

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY.

IN RE:

Petition of Citizens of Munster
Township to Vacate Portion of a
Public Highway in Munster Town-
ship, Cambria County, Pa.

Opinion of the Court over-
ruling exceptions to Report
of Viewers.

Filed 15 May 1931

CLAIR W. LUTHER
OFFICIAL STENOGRAPHER
FOR THE
FORTY-SEVENTH JUDICIAL DISTRICT
PENNSYLVANIA

IN RE:

Petition of Citizens of Munster Township to Vacate Portion of a Public Highway in Munster Township, Cambria County, Pa.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

No. 4 June Sessions, 1930, R.D.

Exceptions to Report of Viewers.

* OPINION OF THE COURT *

Heard before Evans, P.J., McCann, J., McKenrick, J. and Reed, P.J., O.C., S.P.

EVANS, P.J.:

All of the exceptions filed to this proceeding are the same or similar to the exceptions filed to the Petition to Vacate Public Highway in Munster Township, entered to No. 3 June Sessions, 1930, R.D., and, for the reasons indicated in the opinion overruling the exceptions in said proceeding, we are of the opinion that the following decree should be entered:

DECREE

AND NOW, *May 10*, 1931, after due consideration, the exceptions to the report of the viewers are overruled and the report of the viewers as amended is confirmed absolutely.

BY THE COURT:

Evans P.J.

EXCEPTION

To all of which counsel for exceptants excepts and prays that an exception be noted and bill sealed; all of which is, the day and year aforesaid, accordingly done.

John E. Evans, P.J. (Seal).

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 4 June Sessions 1930

IN THE MATTER

OF

THE PETITION TO VACATE PART
OF A TOWNSHIP ROAD IN MUNSTER
TOWNSHIP, CAMBRIA COUNTY,
PENNA.

EXCEPTIONS TO REPORT OF
VIEWERS

Filed 1 Sept. 1930

Scanlan & Harkins
Johnstown, Pennna.

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

IN THE MATTER

Of ---

No. 4 June Term, 1930.

THE PETITION TO VACATE PART
OF A TOWNSHIP ROAD IN MUNSTER
TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA.

EXCEPTIONS TO REPORT OF VIEWERS

NOW, September 1st, 1930, the undersigned, being taxpayers of Munster Township, Cambria County, Pennsylvania, hereby file Exceptions to the Report of Viewers in the above entitled matter, said Exceptions being as follows:

1. The petition for the vacation is not in conformity with Rule 308 of the rules for the Courts of Oyer and Terminer and Quarter Sessions of the Peace of Cambria County, Pennsylvania, for the reason that it does not contain a reference to the number and term of the original case, or to the number and page of the docket containing the record thereof.

2. The petition for the vacation of the said road does not contain a reference to the number and term of the original case or to the number and page of the docket containing the record of any change of said road, nor does it contain any reference to former proceedings with reference to said road, or any part thereof.

Exceptants aver that the section of road described in said petition comprises parts of three separate roads laid out by the Court of Quarter Sessions of Cambria County, Pennsylvania, and further, that said roads as originally laid out have been subsequently changed by Order of the Court of Quarter Sessions of Cambria County, Pennsylvania, none of which proceedings are referred to in the petition. Exceptants aver that the applicants in their petition and the viewers in their return simply designate a roadway which extends from one point to another without any reference whatsoever to the public highways, parts of which are included in said described roadway.

Exceptants aver that as the return will show the vacation of said described roadway will leave two public highways which now intersect said described roadway end at a blank end or cul de sac.

Exceptants aver that a certain public highway which is much used by exceptants and others lawfully using said highway extends in a northerly direction and intersects with the roadway proposed to be vacated. Said public highway is described in the return as the road to Munster and Jamestown Road. Certain of the exceptants, viz, John H. Lamer, Dave Conrad and ~~John H. Lamer~~ are the owners of farms adjoining said public highway and to vacate the said portion of roadway would result in the public highway adjoining the farms of said exceptants ending in a cul de sac, whereas it now terminates in a public highway which gives to the exceptants a way of ingress and egress.

3. The petition is defective in that it does not describe the road, a part of which is sought to be vacated.

4. The Report of the Viewers was not filed in conformity with Rule 307 of the Rules for the Courts of Oyer and Terminer and Quarter Sessions of the Peace providing that said report "shall be returned and filed within the first week of the term to which it is returnable."

5. The Board of Viewers have no authority to make the following finding and conclusion:

"For the convenience of the few who may chance to use the above referred to road the viewers hereby recommend that the same shall be left open as a private road."

6. The Court has no authority to vacate a public highway and leave the same open as a private road for the convenience of those individuals who may chance to use the same.

7. The Report of the Viewers showing that in their opinion the said road should be continued open for those who chance to use it, the Court would have no authority to approve that part of the report which suggests a vacation of the road as a public highway.

8. The application to vacate as filed in the above proceeding is defective for the reason that the application did not set forth in a clear and distinct manner the situation and other circumstances of such road or highway, or of the part thereof which the applicants desired to have vacated as required by the Act of Assembly in such case made and provided.

9. The application by petition as filed in the above proceeding is defective in that the said application by petition sets forth no fact whatever as to why the said road, or part of road, had become useless, inconvenient or burthensome.

10. The application fails to contain statements of fact which are sufficient to give the Court jurisdiction.

11. The exceptants are advised, believe and therefore aver that the Court is without jurisdiction to vacate a part of said road unless the application and view describe a public highway and furnishes to the Court all facts necessary with respect to the location, the termini, etc., of said highway of which any part is proposed to be vacated.

And the exceptants have authorized their attorneys, Scanlan & Harkins to sign these Exceptions.

Scanlan & Harkins
By *Edmund J. Harkins*
Attorneys for Exceptants.

Filed September 1st, 1930.

Edward Willebran
Julia Willebran

James T. Toohy

Mary M. Toohy

Joseph Willebran

Leo

Elmer Willebran

Mrs James Noel

James Bargent

Mrs Laura J. Noel

W. H. Bargent

Ralph J. Noel

DH Bargent

W. P. Sanders

Mary Conrad

Catherine Mullen

John H. Lamer

Walter Brown

Ella Lamer

Sherman Glass

Joe Lamer

Sara Glass

Bernadette Lamer

Martha Glass

L. B. Beiter

John Eldridge

Rettie Beiter

Margaret Eldridge

Annie Beiter

George Kosabe

J. P. Beiter

Wesley Kosabe

John Fonder

John Lute

F. Kachwasiński

John Lute

J. H. Stephens

Myr Spiner

Mrs J. L. Stephens

Celia Spiner

Mrs W. J. Glass

G. H. Harabough
J. A. Goss

STATE OF PENNSYLVANIA)

COUNTY OF CAMBRIA)

SS:

Personally appeared before me, the undersigned authority, Edward Willebrord, who, being by me first duly sworn, deposes and says that he is one of the exceptants in the above proceedings; that all of the statements of fact contained in the foregoing Exceptions are true and correct; as he verily believes; that all of the conclusions therein stated are correct, to the best of his knowledge, information and belief; and that these Exceptions are not filed for the purpose of delay, but because deponent believes that an injustice has been done to him and to the others who have signed the Exceptions.

Edward Willebrord

Sworn and subscribed to
before me, this 1st day
of Sept, A. D. 1930.

Geo W Willebrord
Pro
My Commission Expires _____

118. 4 June Sessions 1930
IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA.

1189

PETITION OF CITIZENS OF
MUNSTER TOWNSHIP TO VACATE
ROAD

Filed 21 July 1930

G. RANDOLPH MYERS
ATTORNEY AT LAW
EBENSHURG, PENNSYLVANIA

July 21, 1930 - Service of a copy of the within petition and notice that same will be presented to the Court of Quarter Sessions of Cambria County on July 21, 1930 at 10 o'clock A. M., is hereby accepted.

George B. Kerber
Chief Clerk, Commissioners of
Cambria County

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

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned, citizens of the Township
of Munster, Cambria County, Pennsylvania, respectfully represents:

That a public road has long since been laid out, used and
maintained by the public, in Munster Township, Cambria County,
Pennsylvania, beginning on the Kaylor-Munster-Jamestown Road at
a point approximately 17,424 feet Southward from its intersection,
in the Village of Munster, with the Pittsburgh-Philadelphia Turn-
pike, and extending thence in a Westerly direction to the Wilmore
Dam and Northward to the point of ending on the road leading from
Munster to Wilmore by way of O'Hara's Mills and the Welsh Settle-
ment. Being approximately 2.2 miles in length and wholly within
the Township of Munster, which road has now fallen into disuse and
disrepair and is burdensome to the taxpayers of the Township

Your petitioners, therefore, pray the Court to inquire of and
vacate said road, and for that purpose to appoint viewers accord-
ing to law to view said road and inquire of the premises, and make
return of their proceedings, according to the Act of Assembly in
such case made and provided.

Mrs. Edith Rodgers
Charles Rodgers
Daniel G. Heath
Mrs. Daniel G. Heath
Michael George
Robert Shiber
J. G. Sheehan
Joseph Sheehan

Andy Whinn
Mary Whinn
Leslie Kotwinski
W. B. Carney
Mike Pramuk
Philomena Sheehan
John J. ...
David R. ...

Mrs. Piers S. Jones
& Elizabeth Kiffing

Archie Young
J. A. Murphy
A. E. Shiber

State of Pennsylvania :

ss.

County of Cambria :

A. E. Shiber, being duly sworn according to law, did depose and say that the statements set forth in the foregoing petition are true and correct.

A. E. Shiber

Sworn and subscribed before me
this 19th day of July, A. D., 1930.

Geo. W. Williams
Prothonotary

AND NOW, July 21, 1930, the foregoing petition having been read and considered, Allen Thormaker J. A. Little and Adam Thurman, members of the Board of Viewers of Cambria County are hereby appointed to view the said road and make report according to law.

By the Court
McKenrick J.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY.

PETITION TO AMEND PETITION OF
CITIZENS OF MUNSTER TOWNSHIP
TO VACATE ROAD

Filed 20 April 1931.

C. RANDOLPH MYERS
ATTORNEY AT LAW
EBENSBURG, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

In the Matter of :
: The Petition for the Appointment :
of Viewers to Vacate a Public : No. 4 June Sessions, 1930.
Road in the Township of Munster, :
Cambria County, Pennsylvania. :
:

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the citizens of the Township of Munster, Cambria County, Pennsylvania, who signed the original petition which was filed on January 21, 1930 to the above stated number and term, by C. Randolph Myers, their Attorney, respectfully represent:

That inadvertently there was omitted from said petition a reference to the number and term of the original case or to the number and page of the docket containing the record thereof, as required by Rule No. 308 of the Rules of the Court of Oyer and Terminer and Quarter Sessions of the Peace of Cambria County.

That as far as your petitioners are able to determine, the original proceedings in connection with the laying out of said road are entered in the Court of Quarter Sessions of Cambria County to No. 3 December Term, 1894, and said record is contained in Road Docket Vol. 4, at page 376. That a portion of said road was changed by proceedings entered to No. 9 June Sessions, 1900, the record of which is contained in Road Docket Vol. 5, at page 14, and by proceedings entered to No. 8 September Sessions, 1906, the record of which is contained in Road Docket Vol. 5, at page 180, and by proceedings entered to No. 7 June Sessions, 1913, which are recorded in Road Docket Vol. 5, at page 369.

Wherefore, your petitioners pray your Honorable Court for an order permitting them to file this, their amended petition, so as to comply with the rules of this Court in this proceeding.

And they will ever pray, etc.


Attorney for Petitioners

State of Pennsylvania :
County of Cambria : SS:

C. Randolph Myers, being duly sworn according to law, deposes and says that the facts set forth in the above petition are true and correct, as he verily believes; that this petition is made by deponent as attorney for the petitioners for the reason that it is inconvenient for them to sign and make affidavit to it. C. Randolph Myers

Sworn and subscribed before me
this 16th day of April, A. D.,
1931.

Geo. W. Williams
Prothonotary

D E C R E E .

Now, April 20, 1931, the foregoing petition having been read and considered, it is ordered that the amendment prayed for be allowed and that the petition aforesaid be and hereby is made a part of the original proceedings, nunc pro tunc.

By the Court
McKenrick

IN RE:

Petition of the Inhabitants of
Munster Township to Vacate a
portion of a Public Road in
Munster Township, Cambria Coun-
ty, Pennsylvania.

IN THE COURT OF QUARTER SESS-
IONS OF CAMBRIA COUNTY.

No. 4, June Sessions, 1930, R.D.

To the Honorable, the Judges of said Court:

We, the undersigned Viewers appointed by your honorable Court to view and determine as to the propriety of ^{vacating} the piece of public road in Munster Township, Cambria County, Pa., described in the above referred to proceedings, filed our report August 8th, 1930, to the above mentioned number and term.

That under date of 24th April, 1931, said report of viewers was referred back, by the Court, for the purpose of having said viewers give their reasons for their conclusion as expressed in said report.

Now, therefore, we further represent as follows, to wit:

That upon our view of the above referred to piece of road in Munster Township, we found that, owing to the construction in recent years of the new improved highways connecting various towns between which the public had formerly traveled over the piece of road in question, that the general traveling public had ceased to use the road hereinabove referred to.

That there is no one living along or adjacent to the piece of road referred to in this proceedings who would be deprived of an outlet or access to the improved highway by reason of said vacation.

That to widen this stretch of over two miles of road to a reasonable width for public travel would be a considerable expense to the taxpayers of the township of Munster and to add to this the maintenance of same would be entirely unjustifiable considering the very limited amount of traffic which it would accommodate.

The piece of road includes a very long and steep hill, which by reason of its location, must necessarily wash very considerable which would very much increase the cost of maintenance and make the burden altogether out of proportion to the usefulness either for the public or any individuals who might choose to use

the road.

Hence, considering the whole situation, we were of the opinion that the piece of road above referred to had become useless, inconvenient and burdensome to the tax payers of the township and in no wise necessary for the accomodation of the general traveling public and accordingly recommenden that it should be vacated.

Witness our hands this

day of May, A. D., 1931.

J. D. Ritter

A. M. Shoemaker

Adrian Shuman

Viewers.

IN RE:

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY.

Petition of the Inhabitants of
Munster Township to Vacate a
Portion of a Public Highway in
Munster Township, Cambria County,
Pennsylvania.

No. 4-June Sessions, 1930, R.D.

DECREE

AND NOW, April 24, 1931, it appearing to the court that
the viewers, having reported that after viewing the premises and
after a careful investigation that the portion of the road which
the petitioners asked to have vacated should be vacated, have over-
looked giving in their report their reasons for the conclusion.
We therefore order and decree that the report of the viewers be
referred back to them for the purpose of having the same amended
by giving the reasons for the conclusion reached.

BY THE COURT:

Enram P.J. P.J.

Certified April 24 - 1931

Frank E. Roth
Clerk

No. 4. June Sessions 1930. R.D.

In the Court of Quarter Sessions of Cambria County, Penn'a.

In re Petition of Inhabitants of Munster Township to Vacate a portion of the Public Highway in Munster Township, Cambria County, Pennsylvania.

Order referring back report for reasons for conclusion, and Report containing same.

Filed 15 May 1931

RECEIVED
JUN 1 1931

1001-400000
1001-400000
1001-400000

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 Permanent 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 in Munster Township, said county and state; beginning on the public road leading from Munster to Jamestown and ending on the public road leading from O'Haras Mills to Wilmore by way of the Welsh Settlement; respectfully report:

That having given due and legal notice of the time and place of meeting of the viewers to the Commissioners of Cambria County and to the Supervisors of the Township of Munster, 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 and along the route of the piece of road sought to be vacated; and having each been first duly sworn according to law to perform the duties of our appointment faithfully, impartially and according to the best of our judgment and ability: All of us met at the time and place appointed in accord with the notice given and posted as aforesaid and having gone over and carefully viewed the premises, we are all of the opinion that the piece of road in question and as more particularly specified on the attached order of Court, which is returned herewith as a part of this report, is no longer necessary for the accomodation of the traveling public and therefore should be vacated.

The piece of road above referred to, a plot or draft of which is hereto attached and made a part of this report, beginning on the Kaylor - Munster - Jamestown road at a point approximately 17424 feet southward, along said road, from its intersection; in the Village of Munster; with the Pittsburgh - Philadelphia Turnpike takes the following courses and distances, viz: North 48°

West 143 feet, North 26° 15' West 220.3 feet, North 74° 30' West 69 feet, South 68° West 224 feet, South 82° 15' West 314 feet, North 74° 25' West 190 feet, North 72° 50' West 153 feet, North 86° West 245 feet, North 67° West 253.1 feet, North 87° West 102.5 feet, South 75° 20' West 199.2 feet, North 74° West 112 feet, South 87° 40' West 538 feet North 84° 20' West 175 feet, South 74° West 104.5 feet, South 41° West 245 feet, South 42° 30' West 141.7 feet, South 52° West 242 feet, South 56° West 152.4 feet, South 47° West 176.5 feet, South 52° West 125.8 feet, South 44° 20' West 352.5 feet, South 74° 30' West 91 feet, North 80° West 109 feet, North 45° West 93 feet, North 2° 45' West 348 feet, North 23° 20' West 271.3 feet, North 22° West 228.7 feet, North 25° West 340 feet, North 19° West 132.5 feet, North 31° West 555 feet, North 38° 45' West 293 feet, North 51° West 134 feet, North 64° West 275 feet, North 43° 50' West 127 feet, North 31° West 140 feet, North 24° 30' West 155 feet, North 20° East 194 feet, North 35° East 198 feet, North 4° 40' West 347 feet, North 4° West 169 feet, North 34° 50' East 212.4 feet, North 39° 55' East 206 feet, North 20° East 181 feet, North 21° 30' East 305 feet, North 17° 20' East 548 feet, North 20° East 323 feet, North 25° 30' East 164 feet, and North 28° East 252.8 feet to the point of ending noted on the attached order of the Court, in the road leading from Munster to Wilmore by way of O'Haras Mills and the Welsh Settlement.

For the convenience of the few who may chance to use the above referred to road the viewers hereby recommend that the same shall be left open as a private road.

The viewers learned that there is no one living along the length of the whole road; that approximately one mile thereof is a hill and in places very steep; that the expense of putting the same in repair and the upkeep thereof would be very considerable and even if put in good condition the traffic would be very limited and much, if not almost all, would be for the accommodation of persons desiring to fish in the Wilmore dam.

Witness our hands: this 1st. day of August, A. D., 1930.

A. M. Shremaker.

Adam Shuman

J. D. Ritter

Viewers.

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the propriety of vacating a certain piece of public road in Munster Township, said County and state,

Beginning on the public road leading from Munster to Jamestown, at a point approximately 17424 feet southward from its intersection, in the Village of Munster, with the Pittsburgh - Philadelphia Turnpike, and extending thence in a westerly direction to the Wilmore Dam and thence northward to its juncture with the road leading from Munster to Wilmore, by way of O'Haras Hills and the Welsh Settlement, the place of ending: will meet at the place of beginning, above indicated, on the 31st. day of July A. D., 1930, at 10:00 O'clock a. m., for the purpose of performing the duties of their appointment.


A. H. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Now, July 24th., 1930, service of the above notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.


Asst. Clerk.

NOTICE OF VIEW.

Notice is hereby given that the viewers, appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the propriety of vacating a certain piece of publick road in Munster Township, said county and state,

Beginning on the publick road leading from Munster to Jamestown at a point approximately 17,424 ft. southward from its intersection, in the Village of Munster, with the Pittsburgh - Philadelphia Turnpike, and extending thence in a westerly direction to the Wilmore dam and thence northward to its juncture with the road leading from Munster to Wilmore, by way of O'Haras Mills and the Welsh Settlement, the place of ending: will meet at the place of beginning, above indicated, on the 31 st. day of ^{10:00 o'clock a.m.} July A. D., 1930, for the purpose of performing the duties of our appointment.

A. H. Shoemaker,
J. D. Ritter and
Adam Shuman,
Viewers.

Now, July 30 1930, service of the above notice is hereby accepted by the undersigned Supervisors of the Township of Munster, Cambria County, Pennsylvania.

A. C. Shiber
L. W. Kline

Supervisors.

NOTICE OF VIEW.

Notice is hereby given that the viewers, appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the propriety of vacating a certain piece of publick road in Munster Township, said county and state,

Beginning on the publick road leading from Munster to Juncotown at a point approximately 17,424 ft. southward from its intersection, in the Village of Munster, with the Pittsburgh - Philadelphia Turnpike, and extending thence in a westerly direction to the Wilmore dam and thence northward to its juncture with the road leading from Munster to Wilmore, by way of O'Hara's Mills and the Welch Settlement, the place of ending, will meet at the place of beginning, above indicated, on the 31st. day of July A. D. 1930, for the purpose of performing the duties of our appointment.

A. E. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Costs of View.

A. M. Shoemaker
 Preparing, serving & post-
 ing notices of view ^{and}
 notifying viewers $2\frac{1}{2}$ da \$30.00
 auto hire 3.50
 Stenographer & stationery 2.75
 Day on view 12.00
 auto hire 2.50
 Survey, plotting, drafting,
 help & transportation in
 survey of 10,821.2 ft of road - 131.35
 Consultation with viewers
 preparing having signed
 assembling & filing report
 of viewers 24.00
 Stenographer & stationery 3.25

J. D. Ritter \$209.35
 $1\frac{1}{2}$ Days 18.00
 Auto hire (two trips) 6.00
 \$24.00

Adam Shuman
 $1\frac{1}{2}$ Days 18.00
 Auto hire 6.50
 \$23.50

CERTIFIED
 Harry L. Brown
 COUNTY CONTROLLER

J. L. Baker
 M. B. Bowler

STATE OF PENNSYLVANIA

SS:

COUNTY OF CAMBRIA

Personally appeared before James McClune, Deputy Controller,
A. M. Shoemaker, one of the Viewers within mentioned, being duly sworn
according to law deposes and says that all the items of stenographer,
stationery, auto hire, help, etc., for which credit is claimed by him,
in the within schedule of costs of view have been duly paid.

A. M. Shoemaker

Sworn and subscribed before me
this 6th day of August, 1930.

James McClune
Deputy Controller.

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 21st day of July A. D. 1920, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Munster, in the said County, setting forth that ~~they have under license~~

~~vacation for some of a~~ ~~road of 2 1/2 miles to lead from~~

a public road has long since been laid out, used and maintained by the public, beginning on the Kaylor-Munster-Jamestown Road at a point approximately 17,424 feet Southward from its intersection in the Village of Munster, with the Pittsburgh-Philadelphia Turnpike, and extending thence in a Westerly direction to the Wilmore Dam and Northward to the point of ending on the road leading from Munster to Wilmore by way of O'Hara's Mills and the Welsh Settlement. Being approximately 2.2 miles in length and wholly within the Township of Munster, which road has now fallen into disuse and disrepair and is burdensome to the taxpayers of the Township.

and therefore praying the Court to appoint proper persons to view and ~~lay out~~ ^{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 road, and if they ^{vacation} view the same, and shall agree that there is occasion for such ~~road~~ ^{vacation} they shall proceed to ~~lay out~~ ^{vacate} 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 B. Riffe

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."

1189

No. 4, June SESSIONS, 1930

Order to view and vacate road

in Munster Township

and
Report of Viewers

Filed 1 August 1930

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers

90 cts.

CERTIFIED

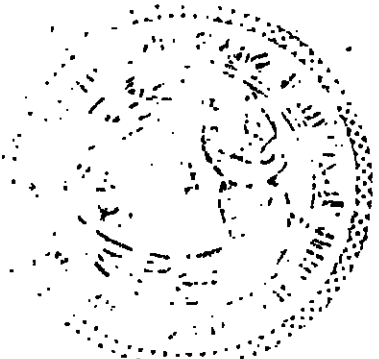
Clerk

County Controller

Specimen

8 Sept. 1930 Approved

By the Court
Clauson



CLAIR W. LUTHER, OFFICIAL STENOGRAPHER, FORTY-SEVENTH JUDICIAL DISTRICT EBERSBURG, PA.

IN RE:

Petition of the Inhabitants of
Munster Township to Vacate a
Portion of a Public Highway in
Munster Township, Cambria County,
Pennsylvania.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY.

No. 4 June Sessions, 1930, R.D.

DECREE

AND NOW, April 28, 1931, it appearing to the court that
the viewers, having reported that after viewing the premises and
after a careful investigation that the portion of the road which
the petitioners asked to have vacated should be vacated, have over-
looked giving in their report their reasons for the conclusion.
We therefore order and decree that the report of the viewers be
referred back to them for the purpose of having the same amended
by giving the reasons for the conclusion reached.

BY THE COURT:

Clair W. Luther P.J.

No. 4 June Sessions, 1930, R.D.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY.

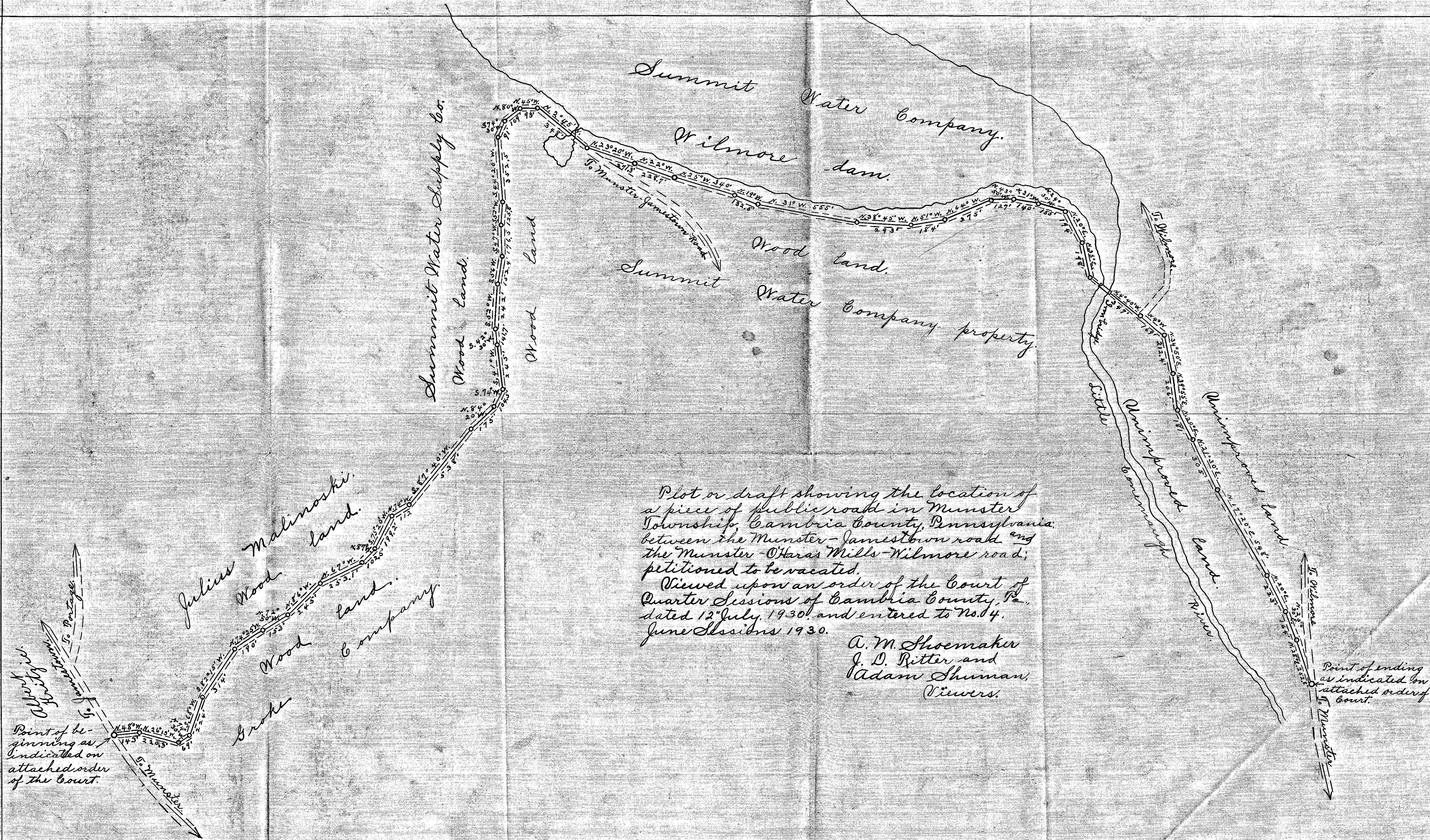
IN RE:

Petition of Inhabitants of
Munster Township to Vacate a
Portion of a Public Highway in
Munster Township, Cambria County
Pa.

DECREE

Referring report back to viewers.

Filed 24 April 1931.



Plot or draft showing the location of a piece of public road in Munster Township, Cambria County, Pennsylvania, between the Munster-Jamestown road and the Munster-Ottawa Mills-Wilmore road; petitioned to be vacated.

Viewed upon an order of the Court of Quarter Sessions of Cambria County, Pa., dated 12th July 1930, and entered to No. 64. June Sessions 1930.

A. M. Shoemaker
J. D. Ritter and
Adam Shuman,
Viewers.