

Exceptions to the report of reviewers appointed

to review road leading from Peter Gordons in
Burgessham Townships to William Littings
in Cambria Townships. -

1st The reviewers exceeded their authority when
they undertook to vacate part of the road
and to make a private road of the balance. -
especially as they did not state for whose use the
private road should be maintained. -

2^d The amended report is vague and uncertain
and indefinite inasmuch as it does not
name the persons ^{by} whom "the road bed is to
be graded and kept in repair and fences on
the Western side." nor does it indicate who said
persons are with sufficient certainty to enable
the Court to compel them to perform their duties
in the premises, or to enable Michael Kinch
to protect his property. -

3^d The report of reviewers, if confirmed,
would result in great injustice to Michael
Kinch, inasmuch as it would compel him
to build and keep in repair fences for
a private road through his own land. For
which road he did not petition, does not
need, and which would be injurious to his
property and not necessary for the ac-
commodation of others. -

4th ~~The~~ report should be set aside because
the reviewers reports

A. V. Barker
Atty. for Michael Kinch

No. 6 June 2nd 1775
Rox. Dec.

Josephine & Dennis

Dec. 4. 1776

John

To the Honorable the Judges of the Court of Quarter
Sessions of the Peace, in and for the County of
Cambridge,

The petition of the undersigned, inhabitants
of Barr-Township: (formerly part of Singuehanna)
in said County; Respectfully sheweth: That a
Public-road hath been laid out and used
under an Order of Your Honorable Court
and duly confirmed Oct. 4th 1849. from
Peter Gordons in Singuehanna Township, to
William Gittings in Cambridge Township, con-
tinuing to Edensburg in said County, And
whereas a petition was presented to your
Honorable Court for a view to vacate the same
for reasons set forth; and report of the Viewers
confirmed the same - Your petitioners therefore
pray your Honors to appoint proper persons
to review the said road purported to be
vacated and make report to the Court ac-
cording to law: if the same is necessary
for public travel and adjunctions - etc.
And we will ever pray &c.

George W. Wilson Joseph Schmitt.

Richard Nye. Genl. x Fresh
Joseph Lantz

J. A. Fox

Joseph J. Fresh
John. Schriфт
Nikolaus Hebele
Peter J. Holz

Joseph Stolz

Adam Fieb
Allegans. Stinebier
Geo A. Houch

Joseph Houch
Christopher Houch

Simon Fresh

Peter J. Bell

No 6 Supp June 1845

Of the citizens of
Bar township, Lincoln
County Ia. for appointment
of jurors to locate a
Road leading from
Jeter's corner in Congdon
township to William
Wittberg in Cassia
township in said County
of Cassia County Ia.

Witness the 15th

Cash Appoint

Sam'l Graham

Benj'n. Webster

John Miller

Ben. Prisco

J. W. Seaborn,

To The Honorable The Judges of the Court of
Quarter Sessions of Cambria County. —

The petition of the undersigned citizens of Sus-
quehanna and Barr Townships in said county
respectfully represents that a road has long since
been laid out from a point in Susquehanna
Township near land owned at the time said road was
laid out by Peter Gordon, to land then owned by
William Gittins in Cambria Township. — That a
portion of said road leading from the bridge
over Susquehanna River at the Saw Mill of John
L. C. ~~Bauer~~ to a point at the barn of Michael
~~Smith~~ in Barr Township on the road leading to
St. Nicholas is useless and inconvenient and
if opened its full length would become bur-
densome to the inhabitants of said Township.

Your petitioners therefore pray the Court that
The portion of said road mentioned above may
be vacated agreeably to the acts of General Assem-
bly in such cases made and provided.

And they nevertheless pray &c. —

Joseph Miller

Robert White

Peter Parrish

John J. Dick

John Potter

Wm. L. Edmiston

John H. Sherry

John Harrison

Joseph Gardner

Joseph J. Miller

John Gardner

Charles L. Lillie

Levin Boon
George Cherry
Simon Kirsch
Michael Kirsch
Ortace R. L.
Johann Schmitt
John Kirsch
Louis Kirsch
Peter Beck

Goetz Kautzke
Charles Hecker
Frank Luther
Philip Gray
D. S. Manthey
Dannell Gray
Chlestene Springman
Thos. Beach
Abraham Geringer

Frank J. J. J.

Anthony Steffy
J. J. J. J.
John J. Beckel
Eliak B. B.
Jacob Schirf
Anthony Doorn
Peter A. Bland

John D. Lantz

John A. Bland
Augusta J. J.
John J. J.
J. H. Krumenacker
John Kirsch
Wm. David
John B. B.

Dabouhward Gruffy
Andrew Peter
Albert W. W. W.

S. W. Byrne
Joseph Lieb
A. W. W. W.

John W. W.
John W. W.
John W. W.
John W. W.
John W. W.
John W. W.

William Shank
Andrew Farrell
John W. W.
Simon R. W.
Eberhard G. W.
John W. W.

John W. W.
John W. W.

John W. W.
Joseph W. W.
John W. W.
Peter W. W.
Jacob W. W.

John W. W.
Henry W. W.
W. W. W.
Henry W. W.
Joseph W. W.
Wendell W. W.
John W. W.
John W. W.
Henry W. W.
Frank W. W.
A. W. W.
C. W. W.

D. W. W.
James W. W.
Henry W. W.
Joseph W. W.
Frank W. W.
C. W. W.
John W. W.
John W. W.
John W. W.
Anthony W. W.
William W. W.

Not signed June 1885

Petition of citizens of
San Luis Obispo
San Luis Obispo for
to read and make
part of a road and
not from Palo
Verde to William
Loring.

July 6, 1885 - Petition
read and

J. A. Stearns
Joseph Stearns
James Kirkpatrick
appointed

On line
June July 6, 1885.

San Luis

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 16th day of
December A. D. 1885, before the Honorable the Judges of the same
court: Upon the petition of divers inhabitants of the township of Barr
in the said county, setting forth that they labor under inconvenience for want of a
~~road or highway, to lead from~~
a public road that has been laid out and used
under an order of your Honorable Court duly
confirmed Oct 4. 1849 from Peter Gordon
in Tusquehanna Twp to Wm. Gitting in Cambria
Township & continuing to Ebensburg, and whereas a
petition was presented to your Honorable Court for a view
to vacate the same for reasons set forth &c

and therefore praying the court to appoint proper persons to ^{said road} review ~~and lay out the~~
^{proposed to be vacated} ~~same according to law.~~ The Court upon due consideration had of the premises, do
order and appoint, Paul Gahner SURVEYOR,
and Benz Writner & Peter Huber

^{to be} VIEWERS, to ~~re~~ view the ground proposed ^{to be} ~~for said~~
^{vacated.} ~~road, and if they view the same, and shall agree that there is occasion for such~~
~~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,~~ 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~~ passes

BY THE COURT.

Attest:

N. A. Shoemaker
Clerk.

be sustained, it shall be their duty to assess the damages and make report thereon signed by a majority or 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."

And now, Mar. 7, 1887. Report of Viewers confirmed
aforesaid, and the parties concerning Road to be
Killed as per as provided by Act of 1836, Section 15.
By the Court

No. 6
June Term 1885

Order to re-view a road, calling
James Peter Gordon in
Shaquehanna Township
to William Gittings in
Casselman Township

Re-viewers
Paul Graham
Aug. Whitman
Oliver Hubert

Filed 24 Mar 1886
Amended Report filed Sept. 1886.
J. H. Thompson
Signed by J. R. Scanlon
75

J. R. Scanlon

And now March 1st 1886 within order continued
to next argument Court. By the Court

Aug. 3. 1886. Confirmed nisi.

Aug. 3. 1886. Referred back to Viewers
to report by whom the private road shall
be kept up, to report to Sept. Session.

Oct 5. Road and confirmed nisi
By the Court

1st to the 4th of March the lands within marked

We the undersigned, were appointed by the within order of Court to review the road therein mentioned Respectfully report, That having given due notice to the land owners along said road we met at the view of the same and having all been first duly sworn did view the said road. The courses and distances ^{of which} we found as follows: Beginning, at a point in the public road near John G. C. Bear's old saw mill, thence on newly cleared land of Daniel Gray South $62\frac{1}{2}$ degrees west 14 rods South 80 degrees east 13 rods South 31 degrees east 14 rods South 50 degrees east 28 rods. Thence on fields of Thomas Beach South 35 degrees east 22 rods, South $19\frac{1}{2}$ degrees east 10 rods South 7 degrees east 47 rods, thence on uncleared and cleared land of Richard Nagle South $26\frac{1}{2}$ degrees east 65 rods, South $20\frac{1}{2}$ degrees east 32 rods. Thence on fields of Joseph Lemier South 10 degrees west 50 rods South 5 degrees west 50 rods. Thence on field of Michael Kirsch south 31 degrees west 10 rods South 34 degrees west 34 rods and south 8 degrees east to a point in the public road near the barn of said Michael Kirsch as shown by the annexed draft.

On account of the very small number of Citizens that can be accommodated by the aforesaid road we are of opinion that the same is unnecessary for a public road. At the same time we believe that part of said road beginning near the dwelling of Richard Nagle and running thence to the public road near M. Kirsch's barn (as shown by red lines on draft) is necessary for a private road. And further we consider that part of said road shown on draft by black lines and running from the point near J. G. C. Bear's old saw mill to a point near Richards Nagle's dwelling as being injurious to private property and useless as a public or private road.

Witness our hands the 5. day of March 1886.

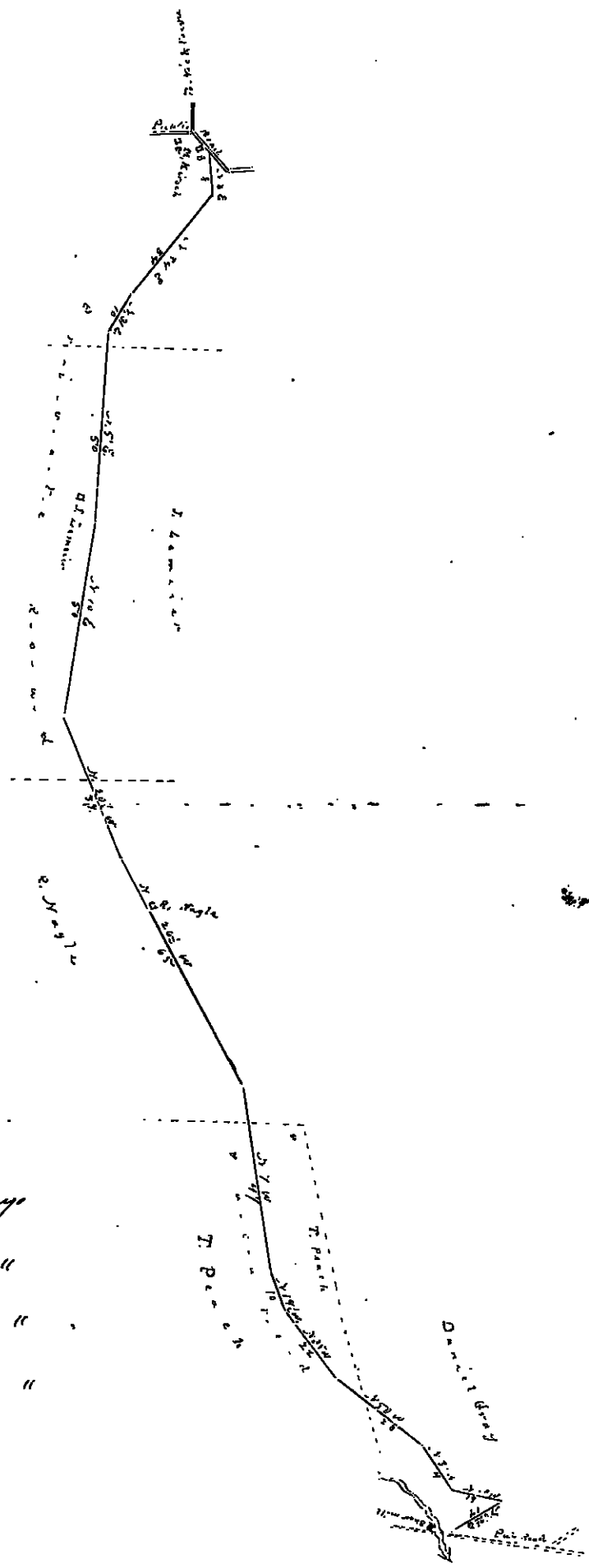
Paul Wagner
Raymond Winter
Peter Huber

And now August 26, 1886. In compliance with the
reference by the Court. we respectfully report:

That as far as the said private road runs through
land of Michael Kirsch the road bed is to be graded and
kept in repair and fenced on the western side by the petiti-
oners using the same, and the fence on the eastern side
thereof to be built and both fences to be kept up by
Michael Kirsch his heirs and assigns. In respect of
the road being on land of petitioners can be made by them
to suit their own convenience.

Paul Lahner
Peter Horner
Benjamin Wirtner

Time
 Paul Mathur surveyor 2 days
 Benjamin Wistner viewer 1 "
 Peter Huber " 1 "
 J. G. B. Bear chain man 1 "



J. H. H. H. H.

To The Honorable, the Judges of
The Court of Quarter Sessions of
The Peace in and for the County
of Cambria

We The undersigned Viewers
appointed by your Honors in the
aforesaid order of Court to view and
vacate part of road leading from
Peter Gordons in Susquehanna Township
to William Littings in Cambria Twp.
We met at the appointed time and
place, and after having been sworn
proceeded to perform the duties of
our appointment, starting at Bridge
near J. G. Bearers saw mill, and ran
S. 62° 30' W 14 ps. Thence S. 80° 30' E 13 ps Thence
S 15° 45' E 10 ps Thence S. 21° E 24 ps Thence S.
50° E 28 ps Thence S 35° E 22 ps Thence S 19° 30' E
10 ps Thence S. 7° E 47 ps. Thence S 26° 30' E 65 ps
Thence S. 20° 45' E 28 ps Thence S. 10° E 21 ps
Thence S. 8° W 66 ps. Thence S 5° W 16 ps Thence
S. 33° W 44 ps Thence S. 8° E 11 ps to Township
road now open near Mr Kershers barn.
We believe said road to be unneces-
sary as a public road, there being
already two public roads running
nearly parallel with this one. (see draft)
We therefore vacate said road as
it would be useless and burdensome

to the inhabitants of Barr Town
and injurious to private property
Witness our hands this 24th day
of August. A.D. 1885.

J. A. Shomaker
Joseph Beaser } Viewers
James Kirkpatrick }

Time

L. A. Shomaker 2 days 33 miles
James Kirkpatrick 1 " 20 "
Joseph Beaser 1 " 20 "

31 Aug 1845 - Genl to Premier

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 sixth day of
July A. D. 1885, before the Honorable the Judges of the same
court: Upon the petition of divers inhabitants of the township of Barr & Susquehanna
in the said county, setting forth that they labor under inconvenience for want of a

~~road or highway, to lead from~~
~~a road~~ has long since been laid out from a point
in Susquehanna Township near land owned at the
time said road was laid out by Peter Gordon to land then
owned by William Gitting in Cambria Twp. - that a portion
of said road leading from the Bridge over Susquehanna
River at the saw mill of John C. Bearer to a point
at the farm of Michael Kirsch in Barr Twp.
on the road leading to St. Nicholas is useless
and inconvenient and if opened its full length
would become burdensome to the inhabitants of
said Township and therefore praying the Court
that the portion of said road mentioned above
may be vacated

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, J. A. Shoemaker SURVEYOR,
and Joseph Bearer and James
Kirkpatrick

~~VIEWERS, to view the ground proposed for said~~
~~road, and if they view the same, and shall agree that there is occasion for such~~
~~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, 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:

J. A. Shoemaker,
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 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. 6
June Term 1885

locate part of
Order to ~~view~~ a road. Laid
out from Peter Gordon
in Delaware Township
to William Gitting in
Cantabria Township

Viewers
J. A. Shormanaker
Joseph Beares
James Kirkpatrick

Filed 8. Sep. 1885

John Shormanaker
Ch. Secy. Shaw. Trench

Banker

Oct. 21 1885

Report Read confirmed
msi By The Court

