



No. 3 June Sess., 1895,
R. D.

In re Petition for view-
ers to view and vacate
public road laid out but
not opened from point
near lane leading to resi-
dence of Joseph Santzy
to point near residence
of John Bearer, in
Susquehanna Township.

Report of Viewers,

Filed 2 Sept. 1895

Ralaid.

To the Honorable A. V. Barker, President
Judge of the Court of Quarter Sessions
of Cambria County,

We, the undersigned,
viewers appointed by the within
order of Court, to view the road there-
in mentioned, respectfully re-
port: That, having been present
at the view of said road, and hav-
ing all been first severally sworn
or affirmed, in pursuance of
the said order, we have viewed
the said road, a plot or draft
of which is hereto attached, and
are of opinion that the said road,
if opened as laid out and con-
firmed, would be useless,
inconvenient, and burden-
some, and ought therefore to be
vacated.

Witness our hands, this
day of August, A. D. 1895.

James H. Accept
James Somerville
Robert Kildea

Cost.

Alford, Surveyor, 1 day & 4 miles	\$4.40
James Sackerville " " 12 "	3.20
Robert Kilder " " 10 "	3.00
Total	\$10.60.

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 Third day of June A. D. 1891, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of Lenguehanna in the said County, setting forth that they ~~labor under inconvenience for want of a~~ road ~~or highway, to lead from~~ by virtue of certain proceedings had ~~in this town~~ a public road was lately laid out and ~~confirmed in the Township of Lenguehanna leading from~~ a point on public road at or near the lane leading to ~~residence of Joseph Lantry to a point on public road~~ leading from Mark's Steeping Place Church to Has- ~~tung through at or near residence of John Searens,~~ which road has not yet been opened. Your petitioners ~~further represent that they are a majority of the original~~ petitioners for said road resident within said County ~~and that in their opinion the said road if opened as~~ laid out and confirmed would be useless, incon- ~~venient and burdensome~~

and therefore praying the Court to appoint proper persons to view and ^{locate} ~~lay out~~ the same according to law. The Court upon due consideration had of the premises, do order and appoint James M. Park SURVEYOR and James Hornessell and Robert Kildie

VIEWERS, to view the ground proposed for said road, and if they view the same, and shall agree that there is ^{an} occasion for such road, they shall proceed to ~~lay out~~ ^{locate} 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:

J. C. Lantry
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. 3 June term 1898
P.D.

No.

Order to view to road.

vacate road from
a point near lane
leading to residence
of Joseph Lantry to point
near residence of John
Hanson in Suggetown
near Farmington

Viewers:
James Albright
James Somerville
Robert Stiles

Let Lantry pay \$1.90

Toland.

To the Honorable A. V. Barker, Presi-
dent Judge of the Court of Quarter
Sessions of Columbia County,

The peti-
tion of the undersigned respect-
fully represents;

That by virtue
of certain proceedings had in
this Court, a public road
was lately laid out and con-
firmed in the Township of
Susquehanna, leading from
a point on public road ~~at or~~
near the lane leading to resi-
dence of Joseph Tritz to a
point on public road lead-
ing from Hart's Sleeping Place
Church to Hastings Baranah,
~~at or near~~ residence of
John Beaser, which road
has not yet been opened.
Your petitioners further rep-
resent, that they are a majority
of the original petitioners for
the said road resident within
said County, and that in their
opinion the said road, if opened
as laid out and confirmed, would

be useless, ineffectual, and
burdensome. They therefore
pray the board to vacate the
same, and that proceedings
for the purchase of such va-
cation may be taken as
directed by the Act of Assem-
bly in such case made
and provided.

And they will ever pray, &c.

James
Anthony Miller
James M. Miller
D. C. Sullivan.

James

Harry McBride
E. M. Binder
Joseph Gray
Henry C. Early
James J. Early
John Dunlap,
A. B. Clark
James E. Miller

William D. Tuttle
H. B. Schroth
Philip A. Gray

No. 3 June Sess., 1895.

Petition for appointment of viewers to vacate public road lately laid out but not opened from a point ^{near leading to} near residence of Joseph Tautzy to point near residence of John Beaser, in Susquehanna Township, Cambria Co., Pa.

June 3^d 1895 James Alport, James Somerville and Robert Kiedee appointed viewers
By the Court.
Filed 3 June 1895.
Ralaind.

In-Re, Petition to vacate, (In the Court of Quarter Sessions of the
a road lately laid out, but) the Peace of Cambria County.
not opened &c in Susquehanna
Township.

NO. 3 June Sess. 1895 R.D. No. 4 p387

Exceptions to Confirmation Absolute.

To the Honorable A.V. Barker President Judge of said Court.

Lewis J. Bearer, an inhabitant of the township of Susquehanna, in
said County, and interested in the road, about to be vacated, by his
attorney J.F. McKenrick, Excepts to the proceedings had and report of
viewers made in the above stated case, for the following reasons to wit

FIRST: That the viewers appointed by the Court, did not meet at the
place designated in their notice; and were not all present at the
view, as stated in their Report to the Court.

SECOND: That the viewers appointed by the Court, were not severally
sworn, before making the view, as required by law, and as stated
by them in their report to the Court.

THIRD: That the petition for the appointment of viewers to vacate,
sets forth that said road "lately laid out, but NOT opened &c"
Whilst in truth and in fact, said road had been open and in use
by the public for more than twenty one years; prior to the view
had, and part thereof had been opened for public use, at the time
said view was had, and report made in favor of vacation.

FOURTH: That one of the viewers made statements, to the other viewers
relative to the needs of said road, that were untrue, misleading,
and tended to influence their opinions as to the necessity of said
road, and caused them to report in favor of vacating the same.

Also that statements were made by parties circulating the
petition, concerning the costs of opening said road, which were
untrue and misleading, and tended to influence their signing the
petition, and in securing a majority of the original petitioners
to the petition to vacate.

FIFTH: For the reason, that the said road is the nearest and best
route for at least fifteen school children of school age, to reach
the "Bearer School-House" their proper school district, and if vaca-
ted will necessitate their traveling three quarters of a mile fur-
ther, making a distance of about two miles, over a road liable to
heavy snow drifts in winter.

For the reasons named, your exceptant prays that the report
made in favor of vacating said road, be NOT confirmed absolute by the
Court,

And he will ever pray &c.

Lewis J. Bearer
Atty. for Exceptant *J.F. McKenrick*

Additional Exception,

SIXTH: The entire length of the road to be vacated, is 262 rods and about
one third thereof has been opened and in good state of repair, for
travel, and the remainder will be easily put in good condition of
repair, at a cost not to exceed two hundred dollars.

Cambria County ss.

Before me personally came Lewis J. Bearer the except-
ant, who being duly sworn saith that the facts set forth in the foregoing
(over)

To: June Decr 1894

ROAD DOCKET No.4 page 387

In-Re, Report of Viewers, to
Vacate a Public Road in Susqueh
anna township.

EXCEPTIONS TO CONFIRMATION
of Same.

Filed 3 Dec. 1894

McKenrick for Exceptant