

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA.

In the Matter of Vacating of Public Road in White Township
Cambria County, Pennsylvania..

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned inhabitants, citizens and
Supervisors of White Township, Cambria County, Pennsylvania,
respectfully represents:

That a public road known as the "Baker Road" was long since
laid out and opened through White Township leading from the Flinton-
Patton Road to the Coalport-Saint Lawrence Road. That no record
of opening of said road has been found; that said "Baker Road" has
for twenty-one years and upwards been used by the public and the
Supervisors of White Township have exercised authority over it for
this period, used and maintained it as and for a public road at
the expense of the taxpayers of White Township.

That said public road known as the "Baker Road, beginning
at the intersection of the said Baker Road with the Flinton-Patton
Road by the way of the Beaver Valley in White Township, at a
point about 100 feet North of the intersection of said Beaver
Valley, Flinton-Patton Road with Traffic Route 165 at the Beaver
Valley Church, and extending in a Westerly direction a distance
of 10,088 feet to the place where the said public road known as
the "Baker Road" intersects with the Coalport-Saint Lawrence Road,
at a distance of approximately 2640 feet North of the intersection
of the Coalport-Saint Lawrence Road with the Flinton-Patton Road
now known as Traffic Route 165, has become inconvenient, impracticable
and burdensome, by reason of the fact that improved highways have
been constructed to carry the traffic formerly passing over it,
and said road is no longer necessary for the travelling public.

Your Petitioners therefore pray your Honorable Court to appoint three members of the Permanent Board of Viewers as a board of view, to view and report upon the advisability of vacating said road, between the termini above mentioned, and to return with their report of said road proposed to be vacated, a plot or draft thereof as required by the Act of the General Assembly and supplements thereto, in such case made and provided.

And they will ever pray, etc.

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CAMBRIA :

Before me, the subscriber, a *Justice of The Peace*
in and for said County and State, personally came

G. M. Gates who being by me duly sworn according to law,
deposes and says, that the matters set forth in the foregoing
petition are true and correct as he verily believes, and that the
signatures attached hereto and made a part of the petition are
in the proper handwriting of the parties thereby indicated.

Sworn to and subscribed :

before me this *Seventh* :
day of October, 1932. :

G M Gates

W. H. Helinger Jr.

My commission expires first
Monday, in January, 1934

J. T. Black
Mrs. C. Black
Mr. R. J. Black
L. O. Black
2da M. Black
Sara Shidler
Geo. J. Gates
D. H. Fleming
E. P. Fleming
W. G. Hing
Mr. Philip Evans
Geo. E. Swartz
L. B. Swartz
J. Adam Glass
J. L. Esch.

SUPERVISORS:

C. D. McFee
Levi Symmonds
Fred A. Glass
Harvey E. Glass

B. J. Moore
G. W. Gates

No. 4 *Sept*
September Term, 1932

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

In Re: Vacation of the
"Baker Road", in White
Township.

Petition for Appointment
of Viewers.

AND NOW, this 14 day of Nov-
ember, 1932, the within petition
read and considered and the
Court do appoint

Am Shoemaker,

James McNamee, and

L. C. Taylor

, three
members of the Permanent
Board of Viewers to view the
premises and make return
thereof to the next term of
Court, in accordance with the
Act of Assembly in such case
made and provided.

By the Court.

Albert L. O'Connor
Judge.

ALBERT L. O'CONNOR
ATTORNEY AT LAW
EBENSBURG & LORETTO, PA.

Filed: Nov-16-1932

Reduction? 1
37.50

11/11/11

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, Pa.

We, the undersigned members of the Permanent Board of View-
ers of Cambria County, Pa., appointed by your honorable Court and
in the attached order directed to view and determine as to the pro-
priety of vacating a certain piece of public road in White Township,
said county and state, beginning on the Flinton - Patton road and
ending on the St. Lawrence - Coalport road, respectfully report:

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 to the Supervisors of White Township, and to the trave-
ling public by printed hand bills posted in public and conspicu-
ous places at and near the terminii and along the route of the
piece of road to be viewed ; All of us met in accord with the noti-
ces given and posted as aforesaid, and having been each first duly
sworn according to law to perform the duties of our appointment
faithfully, impartially and to the best of our judgment and ability, we
we proceeded to go over the piece of road in question and viewed
same between the terminii specified noting the condition, location
and improvements along same.

Said piece of road petitioned to be vacated takes the fol-
lowing courses and distances; as indicated on the plot or draft
hereto attached and made a part of this report; Beginning on the
Flinton - Patton road at a point about one hundred feet north of
the intersection of said Beaver Valley, Flinton - Patton road with
Traffic Route No. 165 at the Beaver Valley Church and extending
thenceas follows, viz: north 82° west 304.5 ft., north 82° 40' west
414 ft., north 60° west 744 ft., north 45° west 915.5 ft., north 32°
west 550 ft., north 56° 15' west 349.2 ft., north 58° 40' west
500.4 ft., north 39° 45' west 364.7 ft., north 30° 20' west 767 ft.,
north 62° west 279.2 ft., north 67° 10' west 175 ft., north 71° 30'
west 346.5 ft., north 70° west 501 ft., north 87° west 402.7 ft.,
north 68° 30' west 656.5 ft., north 61° 40' west 262.5 ft., north

21° west 398.5 ft., north 35° 50' west 686.6 ft., north 56° west
~~288 ft.~~ 280 ft., north 82° 30' west 196.3 ft., south 85° west
691.2 ft., and north 87° 15' west 369 ft., to a point approximately
2640 ft. north of the intersection of the St. Lawrence - Coalport
road with Traffic Route 165, ~~the~~

Thus having viewed the above described road; the viewers did,
Dec. 29th., 1932., meet again at the Court House, in Ebensburg, Pa,
where parties for and against the vacation of the road appeared;
with their Attorneys; and were heard. And having thus viewed the
road in question and heard the testimony the parties in interest
had to offer, the undersigned viewers are of the opinion that the
piece of road viewed and as indicated in the attached order of the
Court and draft, is necessary for the convenience and accomodation
of the traveling public and therefore should not be vacated.

Witness our hands this 30th. day of December, A. D., 1932.

Thomas E. Taylor
James McBaum

Viewers.

Minority Report of A. M. Shoemaker, Viewer.

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

Having been appointed by your honorable Court, along with the other viewers named in the attached order, I have carefully viewed the piece of public road referred to in said order and heard and considered the testimony offered at the hearing and though I appreciate that ~~that~~ it would be much to the convenience of some three individuals if the road is continued as a public road and maintained at the expense of the public, yet I feel these parties would all be well served if the road from the end of the lane leading from the Hesse & Keath ~~lane~~ residences to the Beaver Valley Road were left as a private road for the use and convenience of the property owners living along same.

Further as there is another public road, improved, laying almost parallel with the road in question which serves the traveling public, as well as the citizens in that vicinity, much better and either end of said referred to improved road terminates at only a very short distance from the termini of the road in question; and this piece of road viewed can, to my mind, in no wise be regarded as necessary for the use, benefit or convenience of the traveling public and practically half the road of almost no use even to the individuals living along same; I feel constrained to report that the road, in my humble opinion, should be vacated with a recommendation that it be left open as a private road from the Keith and Hesse lane eastward to the terminus on the Beaver Valley or Flinton - Patton road..

Respectfully submitted,

A. M. Shoemaker

Viewer.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, Pa.

To, the Honorable Judges of said Court:-

Whereas on the 14th. day of November, 1932, your honorable Court appointed A. M. Shoemaker, James McCann and L. E. Kaylor, viewers upon^a/petition entered to No. 4 September Sessions, 1932, and whereas the said viewers have properly advertised and regularly held said view on the 2nd. day of December last but as yet have not been able to get together to sign the report on same,

Therefore I respectfully petition your honorable Court to continue the said view and extend the time for reporting on said road until the first Monday of March, next.

A. M. Shoemaker

The above petition being read and considered the Court' does hereby grant the prayer of the above petitioner and extend the time for filing said report until the first Monday of March next,

By the Court

McKerrick &

N O T I C E O F V I E W .

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 White Township, Cambria Co., Pa.; Beginning at the intersection of the "Baker Road" with the Flinton - Patton road, by way of Beaver Valley, at a point about 100 feet north of the intersection of said Beaver Valley - Flinton - Patton road with traffic Route No. 165; at the Beaver Valley Church; and extending in a westerly direction a distance of 10,088 feet to the place where said public road known as the "Baker Road" intersects with the Coalport - St. Lawrence road, at a distance of approximately 2640 feet north of the intersection of the Coalport - St. Lawrence road with the Flinton - Patton road, now known as Route 165; which is alleged to have become useless and burdensome:

Said viewers will meet at the place of beginning, above indicated, in White Township, Cambria Co., Pa., December 2nd., 1932, at 1:30 p. m., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

James McCann and

L. E. Kaylor,

Viewers.

*Service of the above notice is hereby
accepted by the undersigned Super-
visor of White Township, Cambria
Co., Pa.*

G. M. Gates Supervisor

N O T I C E O F V I E W .

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 White Township, Cambria Co., Pa.,: Beginning at the intersection of the "Baker Road" with the Flinton - Patton road, by way of Beaver Valley, at a point about 100 feet north of the intersection of said Beaver Valley - Flinton - Patton road with traffic Route No. 165; at the Beaver Valley Church; and extending in a westerly direction a distance of 10,088 feet to the place where said public road known as the "Baker Road" intersects with the Coalport - St. Lawrence road, at a distance of approximately 2640 feet north of the intersection of the Coalport - St. Lawrence road with the Flinton - Patton road, now known as Route 165; which is alleged to have become useless and burdensome:

Said viewers will meet at the place of beginning, above indicated, in White Township, Cambria Co., Pa., December 2nd., 1932, at 1:30 p. m., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

James McCann and

L. E. Kaylor,

Viewers.

Service of above notice accepted-

B. J. Moore,

*I hereby certify that a copy of the
above notice was served upon the
Commissioners of Cambria Co.*

A. M. Shoemaker

Can. via Co

To James M^r Cairns.

Dr.

Dec 2 1/2 One day viewing Baker ~~and~~
~~Glendale~~ Road. 6⁰⁰
4⁶⁰
Mileage 46 miles

Dec 2 1/2 One day at hearing 12⁰⁰
3⁶⁰
Mileage 36 miles

Dec 5 1/2 day on view 6⁰⁰
3⁶⁰

APPROVED FOR PAYMENT

L M Keller

John Thompson

COMMISSIONERS

35.70

Van Buren County.

To Louis E. Naylor W.

Dec 2" One Half Way, Baker Road Vnuo.	6.00
Dec 29 " Day at Hearing	12.00
Mileage 28 Miles	2.80
Dec 5 Half Way on Vnuo	6.00
	<hr/>
	\$26.80

RECEIVED
JAN 1 1892
COUNTY CONTROLLER

APPROVED FOR PAYMENT

L. M. Geller

John T. Hamers

COMMISSIONERS

Costs of View

A. M. Shoemaker

Preparing, serving & posting	18 ⁰⁰
notices of view	230
Stenographer & stationery	290
29 miles posting notices	6 ⁰⁰
Half day on view	290
29 miles	12 ⁰⁰
Hearing — one day	3 ⁰⁰
Securing continuance	
Preparing, having signed	18 ⁰⁰
assembling & filing report	240
stenographer & stationery	
	<u>\$67⁵⁵</u>

APPROVED FOR PAYMENT

L. M. Keller

John Thomas

COMMISSIONER

Expenses
2.30
2.90
2.90
2.45
10.55

RECEIVED
JAN 10 1895
U. S. DEPT. OF JUSTICE

Easterly terminus indicated on attached order of Court.

Road to Patton

School House.

Cleared Formerly Strayers.

White Town

Woods

Gal Tipple

House

Louis Snyder.

Woodland.

Sketch showing the location of a piece of public road in White Township, Cambria Co., Pa. Viewed upon an order of the Court of Quarter Sessions of Cambria Co., Pa. entered to No 4 September Sessions 1932. and recommended to be left open as a public road.

Wood land.

Wm. Hess. House

Dean Keath. House.

Uncleared.

Perry Esh.

Pasture land.

T. W. Black. House.

Road viewed upon an order of the Court of Quarter Sessions of Cambria County, Pennsylvania, appointing A. M. Shoemaker, James M. Cann and L. E. Kaylor, Viewers.

Westerly terminus indicated on attached order of Court.

St. Lawrence

St. Lawrence

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 14 day of November A. D. 1932, be-
fore the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township
of White, in the said County, setting forth that ~~they have laid out~~

~~XXXXXX~~

a public road known as the Baker Road was long since laid out and
opened through White Township leading from the Flinton-Patton Road
to the Coalport-Saint Lawrence Road. That no record of the opening
of said road has been found; that said "Baker Road" has for twenty-
one years and upwards been used by the public and the Supervisors
of White Township have exercised authority over it for this period,
used and maintained it as and for a public road at the expense of
the taxpayers of White Township.

That said public road known as the "Baker Road", beginning at the
intersection of the said Baker Road with the Flinton-Patton Road by
the way of the Beaver Valley in White Township, at a point about
100 feet North of the intersection of said Beaver Valley, Flinton-
Patton Road with Traffic Route 165 at the Beaver Valley Church, and
extending in a Westerly direction a distance of 10,088 feet to the
place where the said public road known as the "Baker Road" intersects
with the Coalport-Saint Lawrence Road, at a distance of approximately
2640 feet North of the intersection of the Coalport-Saint Lawrence
Road with the Flinton-Patton Road now known as Traffic Route 165,
has become inconvenient, impracticable and burdensome, by reason of
the fact that ~~an~~ improved highways have been constructed to carry the
traffic formerly passing over it, and said road is no longer
necessary for the traveling public.

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

A. M. Shoemaker

surveyor, and

James McCann and L. E. Kaylor

viewers, to ^{vacation} view the ground proposed for ~~the road~~, and if they
^{no} agree that there is occasion for such road, they shall proceed to ^{vacate} the same, and shall
agree that there is occasion for such road, they shall proceed to ^{vacate} having respect to the
shortest distance and the best ground for a road, and in ^{vacate} as shall do the least injury to
private property, and also be as far as practicable, ag ^{vacate} the desires of the petitioners, and that
they make a report of their proceedings to the next Co 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.

John H. McCann, P.J.

Attest:

James M. Jones, 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."

NO. 4 Sept. SESSIONS, 1932

Order to view Baker Road in

White Township

and

Port of Viewers

Viewers

A. M. Shoemaker

James McCann

L. E. Kaylor

Clerk James M. Jones

\$5.00

Filed: Dec. 30, 1932

March 13, 1933 Approved.

12 June 1933 Conformed Absolutely
No. 4 Jones
Chubb



By the Court
James M. Jones