

IN THE COURT OF QUARTER SES-
SIONS OF CAMBRIA COUNTY, PA.

In the Matter of the peti-
tion of Louis Lechene for the
appointment of Viewers to lay
out ^{PRIVATE} a road in Chest Township,
Cambria County, Pennsylvania.

Filed June 22, 1936

Now Aug. 10, 1936,
this proceeding is
referred back to
the viewers for
further action.

By the Court
M. E. [Signature]

CHARLES HASSON
ATTORNEY AT LAW
EBENSBURG, PA.

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

In the Matter of the petition of Louis Lechene for the appointment of Viewers to lay out a road in Chest Township, Cambria County, Pennsylvania.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of Louis Lechene respectfully represents:

That your petitioner is a resident of the Township of Chest, Cambria County, Pennsylvania, and labors under great inconvenience for want of a ^{Private} road into his property in said Township to begin at a point on the Patton and St. Lawrence Road, five hundred fifty (550) feet northeast of the intersection of the Thomas Mills Road with the Patton - St. Lawrence Road; thence in a southeasterly direction through land of John M. Hrico, a distance of one hundred seventy-five (175) feet, more or less, to a point in the center of the old vacated road leading from Patton to St. Lawrence in front of the dwelling house of Louis Lechene; thence by the center of said old vacated road North 80 degrees East seventy (70) feet, more or less, to a point in said road in front of the garage on farm of Louis Lechene, the petitioner, in said Township of Chest, Cambria County, Pennsylvania, where said proposed road ends.

Your petitioner further avers that on the 8th day of January, 1923, in a proceeding entered to No. 6 December Term, 1922, your Honorable Court appointed Viewers to vacate a portion of the old road between Patton and St. Lawrence which ran immediately in front of your petitioner's buildings and which road constituted petitioner's only means of outlet from his farm buildings.

That on the 28th day of February, 1923, the Viewers so appointed by your Honorable Court filed their report supplying a new road and vacating the old road, which passed petitioner's property and left the petitioner without means of outlet from his farm.

That notwithstanding said new road was laid out by the Viewers on February 28, 1923, the Supervisors of Chest Township did not open said new road until on or about the month of September, 1932, and in the mean time used the vacated road the same as before the new road had been laid out.

Your petitioner avers that he did not learn of the vacation of the old road, which passed his property, until on or about June 12, 1936, when John Hrico, the owner of the portion of the land adjoining the old road, caused four trespass notices to be placed along said road forbidding your petitioner and others to make use of said road and in addition thereto barricaded the same by cutting trees and brushes across a portion of the same.

Your petitioner, therefore, showing that he is without a road from his farm to the public road as opened by the Supervisors in Chest Township in 1932, respectfully prays your Honorable Court to appoint three (3) persons qualified according to law to view the ground proposed for such new road as shown by a plan or plot, which is attached hereto and made a part hereof, and to inquire of and ^{lay-out private} ~~vacate~~ a road approximately two hundred forty-five feet long and of sufficient width for the use of your petitioner for ingress to and from his farm in said Township.

Louis Lechene

State of Pennsylvania :
County of Cambria : SS:

Louis Lechene, being 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.

Sworn and subscribed before :
me this 20th day of :
June, A. D., 1936.. :

James Mellon :

Louis Lechene

My commission expires: :

January 21-1939 :



ORDER OF COURT

And now, June 22, A. D., 1936, the foregoing petition having been read and considered, it is ordered and decreed that

Asa Shoemaker Sr., Walter Bannister and James D. Clark

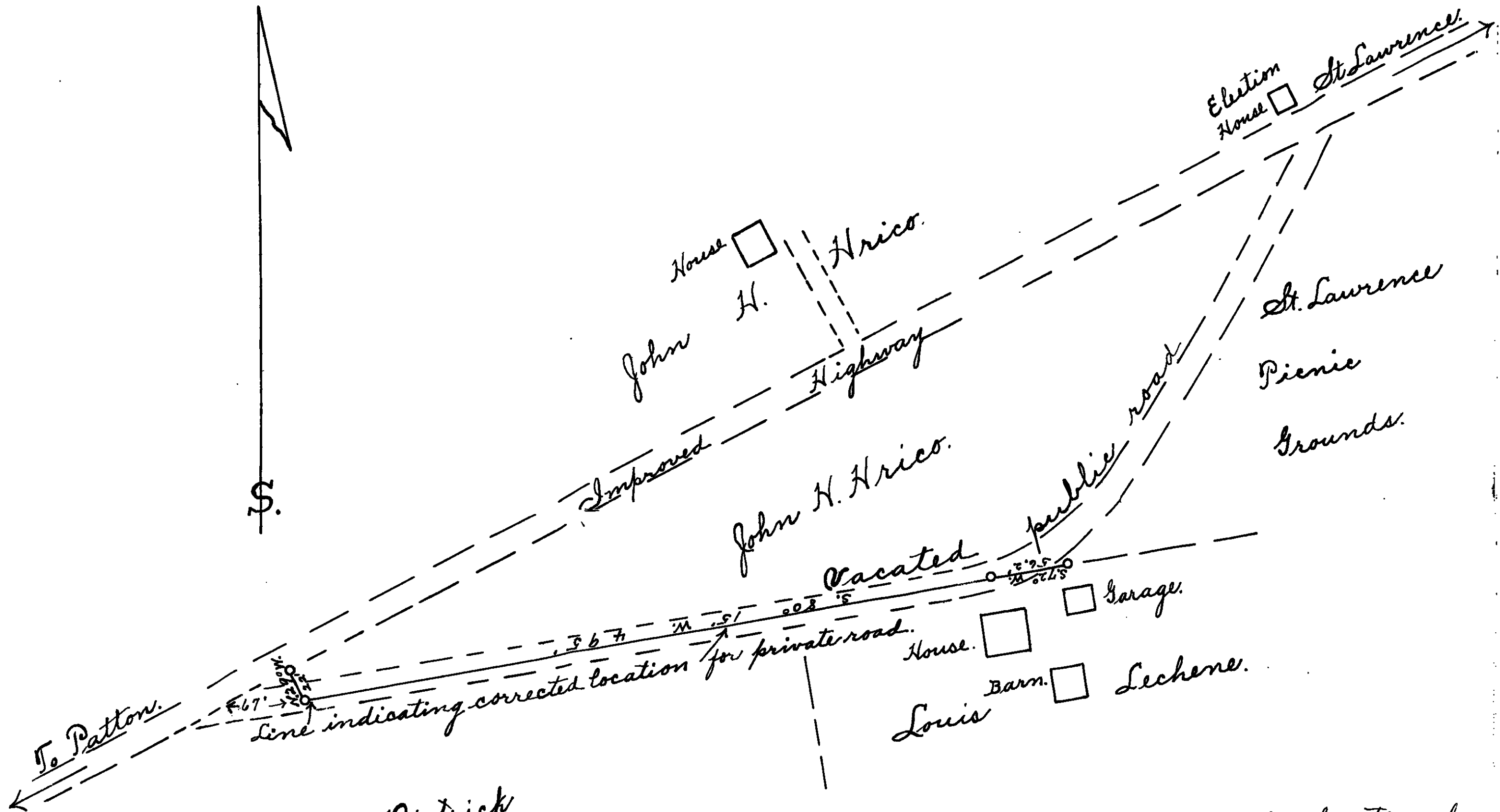
Members of the Board of Viewers of Cambria County, be and they are hereby appointed to view and report on the above matter according to law.

BY THE COURT,

McKenrick
Judge.

Not microfilmed
RD #3 June, 1936
Chest Top, Louis

~~Thomas~~



Anslem Dietrick

Sketch showing line indicating corrected location for a private road from the public highway to the dwelling of Louis Lechene in Chest Township, Cambria County, Pa. as recommended by viewers in compliance with the order of the Court dated Aug., 10th. 1936.

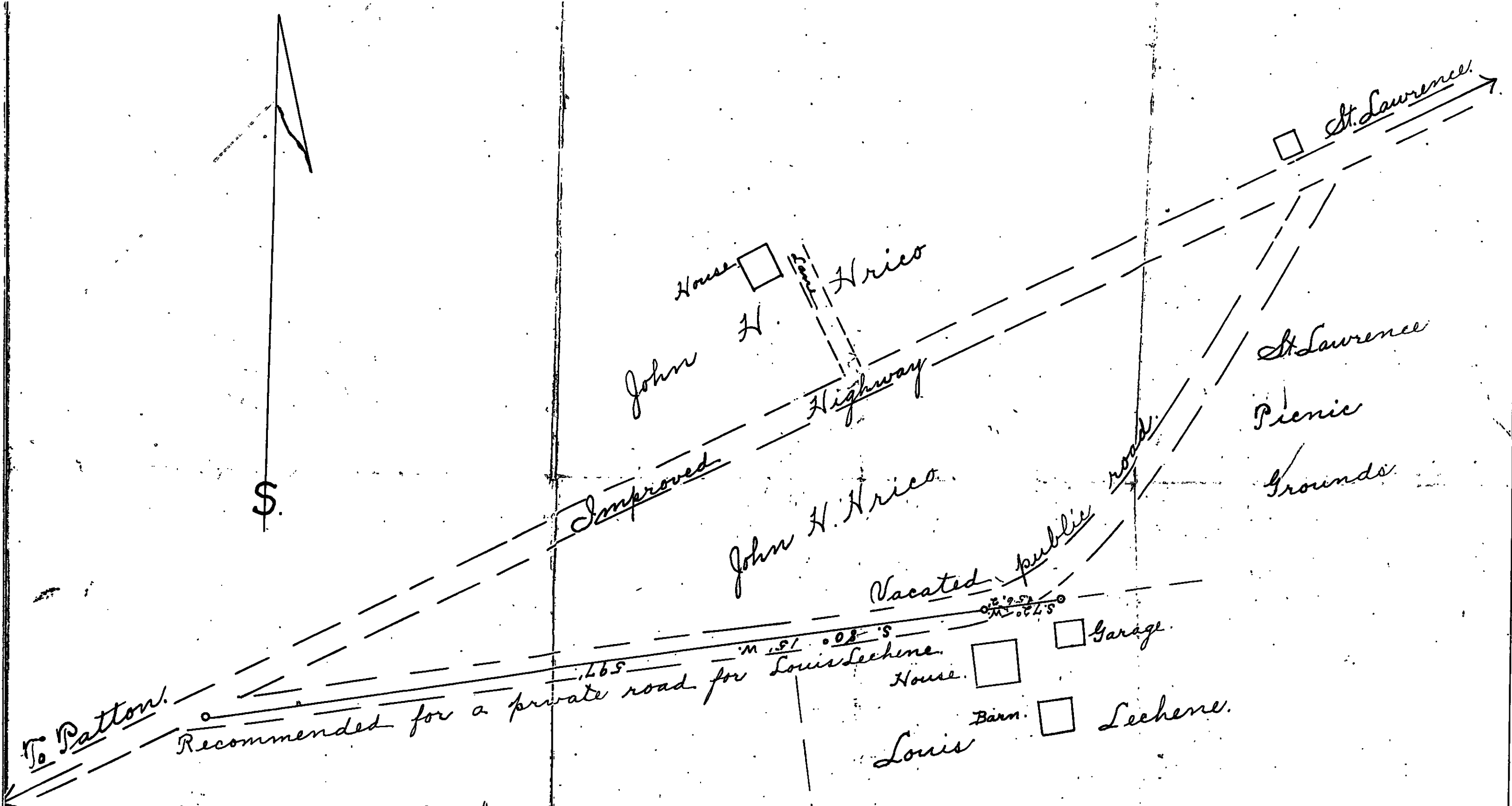
Originally viewed upon an order of the Court of Quarter Sessions entered to No. 3. June Sessions, 1936.
A. M. Shoemaker, M. J. Baumgardner and James M. Cann,
Viewers.

Not Microfilmed

RD#3 June 1936

Chestnut, Texas

Lechman



Anselm Dietrick

Sketch showing location for a private road for Louis Lechene in Chest Township, Cambria County, Pennsylvania, as suggested by the undersigned viewers.

Viewers appointed by the Court of Quarter Sessions of Cambria Co., Pa., as indicated on the attached order. A. M. Shoemaker, M. J. Baumgardner and James McEann, Viewers.

NO. 3. June Sessions, 1936.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENN'A.

IN RE: PETITION OF LOUIS
LECHENE FOR VIEWERS TO LAY OUT
A PRIVATE ROAD IN CHEST TOWNSHIP,
CAMBRIA COUNTY, PA.

ADJUSTED REPORT OF VIEWERS.

Filed: *Aug. 14, 1936*

A. M. SHOEMAKER
ATTORNEY AT LAW
EBENSBURG, PA.

14 Sept. 1936 Approved and Breadth fixed at Twenty-five feet

*By the Court
McKenney*

Now, August 1, 1938, exceptions dismissed and adjusted report of
Viewers confirmed absolutely.

BY THE COURT.

[Signature]

P.J.

1st
draw
enough

ADJUSTED REPORT OF VIEWERS.

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; to whom our report, filed July 14th., 1936, has
been referred back for adjustment, in compliance with the order
of Court, that the petitioner, Louis Lechene of Chest Township,
said county and state, may have a safer and more convenient ap-
proach to the public highway from his lane, respectfully report:

That after a careful review of the situation by the three
members of the board named by your honorable Court to view and
lay out a private road for said Louis Lechene, considering our
duties in the matter of laying out private roads, we beg leave
to suggest the following change in the location of said private
road so as to take the following courses and distances, viz:

Beginning at a point near the garage on the premises of Louis
Lechene and extending thence south seventy two degrees west
fifty six and two tenth feet; thence south eighty degrees fifteen
minutes west four hundred ninety five feet, both these distances
along the center line of vacated public road; thence north twenty
nine degrees west twenty two feet to the southerly line of the
right-of-way of the new improved public highway, crossing a small
corner of land of one John H. Hrico, to whom we award the sum of
Ten (\$10.00) Dollars damages, to be paid him by the said Louis
Lechene.

By way of explanation we submit that the road as laid out and
herein recommended is slightly less in length to the public high-
way from the petitioner's dwelling house than was the one previ-
ously suggested, and while still somewhat farther than a road
cutting directly through the premises of the above named John H.
Hrico would be, yet the distance to the public highway is not
great and in our opinion will make a convenient private road or
outlet for petitioner.

7/63 g/h

56.2
495
22
573.2

It is true that emerging from the private road, as formerly laid out, on to the public road and making the turn to the right to travel in a north easterly direction the turn would have been quite abrupt and perhaps dangerous although one using same would have had the entire width of the highway on which to make the turn: however this matter by reason of our present suggested change or adjustment in location will be rectified, and the private road as now located is short and in every way practical, convenient and a good grade for the petitioner to travel and at the same time will do very little injury to the property of others. Under the circumstances of the case the viewers feel they are not permitted to lay out the shortest and what would perhaps be the most convenient road for the petitioner to the detriment of another, nor is it within the province of the viewers to fix the width of a private road but for the information of the Court would suggest that in our opinion the maximum width of twenty five feet be fixed as the breadth. /

A sketch showing the adjusted location for the private road in question is hereto attached and made a part of this report.

Witness our hands this / 4th day of August, A. D., 1936.

A. M. Shoemaker
James McLean
Malcolm B. [unclear]

Viewers.

County of Cambria

To A.M. Shoemaker, Dr.

To Report, & tracing 1 1/4 day \$15.00

" one print

45

\$15.45

County of Cambria

To James McLean Dr

To 1 day on Amended Report
36 miles

12.00

260

\$15.60

~~Make for~~

AUG 4 2 1934 RECEIVED

13.00

APPROVED FOR PAYMENT

L. M. Teller

Grant P. Walker
COMMISSIONERS

APPROVED FOR PAYMENT

PRES.

SECK

PRISON BOARD

No. 3 June Sessions, 1936

In the Court of Quarter

Sessions of Cambria County.

In the matter of petition
of Louis Lechene for private
road in Chest Township,
Cambria County, Pa.

Stan Route Barton, Pa.

Exceptant, Exceptions to
Report of Viewers and Ad-
justed Report of Viewers.

Filed December, 1936

3 week from 37

Filed: Dec. 11, 1936

LAW OFFICES
FRED. J. FEES
EBensburg, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In the Matter of Petition of : No. 3 June Sessions, 1936
Louis Lechene for a private :
road in Chest Township, Cambria :
County, Pennsylvania. :

EXCEPTIONS TO REPORT OF VIEWERS.

Leo Dietrick and John H. Hricko, land owners and exceptants file these their exceptions to the findings of the Board of Viewers filed in this case for the following reasons, to wit:

1. That the petitioner, Louis Lechene and the Viewers appointed by your Honorable Court to view and re-view the road described in said proceeding, are without jurisdiction to confiscate for private purposes the lands of your petitioners, without paying reasonable compensation therefor and to do so is illegal and unconstitutional and therefore said proceeding and report and adjusted report of said Viewers is null and void.

2. That said Viewers and your Honorable Court are without power to fix the width of the proposed road as described in this proceeding.

3. That the exceptants had no notice of the fact that the proceeding on August 10, 1936 was referred back to the Viewers for further action, nor had they notice of the fact that the Viewers had filed in said proceeding an adjusted report.

4. Exceptants reserve the right to file additional exceptions if and when deemed necessary.

Exceptants, therefore, respectfully request your Honorable Court to order a re-view of said road.

Leo Dietrick.
Leo Dietrick

John H. Hricko.
John H. Hricko.

State of Pennsylvania

County of Cambria

Leo Dietrick being duly sworn according to law deposes and says that the facts set forth in the foregoing Exceptions to report of Viewers are true and correct to the best of his knowledge and belief.

Sworn and subscribed before me this 10th day of December, A. D. 1936.

Leo Dietrick
Leo Dietrick

John L. Witte
Prothonotary

State of Pennsylvania

County of Indiana

John H. Hricko being duly sworn according to law deposes and says that the facts set forth in the foregoing Exceptions to report of Viewers are true and correct to the best of his knowledge and belief.

Sworn and subscribed before me this _____ day of December, A. D. 1936.

John H. Hricko
John H. Hricko

Charles E. Haskins

MY COMMISSION EXPIRES

MAY 11 1940

No. 3 June Sessions, 1936

In the Court of Quarter Sessions of Cambria Co? Pa.

In the Matter of the petition of Louis Lechene for a Private Road in Chest Township, Cambria County, Pa.

EXCEPTIONS TO REPORT
OF VIEWERS.

Filed Aug. 1936.

Filed: Aug. 4, 1936

CHARLES HASSON
ATTORNEY AT LAW
EBENSBURG, PA.

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

In the matter of the petition of Louis Lechene for a Private Road in Chest Township, Cambria County, Pennsylvania, No. 3, June Term, 1936.

EXCEPTIONS TO THE REPORT OF VIEWERS:

LOUIS LECHENE the petitioner, excepts to the findings of the Board of Viewers filed in this case for the following reasons:

1st. That the Viewers have not viewed or provided the petitioner with a short or convenient road from his farm buildings to the Public Road in Chest Township, as prayed for in his petition.

2nd. The road vacated by the Viewers is a portion of the old road vacated in 1923, and is laid out in such a manner that exceptant cannot make a right-hand turn with a vehicle from the private road on its Western Terminus to the Public Road without going on and over private property.

3rd. That the Private Road as laid out by the Viewers is impracticable and its upkeep would be excessive.

4th. The Viewers in laying out said private road neglected and failed to designate the width of the same.

Exceptant reserves the right to file additional exceptions later.

Exceptant therefore, respectfully requests the Court to order a review of said road.

Louis Lechene
Exceptant.

State of Pennsylvania, |
County of Cambria, | ss:

Louis Lechene being duly sworn according to law, deposes and says that the matters set forth in the foregoing exceptions are true and correct as he verily believes.

Dworn and subscribed before me
this 3rd day of August, A. D., 1936.

John L. White
Prothonotary.

Louis Lechene

10

No. 3 June sessions 1936

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

IN RE: PETITION OF LOUIS
LECHENE FOR APPOINTMENT
OF VIEWERS TO LAY OUT
PRIVATE ROAD IN CHEST
TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA.

PETITION & ORDER OF COURT

and
Report of Viewers

Filed: July 14, 1936

~~Not Aug. 2, 1939,
exceptions dismissed
and report of Viewers
Compared and with
of material in file
at 30 feet. [Signature]~~

Not July 25, 1936

yellow
map

REPORT OF VIEWERS .

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, Pa., appointed by your honorable Court and upon the attached order directed to view and determine as to the necessity for a private road in Chest Township, said county and state, from the farm or dwelling of one Louis Lechene to the public road or highway leading from Patton to St. Lawrence, as indicated on said attached order, 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, to the Supervisors of the township of Chest, to the traveling public and to the parties interested as required by law, 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 met upon the premises in accordance with the notices given as aforesaid together with the parties interested and having gone over the premises and being all of the opinion that a private road from the dwelling of said Louis Lechene to the public road or highway is necessary, and having thus concluded relative to the necessity for a private road we proceeded to lay out a road from the above referred to dwelling to the public highway in such a manner as would give the petitioner a good practical way out and at the same time do the least damage to private property of others, beginning at a point opposite the buildings on the premises of said Louis Lechene on line between said Lechene and one John H. Hrico thence following along said line south 72° west 56.2 feet thence continuing along lands of said Lechene, Hrico and Anslem Dietrick south 80° 15' west 597 feet, along a vacated public road to the improved highway leading from Patton to St. Lawrence.

In going over the situation the viewers learned to following facts; That the portion of public road which formerly served as an outlet from the Lechene premises to the Patton - St. Lawrence road has been scated. That within a very recent date trespass notices have been posted on the abandoned public road thus cutting off said Lechene from access to the public road without trespassing and therefore concluded a private road is necessary; That the strip of land along the line between Lechene, Hrico and Dietrick is not valuable nor will any one be particularly inconvenienced by reason of the laying out of a private road along same, which we have done and hereby recommend same as a practical outlet for the petitioner to the public highway.

As the viewers estimate that no injury will be sustained by either John H. Hrico or Anslem Dietrick by reason of the laying out of the private road along the line of their respective properties, we have assessed no damages.

Witness our hands this 24th. day of July, A. D., 1936.

A. M. Shoemaker

James McLean

Viewers.

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, Pennsylvania, to view and determine as to the necessity for a private road in Chest Township, said county and state;

Beginning at or near the buildings on the farm or premises of Louis Lechene, in said township, county and state, and ending on the public road leading from Patton to St. Lawrence, at a point five hundred fifty feet north east of the intersection of the Thomas Mills road with said Patton - St. Lawrence road:

Said Viewers will meet at the point of ending of said proposed piece of road ~~at the point of ending~~ on the Patton-St. Lawrence road, as above indicated, in Chest Township, Cambria County, Pennsylvania, on Saturday, July 11th. 1936, at 10:00 O'clock a. m. for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,
M. J. Baumgardner and
James McCann,

Viewers.

Now, July 1936, service of the above notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.



Clerk for Commissioners.

NOTICE OF VIEW.

Notice is hereby given th t the viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the necessity for a private road in Chest Township, said county and state:

Beginning at or near the buildings on the farm or premises of Louis Lechene, in said township, county and state, and ending on the public road leading from Patton to St. Lawrence, at a point five hundred fifty feet north east of the intersection of the Thomas Mills Road with said Patton - St. Lawrence road:

Said Viewers will meet at the point of ending of said proposed piece of road on the Patton - St. Lawrence road, as above indicated, in Chest Township, Cambria County, Pennsylvania, on Saturday, July 11th. 1936, at 10:00 O'clock a. m., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,
M. J. Baumgardner and
James McCann,
Viewers.

County of Cambria Dr
To A.M. Shoemaker

Preparing, serving and posting notices of view —	\$18.00
38 miles @ 10¢ per mi. —	3.80
Day on View —	12.00
38 miles —	3.80
Survey draft & copy	9.00
Day on Report —	12.00
	<u>\$58.60</u>

To M. J. Banngardner

Day on view —	\$12.00
83 miles @ 10¢ per mile	8.30
	<u>20.30</u>

To James McCann

Day on View —	\$12.00
76 miles —	7.60
	<u>\$19.60</u>

CERTIFIED
J. J. [Signature]
COUNTY CONTROLLER

APPROVED FOR PAYMENT

John Thomas Jr

Frank Patterson
COMMISSIONERS

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

In the Matter of the petition of Louis Lechene for the appointment of Viewers to lay out a road in Chest Township, Cambria County, Pennsylvania.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of Louis Lechene respectfully represents:

That your petitioner is a resident of the Township of Chest, Cambria County, Pennsylvania, and labors under great inconvenience for want of a ^{private} road into his property in said Township to begin at a point on the Patton and St. Lawrence Road, five hundred fifty (550) feet northeast of the intersection of the Thomas Mills Road with the Patton - St. Lawrence Road; thence in a southeasterly direction through land of John H. Hrico, a distance of one hundred seventy-five (175) feet, more or less, to a point in the center of the old vacated road leading from Patton to St. Lawrence in front of the dwelling house of Louis Lechene; thence by the center of said old vacated road North 80 degrees East seventy (70) feet, more or less, to a point in said road in front of the garage on farm of Louis Lechene, the petitioner, in said Township of Chest, Cambria County, Pennsylvania, where said proposed road ends.

Your petitioner further avers that on the 8th day of January, 1923, in a proceeding entered to No. 6 December Term, 1922, your Honorable Court appointed Viewers to vacate a portion of the old road between Patton and St. Lawrence which ran immediately in front of your petitioner's buildings and which road constituted petitioner's only means of outlet from his farm buildings.

That on the 28th day of February, 1923, the Viewers so appointed by your Honorable Court filed their report supplying a new road and vacating the old road, which passed petitioner's property and left the petitioner without means of outlet from his farm.

That notwithstanding said new road was laid out by the Viewers on February 28, 1923, the Supervisors of Chest Township did not open said new road until on or about the month of September, 1932, and in the mean time used the vacated road the same as before the new road had been laid out.

Your petitioner avers that he did not learn of the vacation of the old road, which passed his property, until on or about June 12, 1936, when John Hrico, the owner of the portion of the land adjoining the old road, caused four trespass notices to be placed along said road forbidding your petitioner and others to make use of said road and in addition thereto barricaded the same by cutting trees and brushes across a portion of the same.

Your petitioner, therefore, showing that he is without a road from his farm to the public road as opened by the Supervisors in Chest Township in 1932, respectfully prays your Honorable Court to appoint three (3) persons qualified according to law to view the ground proposed for such new road as shown by a plan or plot, which is attached hereto and made a part hereof, and to inquire of and lay out a private road approximately two hundred forty-five feet long and of sufficient width for the use of your petitioner for ingress to and from his farm in said Township.

Louis Lechene

State of Pennsylvania :
County of Cambria : SS:

Louis Lechene, being 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.

Sworn and subscribed before
me this 20th day of
June, A. D., 1936.

JAMES MELLON

My commission expires:

JAN- 21 - 1939

Louis Lechene

ORDER OF COURT

And now, June 22, A. D., 1936, the foregoing petition having been read and considered, it is ordered and decreed that

A.M. Shoemaker, Esq., Mahlon Baumgardner and James M'Cann

Members of the Board of Viewers of Cambria County, be and they are hereby appointed to view and report on the above matter according to law.

BY THE COURT,

M'Kennick.
Judge.

Extract from the Record.

Certified this 22nd day
of June A. D. 1936.

James M. Jones
CLERK OF COURTS

No 3 June Term 1936

B O N D

Louis Lechene

to

Commissioners of Cambria
County,

Dated June , 1936

And now June 22, 1936, the
within Bond and the Sureties
thereon approved.
Court

By the Court,

Mckenrick
Judge.

Filed: June 27, 1936

CHARLES HASSON
ATTORNEY AT LAW
EBENSBURG, PA.

KNOW ALL MEN BY THESE PRESENTS, That Louis Lechene,

and

all of the Township of Chest, in the County of Cambria and State of Pennsylvania, are held and firmly bounded unto the Commissioners of Cambria County, Pennsylvania, in the sum of One Hundred (\$100.00) Dollars, lawful money of the United States of America, to be paid to the said Commissioners of Cambria County, their certain attorney or assigns, to which payment well and truly to be made and done, we bind ourselves, our heirs, executors, administrators and every of them firmly by these presents. Sealed with our seals and dated this day of June, A. D., 1936.

THE CONDITION OF THIS OBLIGATION is such that if the said obligor, who has petitioned the Court of Quarter Sessions of Cambria County for the appointment of Viewers to view and supply a certain road in the Township of Chest in said County leading from the public highway from Patton to St. Lawrence as more particularly described in said petition, for the appointment of Viewers, shall pay the costs and expenses of the Viewers so appointed into the office of the County Treasurer of said County as the Court shall direct when the proceedings are concluded, then this obligation to be void and of no effect, or else to be and remain in full force and virtue.

Signed and Sealed in
the Presence of

Alban Gill.

Ralph W. Lechert

Louis Lechene (SEAL)

Joseph Gill (SEAL)

Leban G. Gill (SEAL)