and is laid out to correspond with the road build by the New York Central Railroad Company to supply the portion of the road vacated by this proceeding, and your viewers are convinced that no better location for a road between the said points can be found.

All of which is respectfully submitted this fourth day of September, A. D., 1906.

J. R. Elder	2 1/2 days	\$10.00
"	mileage	2.30
John A. McQuinn	"	2.00
"	mileage	.50
Oscar Yothers	"	2.00
"	mileage	.50
D. A. Grimmer	Chairman	1.50
Joseph Myers	"	1.50
		<u>\$20.30</u>

J. R. Elder
John A. McQuinn
Oscar Yothers

To John Gutwald, one of the supervisors of Gallitzin Township, Cambria County, Pennsylvania,

Sir:-

Take notice that J. L. Elder, John A. McGuire and Oscar Yothers, viewers appointed by the last Court of Quarter Sessions of Cambria County to view that part of a public road as laid out from a point on the road from Chest Springs to Altoona, where West Main Street connects with the said road in the Borough of Abhville, to a point on the road leading from Chest Springs to Gallitzin, at or near the property of William Christy, situate in the township of Gallitzin, beginning at a point near the bridge where the said road crosses Clearfield Creek and ending at Amsbry, and report to the said Court as to the advisability of a change in the route of said road between said points, will meet for the purpose of performing the duties of their appointment, at the bridge across Clearfield Creek, above mentioned, at 10.30 A. M., on August 15th, 1906.

Served the 27 day of July, 1906, a copy of the above notice on John Gutwald, one of the Supervisors of Gallitzin Township, by handing him a copy of the same, further, this is to certify that the copy of the said notice served on the above named supervisor was a true and correct copy of the above notice.

Joseph Myers
Const

To John A. McGuire one of the supervisors of
Gallitzin Township, Cambria County, Pennsylvania,

Sir:-

TAKE NOTICE, that J. L. Elder, John A. McGuire and Oscar
Yothers, viewers appointed at the last Court of Quarter Sessions of
Cambria County to view that psrt of a public road as laid out from
a point on the road from Chest Springs to Gallitzin, where West
Main Street connects with the said road in the Borough of Ashville,
to a point leading from Chest Springs to Gallitzin, at or near the
property of William Christy, situate in the township of Gallitzin,
beginning at a point near the bridge where the said road crosses
Clearfield Creek and ending at Amsbry, and report to the said Court
as to the advisability of a change of route of said road between
the said points, will meet for the purpose of performing the duties
of their appointment, at the bridge across Clearfield Creek, above
mentioned, at 10.30 A. M. on August 15th, 1906.

Served the 30th day of July, 1906, a
copy of the above notice on John A. McGuire one of the Super-
visors of Gallitzin Township, by handing him a copy of the same,
further, this is to certify that the copy of said notice served on
above supervisor was a true and correct copy of the above notice.

John A. McGuire

To Sho. H. Myers one of the supervisors of
Gallitzin Township, Cambria County, Pennsylvania,

Sir:-

TAKE NOTICE, that J. L. Elder, John A. McGuire and Oscar
Yothers, viewers appointed at the last Court of Quarter Sessions of
Cambria County to view that part of a public road as laid out from
a point on the road from Chest Springs to Gallitzin, where West
Main Street connects with the said road in the Borough of Ashville,
to a point leading from Chest Springs to Gallitzin, at or near the
property of William Christy, situate in the township of Gallitzin,
beginning at a point near the bridge where the said road crosses
Clearfield Creek and ending at Amsbry, and report to the said Court
as to the advisability of a change of route of said road between
the said points, will meet for the purpose of performing the duties
of their appointment, at the bridge across Clearfield Creek, above
mentioned, at 10.30 A. M. on August 15th, 1906.

Served the 30th day of July, 1906, a
copy of the above notice on _____ one of the Super-
visors of Gallitzin Township, by handing him a copy of the same,
further, this is to certify that the copy of said notice served on
above supervisor was a true and correct copy of the above notice.

J. O. Myers
Court

Returns of service on Supervisor.

Savage 3 ⁴⁰	150
Miley 12	<u>172</u>
	2, 22

J. P. Myers
Const.

200

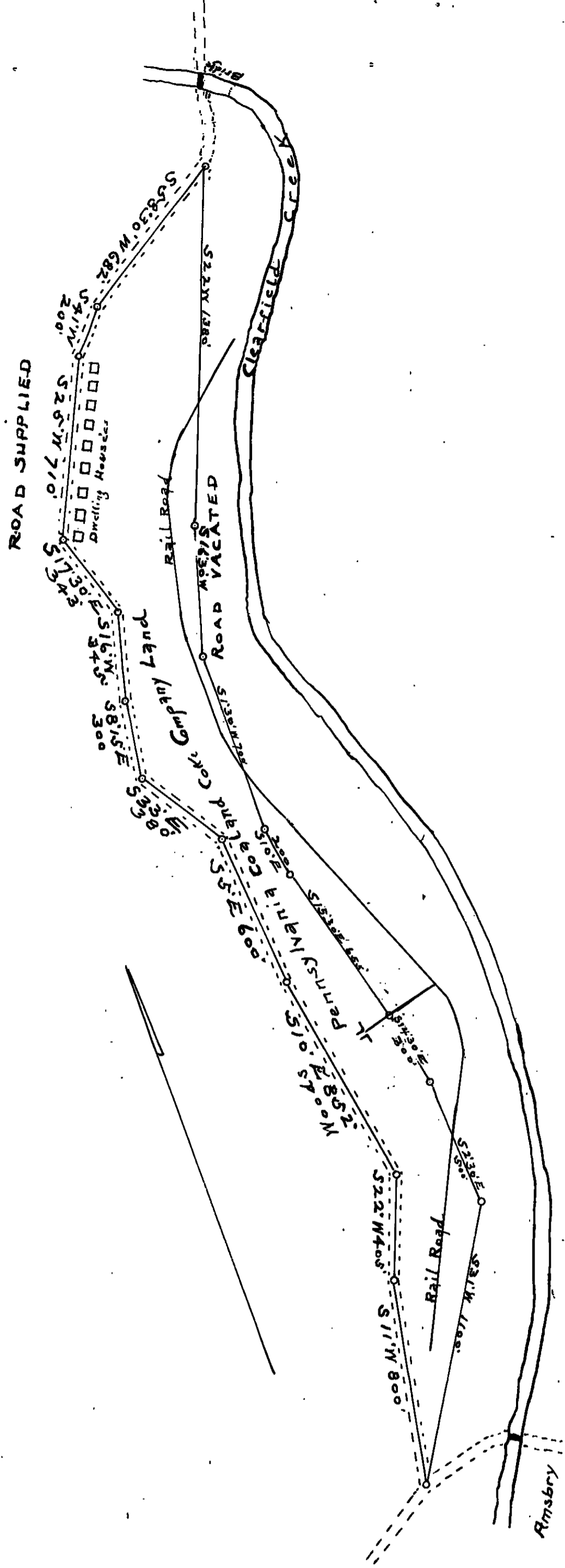
To John Owens, Charles Leventry and Conrad Hahn, Commissioners
of Cambria County,

Sirs:-

TAKE NOTICE, that J. L. Elder, John A. McGuire and Oscar
Yothers, viewers appointed by the last Court of Quarter Sessions of
Cambria County to view that part of a public road as laid out from
a point on the road from Chest Springs to Altoona, where West Main
Street connects with the said road in the Borough of Ashville, to
a point on the road leading from Chest Springs to Gallitzin, at or
near the property of William Christy, situate in Gallitzin, beginning
at a point near the bridge where the said road crosses Clearfield
Creek and ending at Amsbry, and report to the said Court as to the
advisability of a change in the route of the said road between said
points, will meet for the purposes of performing the duties of their
appointment at the bridge across Clearfield Creek, above mentioned,
at 10.30 A. M. on August 15th, 1906.

Served a copy of the above notice on the Commissioners of
Cambria County by handing a copy thereof to John Lehman, Clerk to
said Commissioners, on the 28 day of July, 1906, further this
is to certify that the copy served on the Commissioners aforesaid
was a true and correct copy of the above notice.

Fred O. Barker



Plan of the Proposed Public Road in
 Gallitzin Township Cambria County Pa.
 Scale: 1 inch = 400 feet Surveyed Aug 15, 1906
 J. L. Elder
 Surveyor

Viewers appointed upon an order of the Court of
 Quarter Sessions dated June 6, 1906
 J. L. Elder John A. McGuire & Oscar Yothers

Commonwealth of Pennsylvania, }
County of Cambria. }

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the...Sixth.....day of...June.....A. D. 1906 , 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 great~~

~~inconvenience for want of a suitable road between the points mentioned and they therefore pray the Court to appoint three persons, qualified according to law, to view the ground proposed for said road, and, if they see occasion to lay out the same to inquire of and vacate the above specified portion of the public road laid out as above stated, and to make report of their proceeding to the next term of Court.~~
a public road was laid out from a point on the road from Chest Springs to Altoons, where West Main Street connects with the said road in the Borough of Ashville, to a point on the road leading from Chest Springs to Gallitzin, at or near the property of William Christy in pursuance of a petition filed 14th June 1900 and an order to open issued on the 6th day of May 1901 said proceeding being recorded in Cambria County in Road Docket Vol. 5 pages 13 and 499

.....That a portion of the said road from a point near the bridge where the same crosses Chearfield Creek to Amsbry has become burdensome useless and inconvenient by reason of the occupation of the same by the New York Central Railroad Company.

That on account of the laying of the tracks of the said railroad Company across and along said public road the grades have been made inconveniently steep and it is now dangerous to attempt to travel the same.

.....That the said New York Central Railroad Company has laid out a new road between the points mentioned, in order to supply the portion of the road which they have appropriated, and your petitioners are desirous of having said new road opened and said old road vacated between the points set forth above, by due process of law.

.....That they labor under great inconvenience for want of a suitable road between the points mentioned and they therefore pray the Court to appoint three persons, qualified according to law, to view the ground proposed for said road, and, if they see occasion to lay out the same to inquire of and vacate the above specified portion of the public road laid out as above stated, and to make report of their proceeding to the next term of Court.

~~and they therefore praying the Court to appoint three persons, qualified according to law, to view the ground proposed for said road, and, if they see occasion to lay out the same to inquire of and vacate the above specified portion of the public road laid out as above stated, and to make report of their proceeding to the next term of Court.~~

The Court, upon due consideration had of the premises, do order and appoint
.....J. L. Elder.....surveyor, and.....
.....John A. McGuire and Oscar Yothers.....

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:

.....L. C. Fryell....., 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. 3, June SESSION, 1906.

Order to view vacate and
supply road in Gallitkin
Township.

Viewers.

J. L. Elder
John A. McGuire
Oscar Yothers

Clerk Troxell, 90 cts.

B. & B.

In the Court of Quarter Sessions
of Cambria County.

No. 3 June Sessions 1906.

Report
of

Viewers appointed to view, vacate
and supply a public road in Gal-
litzin Township.

Filed 3 September, 1906.

October 2,

~~September 4th~~

September 4th, 1906, Wilhelm

Report approved and
width fixed at 30 feet.

Expire Court

28 Dec 1906 Perfirmed

L. E. Inghel

W. K.