

In-Re Petition to vacate and (In the Court of Common Pleas of Cambria
supply a Public road on Sis- (County.
quehanna township. U
(NO.2 June Term 1895

Exceptions to confirmation absolute.

To the Hon.A.V.Barker President Judge of said Court.

Lewis J Bearer,an inhabitant of Susquehanna township,and a party interested in the said road,by his attorney J.W.McKenrick.Excepts to a confirmation absolute of said report of viewers filed in the above stated Road,for the following reasons. to wit:

FIRST: That Simon A.Weakland,one of the viewers appointed by the Court and who signs the said report, was a signer of the petition to vacate and supply,and was at the time of his appointment,as well as at the time of said view,and report made, an interested party.

SECOND: That said Simon A.Weakland circulated said petition,and made representations to one Conrad Landcraft,a signer thereof,that said petition was for the vacation of another and different road,and thereby misled him,and caused him to sign the same under a misapprehension as to what he was signing,believing it to be to vacate a different road.

THIRD: That said report was not made by Competent,disinterested viewers as contemplated by the act of Assembly,and the decisions of the Courts relating to Roads and Highways,in this Commonwealth.

For the foregoing reasons your exceptant prays that said report to vacate and supply be NOT confirmed absolute,
And he will ever pray &c.

Atty.for exceptant

Cambria County,SS

Before me personally came Lewis J.Bearer the above named exceptant,who being duly sworn saith that the facts set forth in the foregoing exceptions are true and correct as he is informed and verily believes.

Sworn and subscribed to before me this third day of September A.D.

1895

Prothonotary.

No. 2 June Decr 1896

ROAD DOCKET No. 4 page 386

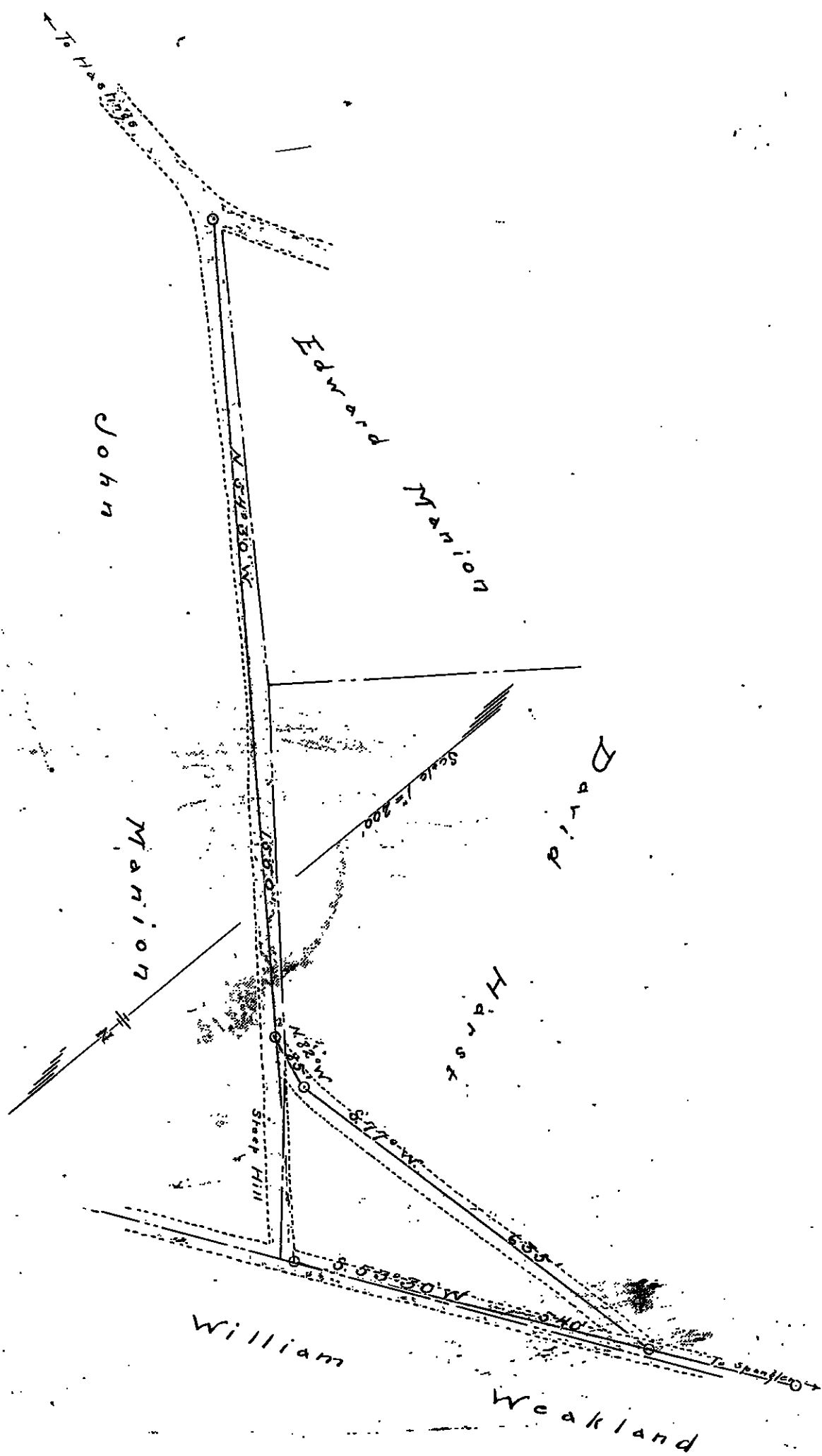
Report of Viewers to vacate
and supply a road in Susquehanna
township.

Exceptions to Confirmation of s

Same.

Filed 23 Sep. 1896

McKenrick for exception



Assessment of Damages
To
David Horst.

We, the undersigned, viewers appointed by the annexed order of Court, for the purposes therein mentioned, having viewed the road, and having decided in favor of vacating and supplying same, as shown by the annexed report and draft attached, and having endeavored to procure a release from all claims for damages that might arise from the vacating and supplying of the said road, and from the opening of the road supplying the part vacated through the land of David Horst, and he the said David Horst, having refused to give a release as aforesaid, we are of opinion that the said David Horst will, by reason of the opening of the road aforesaid, sustain damage to the amount of \$
Dollars, and we do, accordingly, assess the same at that sum.
Witness our hands this day
of , A.D. 1875.

Viewers.

Costs,

Allport, Surgeon, 1 day & 4 miles	\$ 4.80
Simon Oakland " " " " "	2.40
John Pillan " " " 2 " "	2.20
Total	<u>\$ 9.40</u>

Road, vacated
and supplied,

Assessment of Damages
- To -

David Horst,

To the Honorable A. V. Barker, Pres-
ident Judge of the Court of Quarter
Sessions of Cambridge County,

We, the
undersigned, viewers appointed
by the within order of Court, to
view the road therein men-
tioned, respectfully report: That,
having been present at the view
of said road, and having been
first severally sworn or af-
firmed, in pursuance of the
said order, we have viewed
the said road, and are of a
pinion that the said road, is
inconvenient and burden-
some, on account of the
heavy grade on the David
Hart Hill, and that the route
of said road ought to be chang-
ed between the points desig-
nated in said order, by vacat-
ing the present road between
said points, and supplying
the same by the road a plat
or draft of which, with that
of the part to be vacated, is

hereto annexed,
Witness our hands, this
day of August, A.D. 1895.

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 Third day of June A. D. 1895, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of Susquehanna in the said County, setting forth that they labor under inconvenience for want of a road or highway, to lead from a public road was long since laid out and opened, leading from a point on the road from Cherry Tree to Carrolltown near the residence of Daniel Fritz to a point on the road from Spangler to Carrolltown near the Shaugler Dorough line in the Township of Susquehanna: That a part of said road in said Township beginning at a point at or near the lane leading into Edward Maucen's, to a point at or near the ice dam of William J. Neakland has become inconvenient and burdensome by reason of the heavy grade on what is called the Daniel Hersh hill and the said road would be much improved by a change of the route between said points

and therefore praying the Court to appoint proper persons to ^{vacate, and} view and lay out the same according to law. The Court upon due consideration had of the premises, do order and appoint James Alpert SURVEYOR and Simon Neakland and John A. Sellen

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. H. Roney
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.

Order to view to reach immediate

supply, public road
from point second house
leading to residence of
Edmund Marion to
point near ice dam
of Mr. J. Westland
in Georgetown

Viewers:

James Albart
James Westland
John A. O'Neil

Let Clerk pay \$90

Poland

No. 2 June Term 1895
RAL

To The Honorable A. W. Barker, Presi-
dent Judge of the Court of Quarter
Sessions of Columbia County.

The petition
of the undersigned respectfully
represents:

That a public road
was long since laid out and
opened, leading from a point
on the road from Cherrytree
to Carrolltown, near the resi-
dence of Daniel Fritz to a point
on the road from Spangler
to Carrolltown, near the
Spangler Barough line, in the
Township of Susquehanna; that
a part of said road in said
Township, beginning at a
point ~~near~~ or near the lane
leading in to Edward Mann-
ings, to a point at or
near the ice dam of William
J. Weakland, has become
inconvenient and burden-
some by reason of the
heavy grade on what is
called the David Harst hill,

and the said road would be much improved by a change of its route between said points.

Your petitioners therefore pray the Court to appoint qualified persons to view the premises and to inquire into the expediency of making said change, and otherwise proceed as directed by the Act of Assembly in such case made and provided.

And they will ever pray, &c.
 Names Names

~~W. J. Weakland~~
 W. J. Weakland
~~Aaron Weakland~~
 Aaron Weakland
~~Thomas J. Weakland~~
 Thomas J. Weakland
~~Wm E. Lantry~~
 Wm E. Lantry
~~J. B. Miller~~
 J. B. Miller
~~Hervey Linder~~
 Hervey Linder
~~M. C. Weakland~~
 M. C. Weakland
~~Mark Weakland~~
 Mark Weakland
~~M. J. Weakland~~
 M. J. Weakland
~~Leonard Scott~~
 Leonard Scott
~~James Deffen~~
 James Deffen

Adam Boney
 Wm H. Bony
 Heykiah C. Bony
 Jesse C. Bony
 Durrell Bony
 Lewis H. Bony
 James L. Bony
~~Samuel Bony~~
~~James Bony~~
 Wm H. Bony
~~Robert Bony~~
 Robert Bony
 Luke A. Bony
 Thomas C. Bony
 J. J. Bony

Joseph North
Edward Miller

Casper Miller

Amelie E. C. C. C.

John Darnick
m. c. h. c.

Mathew glass

Conrad Sundgren

John J. Holtz

Wm J. Hertog

Wm. Ballaloy

Wm. Gates

Wm. Gates

S. B. Spencer

William S. Ross

Wm. Gates

Henry Strasser

J. Payne

David L. Miller

William Miller

E. P. Baker

J. B. Stabbe

J. C. Williamson

M. J. S.

Isaac Crosby

Wm. H. Bowers

James Ashcraft

J. W. Lloyd

W. Lloyd

Leonard Lloyd

Oliver Savers

No. 2 June term, 1895.

Petition for appointment
of viewers to
locate and supply
public road from
point near home lead-
ing to residence of Ed-
ward Harrison to
point near ice house
of William J. Weckland
in Susquehanna
Township, Carbon
Co., Pa.

Filed June 1895

June 30, 1895 pe-
tition read and James
Alpert, Simon Mak-
land and John A. Deem
appointed viewers
Petitioner
Roland.

In-Re. Exceptions to Report of viewers, (NO.2.June Sessions 1895 "R.D.")
()
Vacating, Road laid out under order to (NO.3 June Sessions 1895 R.D.
view &c in No. 2 aforesaid-)
(Susquehanna township-
Vacating and Supplying, road under an)
Order to view, vacate and Supply, in No.3 ()
aforesaid.0.....

Agreement, between Parties.

And now October 16th 1895 It is hereby agreed by and between L.J. Bearer Exceptant, and Casper Miller and Abner Lloyd Supervisors of Susquehanna township, that all differences be settled on the following terms

FIRST: The Exceptions in No. 2. (above stated) to be withdrawn, and Report of Viewers confirmed upon payment by the Supervisors, of Court Costs, and the Sum of Twenty dollars to exceptant's Counsel. (J.F. McKenrick Esq)

SECOND: The exceptions in No. 3 (above stated) to be sustained, and a decree made, that Supervisors (of Susquehanna township) pay all Court costs, including \$5. to Miss Jennie Craver Stenographer, and witnesses and Justices Costs on depositions as per bill filed (hereto attached)-

THIRD: That the Prosecution against the said Supervisors to No 6 ~~Sept~~ Sessions 1895 be Nolle-Prossed upon said defendants paying all Record Costs.

FOURTH: That L.J. Bearer enter into a formal contract with said Supervisors to open the road in No. 3 June Sessions 1895 (above stated) for the sum of two hundred dollars (\$200.)

Witness J.F. McKenrick.
Harvey Roland.

L.J. Bearer.
Abner Lloyd.
Casper Miller.

Statement of Costs Exceptants, Costs.

Lewis J. Bearer. Witness	\$1.12	Subpoena.	\$3.60	\$4.72
W.B. Schroth.....				1.30
A. Miller				1.30
C. Landgraff.				1.12
S.A. Weakland.				1.12
E. Binder.				1.30
A. Gray.				1.24
J. Allport.				1.00
R. Kildee.				1.24
E.P. Baker.				1.48
Jos. Fox.				1.30
Augustus Craver.				1.48
Jos. Barnacle.				1.12
J.A. Bearer.				1.12
John Bearer				1.12
E. Manion.				1.12
C. Angert.				1.12
M.C. Westover.				1.30
W. Conkey.				1.26

H. McCombey.	\$1.36
Paul Vahner	1.18
Jas. McNeelis.	1.00
D.C. Sullivan.	1.30
Michael Kuntz.	1.30
Anthony Anna. Justice Peace.	2.40
Miss Jennie Craver, Stenographer	5.00 Paid Cash by J. Lantzy)
J.F. McKenrick. Atty. for Deceptant	20.00

Supervisors, Witnesses.

John Dillen.	1.30
Henry Link.	1.06
John Westover.	1.18
Samuel Lamar.	1.36
John Lantzy Sr.	1.24
Thomas Weakland.	1.12
Leonard Holtz	1.18
William Hardsock.	1.13
Petitioners Subpoena Service	1.20
" Village.	1.44

Prothonotary Darby, On Rules	
Argument List &c.	5.70
Clk. Darby In O.S.	2.50
Shff. Coulter Process.	6.70
Shff Coulter Ind. fee	
Dist. Atty. Vol. Pros.	5.00
Const. Somerville Sub'p.	1.25

TOTAL AMOUNT TO PAY ALL COSTS.....\$ 83.45

No.2 June Sessions 1895 R.D.

No.3 June Sess 1895 R.D

(Argument List Oct.28 1895)

In-Re, Exceptions to Roads,

In Susquehanna Township and

Commonwealth vs. Abner Loyd

Casper Miller

No.

Sess. 1895

AGREEMENT OF SETTLEMENT-

Filed 30 Oct. 1895.

Roland. for Road, & Supervisors.

McKenrick. for Ex. & Commth.

No. 2 June Sec., 1895.

R. S.

Imprepetition for view-

ers to view, vacate, and
supply public road from.
point near line leading to
residence of Edward Mannan
to point near ice - dam of
Mr. J. Weakland, in
Snoqualmie Falls Township.

Report of Visitors,

Filed Sept. 1895

Roland

30 Oct. 1895 - E. captures mechanism Report
of members confirmed absolutely
(see Bench Book). By the same