

Honrs. A. V. Barker President Judge of the  
Court of Quarter session of Cambria County

The petition of citizens of Lessor Town-  
ship respectfully represents that they are  
in great need of a public road to lead  
from the line of Fred Schwaderer's land  
in said township, beginning at a  
point opposite to his house, and the  
terminus of Lindon Avenue as laid  
out on plan of lots No. 4 of the Lessor  
Coal & Coke Co. thence by said Lindon  
Avenue  $\angle 55^{\circ} 43' 9''$  to a point on 3<sup>rd</sup> street  
on said plan of lots, thence about  $\angle$   
 $65^{\circ} 59' 9''$  to a point on the public road  
leading from Lessor to Gallitzin, at or  
about the property of Slattery & Wyers.  
The petitioners therefore pray your Honor  
to appoint three disinterested persons  
to view and lay out the same accord-  
ing to law and they will ever pray

J. P. Parrish

John Powers, Jr.

John Lynch

J. A. Lynch M.D.

J. C. Lynch

Albert Eckigrode

Chas. F. Hoff

W. DeGraux

C. W. Wenderoth

C. O'Brien

R. J. McMillen

John C. Conley

David Pfeister

W. H. Conover

J. H. Kupper

Thos. J. Cablan

George J. Schwaderer

W. J. Schwaderer

To 5 Mar sess 1897

Petition of Citizens of  
Crispin Ind. for the appt.  
of viewers to view & locate  
a public farm a point ab-  
ove near the house of Dr. G.  
Schwaden to a point on  
the Ind. road from Crispin to  
Gallitzin at or near the  
property of Shattuck & Myers

Mar. 3<sup>d</sup> 1897 petition  
read and

J. A. Shoemaker

Frank Pearson

Frank O'Harra  
appointed ~~viewers~~  
By the Court

Filed 3 Mar 1897

Shoemaker

In the matter of the report of	:	
viewers, laying out a public road	:	In the Court of Quarter
from a point at or near the house	:	Sessions of Cambria County,
of Fred. Schwaderer, to a point	:	No. 5 March Session 1897.
in Township road at or near the	:	Road docket.
property of Slattery & Myers, in	:	
Cresson Township.	:	

Exceptions to the report of the viewers in the above stated proceedings, for and in behalf of the Cresson Coal & Coke Co., John K. Powell, John Ashcroft, and others, by their attorneys, Evans & Leech, as follows:

1. That the proceedings in this case are invalid, for the reason that the proposed road begins at the line of Fred. Schwaderer's land, at a point opposite to his house, and not in a public road, but being some 1880 feet distant there from, and would, therefore, be a private road, for the accommodation of Fred. Schwaderer, alone.
2. That the petition sets forth that the Citizens of Cresson Township "are in great need of a public road, to lead from the line of Fred. Schwaderer's land in said Township, beginning at a point opposite to his house, and the terminus of Lindon Avenue, as laid out on plan of lots No. 4 of the Cresson Coal & Coke Co, thence by said Lindon Avenue N. 55° 43" W. to a point on 3rd St. on said plan of lots, thence about N. 65° 59" W. to a point on the public road leading from Cresson to Gallitzin, at or about the property of Slattery & Myers", that in reporting a road under the said petition and order, the viewers disregarded the point at which the same begins.
3. That the viewers, in laying out <sup>the</sup> public road, under the order in this case, disregarded the termini, as indicated in the petition and order, by beginning at a point on the public road

leading from the Summit to Gallitzin, some 1880 feet beyond the point, as indicated in the petition and order, and this action, on the part of the viewers, is fatal to the proceedings, and the same should be set aside.

4. The viewers erred in their action and report, in disregarding the point at which the road should begin, as indicated in the petition and order, as to the termini of the road, and the failure to regard this is fatal to the proceedings.

5. That the proceedings <sup>and</sup> report of the viewers should be set aside, because the petition and order indicated intermediate points between the termini of the proposed road.

6. That the report of the viewers should be set aside because it does not set forth that they endeavored to obtain releases from the owners of the property, through which the proposed road passes, or assess any damages for injuries that may arise by reason thereof.

7. That there is no public necessity for a road leading from the points indicated in the petition and order.

8. That the report of the viewers should be set aside, from matters apparent on the face thereof, and from the directions contained in the petition and order, as intermediate points.

Ernest Y. Leach  
Attys. for Cresson Coal & Coke  
Co., John K. Powell, John Ash-  
croft, et al.

10.5 March Dec. 1897.

In the matter of the oc-  
-port of the viewers lay-  
-ing out a public road  
from a point at or near  
the house of Fred Schwad-  
-er to a point in a  
township road near the  
property of Slattery &  
Myer in Cresson Town-  
-ship.

Exemption

Dated 7 July 1897

E. & L.

To the Honorable, The Judge of the Court of Quarter Sessions of the Peace in and for Cambria County. We the undersigned viewers appointed by your Honor in the Annexed order of Court. Do report:

That legal notice of the time and place of meeting having been given. We met and having been affirmed. Viewed the proposed "ground" for a public road, and located the same - on most suitable ground and as near the desire of the petitioners and order of Court as practicable. Starting at a point on Public road leading from the Summit to Gallitzin Thence N. 83° W 500 ft. Thence N. 53° W 145 ft. Thence N 56° W 95 ft. Thence N. 46° W 325 ft Thence N. 30° W 815 ft Thence by Linden Ave N 55° 43' East 1011 ft. Thence by Fourth St. S. 34° 17' W 690 ft Thence by Keystone Ave N. 55° 43' W 1250 ft to a point on public road leading from Croason Station to Gallitzin - Believing said road to be of great convenience to the inhabitants of that locality as well as to the people whose ground it passes thro' and the traveling public. We therefore recommend the opening up of said road as laid out for a public road for public travel.

Witness our hands this 26<sup>th</sup> day of May A.D. 1897.

June

J. A. Shoemaker 2 d 24 miles

F. J. Burgoon 1 2 "

J. O'Hara 1 2 "

Edw. Stradler 1 d Champion

Alfred Shoemaker 1 d Champion

Frederick S. O'Hara

J. D. Burgoon

J. A. Shoemaker

viewers

To GALLITZIN To SUMMIT

Township Road.

Dr. Deveraux.

Dr. Deveraux.

unimproved.

unimproved.

Geo Swadders

Geo Swadders

F. Swadders

LINDEN AVE

S. 55° 43' E. 1011 ft.

CRISSON COAL & COKE CO.  
Lots - Streets & Aves's

North St  
N. 34° 17' E. 690 ft.

KEYSTONE AVE

S. 55° 43' E. 1259 ft.

CRISSON COAL & COKE CO.  
Lots - Streets & Aves's

To GALLITZIN To CRESSON STA

Township Road.

P. R. R

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 March A. D. 1897, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of Cresson in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from the line of Fred Schwaderer's land in said township, beginning at a point opposite to his house, and the terminus of Linden Avenue as laid out on plan of lots No. 4 of the Cresson Coal & Coke Co., thence by said Linden Avenue N. 55° 43' W to a point on 3rd street on said plan of lots, thence about N. 60° 59' W to a point on the public road leading from Cresson to Gallitzin at or about the property of Slattery & Myers,

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. A. Shoemaker SURVEYOR and Trans. Burgeon and Trans. Oslard

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 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:

A. W. Davis

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 road 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."

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March 1899

Order to view a road from front  
at or near the house of J. H. Schmal-  
den to front on Camp road  
at or near property of Abtling  
Thompson in Cresson Township

Filed 7 June 1899

Viewers  
J. A. Shermaster  
Frank Bruggen  
James O'Hara

Old Davis P. O. & C. S. 90 do  
HERALD PRINT-ENGERSBURG, PA.

Shermaster