

In the Quarter Sessions of Carubria County.
See Road Socket, June Sessions 1888. No. 6
Exceptions to confirmation of the Report
of the viewers to vacate and supply &c.

1

The road proposed to be vacated is not useless
inconvenient and burdensome. On the contrary
it is necessary for public use,

2

The part proposed to be supplied does not com-
mence or end at the beginning or ending of
the road proposed to be vacated but is entirely
a new road.

3

The viewers had no authority under the Order
of the Court to lay out the proposed new
road

4

There is no proof that notice of the time ~~and~~
fixed for the view, nor for the place for the viewers
to meet, ^{was given,} as required by law.

Wm Hechler

Atty for Exemptionts.

1 April 1889.

No 6 June Sessions 1888.
Road Docket.

Exceptions to the
Report of the Viewers to
Vacate & Supply -

Filed 14th Apr 1889

- Seehlev -

In the Court of Quarter Sessions of Cambria County
To the Honorable R. L. Johnston, President Judge
of the above named Court.

The petition of citizens of
Portage and Munster Townships in said County
respectfully represents, That a view was recently
made by an Order of this Court to vacate and supply
part of a public road leading from the N. C. & J. Turnpike
near Mullins Bridge in Munster Township to the public
road leading from Munster to Wilmore near the resi-
dence of John Hel in Portage Township. That the
Report of the Viewers appointed to vacate and supply
said road was filed to N. C. June Sessions 1888. R.
8 on 4th Dec. 1888. by which it appears that part
of said Road was vacated and supplied by a
new road. Your petitioners further represent
that they are familiar with the road proposed
to be vacated as well as the proposed new
route and do demonstrate against the absolute
confirmation of the Report of Viewers in this case
for the following reasons.

- First The road proposed to be vacated is not useless,
inconvenient and burdensome to the inhabitants
thereabouts but is convenient and necessary in its
present location to those who must use it.
- Second There is no heavy hauling requiring light grades,
over said road, being used principally by persons
travelling from Portage and Munster Townships

to Harris Mill and to Ebensburg, the road proposed to be vacated being the direct route from Portage to Ebensburg.

Third The route supplied is nearly three quarters of a mile longer than the road proposed to be vacated from one Wilmore road to the other.

Fourth All the travel from Portage to Ebensburg or to Harris Mill will have ^{over} one and a fourth miles farther by the proposed Road than by the road as it is now located and travelled

Fifth The road proposed to be vacated accommodates a larger ^{portion} of the community, than can be accommodated by the new route proposed, say as the proportion is of five to one.

Sixth The expense of opening the new road would be very great and more than the township of Munster should be called on to bear.

Your petitioners therefore pray the Court to not confirm said Report of viewers absolutely but to refuse to confirm the same ~~as~~ as to leave said road in its old location.

And They will ever pray.

J. M. Donnell
William McTherons
C. J. Gough
James F. Burk
Frank Lauffer
Chas. W. Cullen
W. S. Plummer
W. H. Lauer

J. F. McGlade
John H. Hix
Thos. McGough
J. J. Hix
Sharon Durin
Frank J. Hix
Philip Hopper

Wm. R. Campbell

Stefij Toole

C. M. Dough

C. S. McKenize

Philip D. Kelly

H. Richey

Sam. Meade

W. B. Rice

Harvey Mears

A. F. Fingle

Thos. Cullen

Neal M. Gluck

Grist Warner

James M. Piper

P. M. Young

E. A. Boland

John Watt

H. C. McDough

James Bolover

J. L. Nail

Daniel H. Leck

Thomas A. McConne

H. Woodward

John T. Borden

Andrew Smith

Joseph Fisher

E. J. McHally

H. J. Boland

John Tel

Matthew Mearns

M. A. O'Hara

John M. Callahan

Geo W. Callahan

John R. Jones

John Parrish

J. J. Tel

Francis G. Z. Lin

Wex Parrish

James Callahan

H. W. H. H. H.

John B. Rugh

Wm Rugh

Anthony Shier

A. B. H. H. H.

J. J. H. H. H.

J. J. H. H. H.

J. J. H. H. H.

J. J. H. H. H.

J. J. H. H. H.

J. J. H. H. H.

J. J. H. H. H.

J. J. H. H. H.

J. J. H. H. H.

J. J. H. H. H.

Patrick McHally

Patrick McHugh

Sho. D. D. D.

Michael H. H.

James H. H.

Bar. H. H.

No 6 June Session 1888.

Remonstrance against
the confirmation of the
Report of Tieners, appointed
to vacate and supply part
of a road leading from
the H.C. & D. Turnpike near
Mullen Bridge in Minster
Twp. to the public road leading
from Minster to Wilmore
near the residence of
John Helpe in Portage Township.

Filed 15 Apr. 1889.

Sechler

To the Hon. Robert L. Johnston President Judge of the
Court of General Quarter Sessions of the Peace of Cambria Co. Pa.

The petition of the undersigned citizens of Munster township
in said County and vicinity respectfully represents; That a
public road, beginning on the N. C. & Indiana Turnpike near
Mullens bridge, ^{in Munster township} and ending on the public road leading from
Munster to Wilmore, near the residence of John Stet in Portage
township, has long since been laid out by an Order of this
Court, and that part of said road, to wit: that part
"commencing at a point near the house of Alexander Parrish
(formerly Patrick Storm's) to the public road near John Stet
above mentioned," in its present location has become inconvenient
and burdensome; and would better accommodate the travelling
public by being changed so as to begin and end at or
nearly the same points.

The petitioners therefore pray the Court to inquire of and
change that part of said road, and for such purpose
appoint persons qualified according to law to view that
part of said road proposed for the said change, and
inquire of the premises, and make report of their proceedings
at the next term of this Court. And they will pray &c.

Cornelius Seaver
Winfield Glass
Philip Farrow
M. A. O'Hara
B. W. Parrish
Jas. A. Singer
H. P. Cherry
D. A. Glass
Samuel Hill

John Letner
Henry L. Schopf
James J. Br. Kelley
H. J. Caldwell
Wm. Reiter
Jno. Smith
Thos. J. Hughes
Russ. Roberts
B. S. Prosser

Robert O Roberts
Neal M Govern
John R. Jones
Thos D Jones
John Burford
David Burford
R. W. Roberts
P. J. Roberts
Wm W Howell
Wm H. Humphrey
John J. Jones
Elmer Roberts
J H Dimonds
Leaac J. Hughes
Owen E Jones
James M Laughlin
A. F. Jackson.
T. L. Parrish
Frank S Phasa

No. 6 June 6th 1888. R.A.S

Petition of Citizens of
Munster Township and vicinity
to ~~create a road~~ ^{to change the location of a}
part of public road leading
from the N.E. 1/4, Township near
Mullens bridge in Munster to
the public road leading
from Munster to Williams along
the residence of John Het in
Portage township

Received
June 6th 1888 Petition read and
a
Henry Scanlan
J. John D. Hughes
~~James D. Hughes~~
Edward H. Fry
appointed viewers
By the Court

Filed June 1888.

"Parker"

To the Honorable R. B. Johnston Esquire Justice
of the Peace of County of Lancaster &c at
Jennings

We the undersigned Jurors
appointed by order of a Court of Quarter Sessions
in and for the County of Lancashire do report that we
gave due and timely notice by three written notices
posted in public places in Munster & Portage Townships
of time and place of meeting of Jurors a copy of notice is
hereto annexed And we do further report that
having met at time and place designated by said
notices and after all being first sworn according
to law we proceeded to the duties of our appointment
and did view the said Route the following parts
of said road Began at Post on public road leading from
Munster on farm of John Stil in Portage Township thence by
Private road of John Stil North Sixty Eight degrees West thirty
seven perches to Post on Public road not opened thence North
one half degree West fifty two perches thence North thirty seven
degrees East fourteen perches thence South Sixty Eight and
one half degrees West sixteen perches thence South seventy
five degrees West twelve perches thence South fifty Eight
degrees West Eight perches thence South forty seven and one
half degrees West six perches thence South twenty nine degrees West Eight
perches thence thence South forty two and one half degrees West
Eight perches thence South fifty five degrees West fourteen per-
ches thence North forty five degrees West three perches to point
in public road leading from Ottawas Mill to Milwaukee on

form of Alexander Parish in Munster Township
which said parts we do locate in consequence of steep
and dangerous hill in our opinion useless and incon-
venient and burdensome to the inhabitants thereof
And Supply the same as follows viz Beginning at
a Post on public road leading from Ottomas Mill to
Miluore on form of Alexander Parish in Munster
Township thence North forty four degrees East Seventy
six perches thence North fifty three degrees East sixteen
perches thence North thirty four degrees East twenty per-
ches thence North seventy nine degrees East six perches
thence South Eighty Eight degrees East twenty four
perches to improved land of Cornelia Widen thence Nor-
th Eighty three degrees East fourteen perches thence South
Eighty one degrees East fourteen perches thence North Sixty
one degrees East two perches thence South seventy five and
one half degrees East two perches thence South seventy one
degrees East twelve perches thence South Eighty six
degrees East fourteen perches thence North Eighty three
degrees East twelve perches thence North seventy degrees
East eight perches thence North seventy five degrees East
fourteen perches thence South Eighty five degrees
East twelve perches thence South twenty eight degrees East
Eighteen perches thence by line of land of John Stel and
W^m McQue South fifty degrees East seven
perches to point on public road leading from Munster
to Miluore which said road does not exceed five degrees
which said parts we supply for a public road or highway.

all of which is respectfully submitted see draft
in black No. 1000 red, supplies

[illegible]

John I Hughes	2 day & 2 miles	Quiver
Edward Leary	2 "	18 " "
Henry Stanton	3 "	32 " Surveyor
Camelius Biver	1 "	Chairman
Thomas Parish	1 "	" "
John Stel	1 day	man

Harry Scaulan
John Hughes
E. D. Perry

Local Notice

Notice is hereby given that the Jurors appointed by the Court of Quarter Sessions to view locate and supply part of a public road leading from the H. C. S. Turnpike near Mullins Bridge in Munster Township to the public road leading from Munster to Milmore near the residence of John Stel in Portage Township will meet at the house of A. H. Jackson in Munster Township aforesaid on Monday 28th October 1888 at 10 o'clock A.M. for the purpose of viewing said ground

September 15th 1888

John T. Hughes

Edward H. Hay

Henry Seaman

Munster

Commonwealth of Pennsylvania,
County of Cambria, } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria held at Olewayburg in the said County, on the fifth day of June A. D. 1888, before the Honorable the Judges of the same court: Upon the petition of divers inhabitants of the township of Munster in the said county, setting forth that they labor under inconvenience for want of a public road beginning on ~~the~~ road or highway, to lead from Id. Co. Indiana Township near Mullens Bridge in Munster Township and ending on the public road leading from Munster to Wilmore near the residence of John Stel in Portage has long since been laid out by an order of this Court ^{that} part of said road to wit: that part commencing at a point near the house of Alexander Parrish (formerly Patrick Stormai) to the public road near John Stel above mentioned in its present location has become inconvenient and burdensome and would better accommodate the travelling public by being changed so as to begin and end at nearly the same points;

and therefore praying the court to appoint proper persons to view and lay out the same according to law. The Court upon the consideration had of the premises, do order and appoint Henry Deaulau SURVEYOR, and John J. Hughes & Edward H. Fry

~~vacated & supply~~ ~~road~~ ^{vacate} VIEWERS, to view the ground proposed for said ~~road~~ and if they view the same, and shall agree that there is occasion for such ~~vacated & supply~~ ~~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, 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:

H. A. Shumaker,
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 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. 6
June Term, 1888. R.C.

Order to view road, waste
and supply, part of public
road leading from the N.E.
of Thompson's corner to
Bridges in illustration of
ship to the public road lead-
ing from illustration to Wilson
near the residence of John
Steel in Parago Park.

Viewers—
Henry S. Searles
John C. H. H. H.
Edward H. H.
Filed 3 Dec 1888

Sep. 7. 3d 1888 Continued with
same viewers. By the Court
1 Apr 1889 Exceptions filed
15 Apr 1889 Remonstrance filed
26 Apr 1889 Remonstrance filed
permitted by City
C. Searles

10 Jan 1889 Confirmed and ordered to be opened
30 feet wide Per Cur
6 May 1889 Confirmed Absolutely By the Court