

R E P O R T O F V I E W E R S .

To the Honorable, the Judges of the Court of Quarter Sessions of
Cambria County, Pennsylvania.

We, the undersigned members of the Board of Viewers of Cambria county, appointed by your honorable Court upon the attached order and therein directed to view and determine as to the propriety of vacating a certain piece of public road; between the termini therein specified; in Barr Township, Cambria County, Pennsylvania, respectfully represent:-

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of Cambria County and the Supervisors of Barr Township, and having them accept service of notices hereto attached, and to the traveling public by printed hand bills posted in public and conspicuous places at and near the termini of the piece of road sought to be vacated: and having been first duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability.

All of us met, in accord with the notices given, and having gone over and carefully viewed the premises and are all of the opinion that the piece of road referred to, in the aforesaid order, is no longer necessary for the convenience and accomodation of the traveling public and therefore recommend that it be vacated.

Said piece of road recommended to be vacated, a plot or draft of which is hereto attached and made a part of this report, takes the following courses and distances between the termini specified in the attached order, viz:

Beginning at a point four hundred thirty six feet Northward along St. Henry Street from the intersection of St. Henry Street with St. Nicholas Street in the Village of Nicktown and extending thence North $21^{\circ} 45'$ East 337.5 ft., South 82° East 727.5 ft., North $70^{\circ} 45'$ East 174 ft., North $32^{\circ} 30'$ East 507 ft., North $40^{\circ} 55'$ East 283.5 ft., North $54^{\circ} 10'$ East 302.5 ft., North $46^{\circ} 30'$ East 555 ft., North 51° East 403 ft., North 56° East 363 ft. and North $89^{\circ} 15'$ East 671.5 ft. to the termini noted on attached order, at the intersection

of the Nicktown - Marstellar road with the old Nicktown - Spangler road at Kirsch's Corner.

The viewers found that there wern no families living along the line of the old road other than two and those have access, over their own land and without traveling any considerable distance, to the new Nicktown - Marstellar road.

That the new road as laid out and improved from Kirsch's Corner to Nicktown is approximately the same distance and a far better grade.

That the expense of keeping up the old read, now sought to be vacated, would be considerable and further that if maintained as a public road would necessitate the construction of a new bridge over the stream known as Moss-Creek and the expense of either alone would be more than we feel the use of the road would justify.

Witness our hands this 28th. day of October, A. D., 1924.

Adam Shuman

J. D. Ritter

A. M. Shoemaker
Viewers.

ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of .. Quarter ..
.... Sessions .. of Cambria County, Pa., to view .. and determine .. as to
the propriety of vacating a certain piece of public road in Barr ..
Township, Cambria County, Pennsylvania ..
.... Beginning at a point 436 ft., in a North Westerly direction,
along St. Henry street from its intersection with St. Nicholas
street, in the Village of Nicktown, and ending at a point 16.5 ft.
from the intersection; at Kirsch's corner; of the road leading
from Marsteller to Nicktown with the road leading from Spangler ...
to Nicktown: a total distance of about 4730 ft.

will meet ... at the point of beginning, above noted, in the
..... Township of Barr aforesaid,
on the .. 27th, ... day of October 1924, at .. 9:30 .. o'clock .. A. M.,
for the purpose of performing the duties of their appointment.

..... A. M. Shoemaker,
..... J. D. Ritter and
..... Adam Shuman,
Ebensburg, Pa., Oct., 14th 1924. Viewers.

Now, October 14th., 1924, service of the within notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.

S. S. Kindred

ROAD NOTICE

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from Marsteller to Nicktown with the road leading from Spangler
to Nicktown; a total distance of about 4730 ft.;

will meet at the point of beginning, above noted, in the
Township of Barr aforesaid,
on the 27th day of October 1924, at 9:30 o'clock A. M.,
for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Ebensburg, Pa., Oct., 14/19. 24.

Now, October 1924, service of the within notice is hereby
accepted by the undersigned Supervisors of the Township of Barr,
Cambria County, Pennsylvania.

W. J. Pfister
W. A. Kimmacher

Supervisors.

Cost of View.

A. W. Shoemaker

Lifting Order — \$ 90
5 Days — \$ 37.50
Engineering Work — 12, 0.00
Auto hire (2 trips) 8.00
CERTIFIED \$ 166.40

Jacob M. Hoffman

COUNTY CONTROLLER

Adam Shuman

1 1/2 Days — \$ 11.25
Auto hire 4.00
22 miles — 1.10
\$ 16.35

Jacob M. Hoffman

COUNTY CONTROLLER

J. D. Ritter

1 Day — \$ 7.50
Auto hire 4.00
4 miles — 20
\$ 11.70

CERTIFIED

APPROVED FOR PAYMENT

Jacob M. Hoffman

COUNTY CONTROLLER

George A. George

COMMISSIONER

CERTIFIED

Jacob M. Hoffman

COUNTY CONTROLLER

NO. 6, September SESSIONS, 1924

Order to view and vacate road in

Barr Township

and

Report of Viewers

CERTIFIED

Jacob M. Hoffman

COUNTY CONTROLLER

Filed 29 October 1924

A. M. Shoemaker

Adam Shuman

J. D. Ritter

Viewers

Clerk Robb 90 cts.

8 Dec. 1924 Approved

By the Court
E

9 March 1925 confirmed absolutely
Frank C. Roth. clerk

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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."

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 13th day of October A. D. 1924, be-
fore the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township
of Barr, in the said County, setting forth that ~~the said road is now useless, inconvenient and burdensome and is no longer needed as a public highway.~~

~~That a permanent highway of brick and concrete construction connects the terminal points of said road, with the exception of approximately four hundred twenty five (425) feet of dirt road which is kept in good repair. That the permanent highway above mentioned is sufficient for the traveling public and is a convenient and accessible highway for the travelling public who desire to travel between said termini. That the above described road herein sought to be vacated is no longer necessary for the travelling public, because a better route now exists between the terminal points which is sufficient for all purposes of public travel and therefore the road herein sought to be vacated is simply a useless burden to the taxpayers of Barr Township.~~

and therefore praying the Court to appoint proper persons to ^{vacate} view and ~~vacate~~ the same according to law: The Court, upon due consideration had of the premises, do order and appoint

A. M. Shoemaker

surveyor, and

J. D. Ritter and Adam Shuman

viewers, to view the ground proposed for said ^{vacation} ~~road~~, and if they agree that there is occasion for such ^{vacation} ~~road~~, they shall proceed to ^{vacate} ~~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:

Frank L. Roll

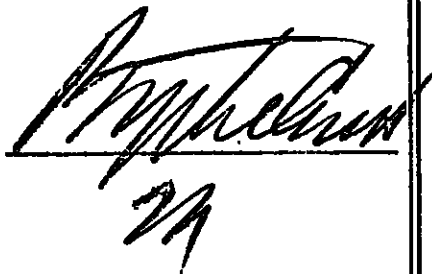
Clerk.

In the Court of Quarter Ses-
sions of Cambria County, Penna.
No. ^{September} 6 ~~December~~ Sessions 1924.

Bond of petitioners for the
appointment of viewers to
vacate a Township Road in
Barr Township.

Filed 13 October 1924.

And now Oct. 13, 1924, the
within bond is hereby app-
roved.



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LAW OFFICES OF
J. HARRISON WESTOVER
FIRST NATIONAL BANK BUILDING
SPANGLER, PENNSYLVANIA

KNOW ALL MEN BY THESE PRESENTS, that we, W. J. Pfister,
Frank Stiles and W. A. Krumenacher
of the Township of Barr, Cambria County, Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of one hundred dollars, lawful money of the United States of America, to be paid to the said Commonwealth or its certain Attorney or assigns, to which payment well and truly to be made we do bind ourselves, our heirs, executors and administrators and every of them firmly by these presents.

Sealed with our seals and dated the 11th day of October, 1924.

Whereas a petition has been presented to the Court of Quarter Sessions for the County of Cambria, Pennsylvania, praying for the appointment of viewers to view the premises and to inquire into the question of vacating a public road in Barr Township, Cambria County, which petition is entered to number _____ of _____ Sessions 1924.

Now the condition of this obligation is such that if the petitioners or any of them, for said appointment of viewers, shall pay the costs and expenses which shall be ordered and decreed by the said Court of Quarter Sessions to be paid, then this obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered in presence of

W. J. Pfister (SEAL)

John W. Wilson

Frank Stiles (SEAL)

W. A. Krumenacher (SEAL)

In the Court of Quarter Sessions of Cambria County, Penna.

No. *6* *September* December Sessions 1924.

Petition of inhabitants of Barr Township, Cambria County, Penna., for the appointment of viewers to vacate a Township road in Barr Township.

And now Oct. 13, 1924, upon consideration of the written petition,

J. D. Ritter
Alfred H. H. H.
Adam Skumace
are hereby appointed viewers, to view the road in said petition prayed to be vacated, and to determine whether it has become useless, inconvenient and unnecessary for the public, and make report of their proceedings to the next Court of Quarter Sessions of Cambria County.

W. H. H. H.
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Filed 13 October 1924

LAW OFFICES OF
J. HARRISON WESTOVER
FIRST NATIONAL BANK BUILDING
SPANGLER, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS FOR THE COUNTY OF CAMBRIA.

To the Honorable, the Judges of said Court:

The petition of the undersigned inhabitants and taxpayers of the Township of Barr, Cambria County, Pennsylvania, respectfully represents:

1. That a Township road has been long since laid^{out} and in use beginning at a point which is four hundred thirty six (436) feet measured Northeastwardly along the center line of St. Henry Street from the intersection of St. Nicholas Street and St. Henry Street in the Village of Nicktown and extending thence approximately four thousand seven hundred thirty (4730) feet to a point sixteen and one half ($16\frac{1}{2}$) feet from the intersection at Kirsch's Corner of the road leading from Marsteller to Nicktown and the road leading from Spangler to Nicktown.

2. That said road is now useless, inconvenient and burdensome and is no longer needed as a public highway.

3. That a permanent highway of brick and concrete construction connects the terminal points of said road, with the exception of approximately four hundred twenty five (425) feet of dirt road which is kept in good repair.

4. That the permanent highway above mentioned is sufficient for the travelling public and is a convenient and accessible highway for the travelling public who desire to travel between said termini.

5. That the above described road herein sought to be vacated is no longer necessary for the travelling public, because a better route now exists between the terminal points which is sufficient for all purposes of public travel and therefore the road herein sought to be vacated is simply a useless burden to the taxpayers of Barr Township.

6. Your petitioners therefore pray the Court that the said road may be vacated, agreeably to the Act of the General Assembly in such case made and provided: and they will ever pray, etc.

<u>W. J. Pfister</u>	<u>W. V. Pfister</u>
<u>Frank Stiles</u>	<u>Anthony Schlereth</u>
<u>W. A. Krummacker</u>	<u>Peter Bell</u>
<u>Frank Nieser</u>	<u>Edward Kirsch</u>
<u>H. H. Fisch</u>	<u>J. J. Kirsch</u>
<u>Thos. H. P. Fisch</u>	<u>A. B. Kirsch</u>
<u>John Dager</u>	<u>Frank H. Kirsch</u>
<u>Fred R. Pfister</u>	<u>S. P. Kirsch</u>
<u>W. L. Schank</u>	<u>A. B. Lissner</u>
<u>George A. Lipe</u>	<u>Alex R. Kirsch</u>
<u>Carl J. Lipe</u>	<u>A. S. Peters</u>
<u>J. L. Sherry</u>	<u>Wm. Kline</u>
<u>Ernest Kappel</u>	<u>D. F. Schlereth</u>
	<u>A. H. Kline</u>

State of Pennsylvania : 1

County of Cambria : SS.

N. F. Lambour, being duly sworn according to law, deposes and says that the matters set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

W. J. Pfister

Sworn and subscribed to before me this 11th day of October 1924.

Abraham Masterson