

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....Third.....day of.....June.....A. D. 1907 , before the
Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township
of.....Dean....., in the said County, setting forth that the ~~the~~^{same} ~~land~~^{lands} under ~~deed~~^{deeds}

~~XX~~ road or highway to road from
a portion of a certain public road, to wit, from a point at Mill-side
on the public road from Bysart to Ashville; in said Township; to a
point where the same portion of said certain public road intersects
the public road from St. Augustine to Altoona in the same Township,
has been superseded by other roads and is rough and bad location and
has thereby become useless inconvenient and burdensome the record of
proceedings laying out said portion of road from Mill-side to its
Intersection of said road from St. Augustine to Altoona as aforesaid
petitioners are unable to find.

Wherefore your petitioners showing that said portion of a public road long since laid out and opened in said Township of Dean from Mill-side to its intersection of public road from St. Augustine to Altoona has become useless, inconvenient and burdensome pray the Court

.....vacate
and ~~XXXXXX~~expiring~~XXXXXX~~ to appoint proper persons to view and ~~XXXXXX~~ the same ac-
cording to law. The Court, upon due consideration had of the premises, do order and appoint
J. L. Elder.....surveyor, and.....
Henry Lanier and John Conaway

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is ^{no} occasion for such road, they shall proceed to ^{vacate} ~~leave~~ the same, ~~having respect to the shortest distance and the best ground for a road, and in such manner as shall be 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 books and maps which to such ends~~

By the Court.

Attest :

L. E. Tappell....., 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."

15
No. 1, June Session, 1907.

Order to view and vacate
road in Dean Township.

Filed 4 September 1907

Viewers.

J. L. Elder
Henry Lager
John Conaway

90 cts.

Clerk

Roland

RECEIVED COUNTY CLERK'S OFFICE

1 Oct. 1907. Approved,

By the Court

To the Honorable Francis J. Connor President Judge
of the Court of Quarter Sessions of Cambria Co. Pa.
The undersigned viewers appointed by the
aforesaid order do report that in pursuance
thereof after having been severally duly 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
notices upon the Supervisors of the Territory through
which such public road is to be vacated all the
viewers appointed by said order viewed the ground
proposed for the within mentioned road
to be vacated and the undersigned do agree
that there is occasion for vacating a
public road from a point at Mill-side on
the public road from Dyarant to Ashville
in Dean Township to a point where the same
portion of said certain public road intersects
the public road from St. Augustine to Altoona
in Dean Township it has become inconvenient
& burdensome the grade being 12 feet to
the 100 feet on part of the road and 14
feet to the 100 feet on other parts of the road
which really exceeds five degrees in elevation
and ought therefore to be vacated and have viewed
and vacated the same as follows: Beginning
at a point at Mill-side on the public road

From Durant to Achville three North ~~eighty~~ five degrees
East one hundred and sixty two feet three North
Twenty four degrees East seven hundred and
five feet three South forty nine degrees East Eighty
three feet three South twenty five and one half
degrees East one hundred and eighty two feet
three South thirty nine degrees East three hundred
and nineteen feet three South forty eight
degrees East seven hundred and twenty one
feet three South forty four degrees East
three hundred and fifty five feet
three South forty seven degrees East two hundred
and nineteen feet three South fifty five
degrees East three hundred and ~~eighty~~ ninety nine feet
three South fifty six degrees East two hundred
and four feet three South sixty two and one half degrees
East one hundred and ninety nine feet South
fifty three degrees East one hundred and
four feet three South sixty degrees East
five hundred and two feet three South
thirty four and one half degrees East three
hundred and twenty feet three South thirty
seven and one half degrees East three hundred and
forty three feet three South fifty four degrees
East three hundred and twenty seven feet three
South Eighty seven and one half degrees East
one hundred and eighty nine feet to a point

where the same portion of said certain public
road intersects the public road from
St. Augustine to Attoona in Dean Township
this road passes through land belonging to the
Shirker Estate a plot or draft is herewith
attached and made part of this report
Witness our hands this 30th day of August 1907

J. L. Elder Cont order .40

J. L. Elder 2 days 10.00

"H. L. Elder 1 day 1.90

"Henry Lauer 1 day 3.00

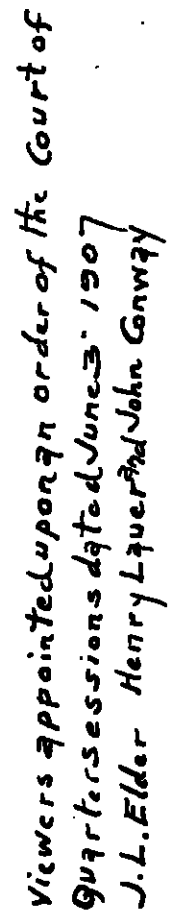
"John Conway 1 day .40

"A. J. Thompson 1 day .40

"A. J. Thompson Chairman 1.50

\$ 21.10

J. L. Elder
Henry Lauer
John Conway



ROAD NOTICE.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the ground

& vacate a portion of a certain public road to wit: from a point at Will-Did on the public road from Dyant to Ashville in said Township to a point where the same portion of said certain public road intersects the public road from St Augustine to Altoma in said Township.

will meet at the house of *O Lynch Hotel* in the Township of *Dyant* aforesaid, on the *17* day of *Aug* 1907, at *10* o'clock *AM*, for the purpose of viewing said ground.

Aug 3 1907.

J. L. Elder
Henry Laver
John Conway
Viewers.

Aug. 6, 1907.
Service on within
accepted,

J. B. Schuman
Comms. Clerk

ROAD NOTICE.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the ground & vacate a portion of a certain public road to wit: from a point at Mill side on the public road from Dyest to Ashville in Deane Township to a point where the same portion of said certain public road intersects the public road from St Augustine to Attorna in said Township

will meet at the house of P. Lynch Hotel in the Township of Dyest Pa aforesaid, on the 17 day of Aug 1907, at 10 o'clock Am, for the purpose of viewing said ground.

Aug 3 1907

J. L. Elder
Henry Law
John Conway
Viewers.

H. L. Thompson J. Pres

E. H. Curfman Sect

W. H. Carney

In the Matter of vacating
public road in Dean Township

No.1 June Sessions 1907, Road Docket

EXCEPTIONS.

1. The petition for viewers in the above stated matter does not contain a reference to the Volume and page of the Road Docket containing the record of the laying out and opening of said road.

2. It is not shown by the report of viewers that notice was served on the supervisors of Dean Township of the intention to present the petition for the view as required by law.

Philip N. Shettig
Attorney for Exceptants.

Cambria County, ss.

Philip N. Shettig being duly sworn according to law, says that the matters contained in the foregoing exceptions are true and correct.

Sworn and subscribed before me

this 2nd day of December, 1907.

Philip N. Shettig

W. C. Sullivan

No. 1 June Session, 1907,
Road District

In the matter of vacating
public road in said
District.

Exceptions to Report
of Viewers

Filed & etc 1907

July 4, 1908 exceptions

decreased

Exhausted

(Numerous exceptions)

Shelby

Upon argument of the rule only the first exception
was pressed. This exception is well taken and fatal ^{there}
it appears of record that the Public road intersected
by the proposed road is designated otherwise than
stated in the petition, but what search of the ^{record}
fails to disclose that such road was laid out by
proceedings of record the same would and ^{could}
not come within the rule, otherwise a meritorious
proceeding might, and likely would fail. For the foregoing
reason the Court feels called upon to dismiss
the exceptions.

By the Court.

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

The petition of the undersigned, inhabitants
of Dean Township, in said county, respectfully
represents:

That a portion of a certain public
road, to wit, from a point at Mill-Side
on the public road from Pysart to Ashville,
in said Township, to a point where the
same portion of said certain public road
intersects the public road from St. Au-
gustine to Altoona, in the same Township,
has been superseded by other roads, and
is of rough and bad location, and has
thereby become useless, incon-
venient and burdensome, the record
of proceedings laying out said portion
of road, from Mill-Side to its In-
tersection of said road from St. Augustine
to Altoona, as aforesaid, petitioners
are unable to find.

Wherefore your petitioners, shew-
ing that said portion of a public road
long since laid out and opened, in said
Township of Dean, from Mill-Side to
its Intersection of public road from
St. Augustine to Altoona, has become
useless, inconvenient and burdensome,
pray the Court to appoint three persons,
qualified according to law, to inquire
of vacate said road, and to proceed in the
premises according to law, and to make
report of their proceedings to the
next Term of the Court,

And they will ever pray, &c.

Witness

Witness

H. M. Dwyer,

Francis Dwyer

George Hale

John T. Dwyer
Altoona

O. P. Dwyer
Lewis Heyler

Names:

Names:

Cambridge, 551

~~E. H. Thompson~~
E. H. Thompson, being duly sworn according to law, says that the facts set forth in the foregoing petition are true and correct.

Subscribed and sworn to before me this 3rd day of May, A. D. 1907.

A. J. Waters
Justice of the Peace

Commission expires May 6th, 1912

H. S. Thompson
~~E. H. Thompson~~

No. 1 June Session, 1809,
R.D.

Petitions

Inhabitants of Bear Township
for Viewers to locate
Public Road from Mill-side
to its Intersection of Road
from St. Augustine to
Altoona, in Bear Township.

Filed 3 June 1907

Roland

And name, June 3rd, 1809, the within peti-
tion read, and J. D. Elder, Henry L.auer
and John Conaway, appointed viewers as
prayed for in said petition.
By the Court