



To the Honorable A. V. Barker, Judge of the Court of Quarter Sessions of the Peace, of Cambria County.

The petition of the undersigned, respectfully represents:

That at the September Session of this court, A. D. 1895, a road, beginning at a point at or near the county bridge in the borough of Patton and ending at a point at or near Litzinger's bridge leading to Eckenrode's mills in Clearfield Township, laid out by order of this court, was confirmed, and that the said road has not been opened yet.

The petitioners therefore representing to the court that they are a majority of the original petitioners for the said road, resident within the county of Cambria aforesaid, pray that the same may be vacated and annulled, and for that purpose that the court will appoint three persons, qualified according to law, to view the ground in which said road has been laid out and make report of their proceedings at the next term of this court, and they will ever pray, etc.

Names.

Names.

J. C. & B. Brown

James H. Riley

John Dungan

Simon B. T. in

J. H. McQuillon

x Frank, M. Connel

J. L. Murringer

Joseph Eckenrode

W. A. Sullivan

x George Cassidy

Wm Armstrong

104 June Sess 1897

Petition of Inhabitants  
of Clearfield Township  
for appointment of viewers  
to view & vacate an  
unopened road in  
Clearfield Township.

Filed 14 June 1897

14<sup>th</sup> June 1897

J. A. Shreiner

E. R. Brinegar

Jos. J. Duhaime

appointed viewers  
By the Court.

EVANS & LEECH,  
EBENSBURG, PA.

HENRY HALL, PRINTER, INDIANA, PA.

To the Honorable A. V. Barker, President Judge of the Court  
of Quarter Sessions of Cambria County.

The petition of the undersigned, respectfully represents.

That ~~the~~ viewers appointed by your Honor made return recom-  
mending the vacating of a road laid out but not yet opened beginning  
at a point at or near County Bridge in Patton Borough and ending at or  
near Litzinger's Bridge leading to Eckenrode's Mills in Clearfield  
Township as will appear by the proceedings entered of record to No.  
4 of June Sessions, 1897, Road Pocket.

Your petitioners representing that the said road is necessary  
to accommodate the public therefore pray your Honor for the appointment  
of reviewers to review the line of the said road and make report to  
the Court.

And they will, etc.

E. C. Brown

W. A. Mellon

S. E. Jones

Wm Armstrong

W. J. Roberts

J. O. P. Poom

J. K. G. Smith

George Cassidy

James Butler

W. A. Mellon

J. B. Vroman

A. H. Burkley

W. P. McBride

J. H. Letts

Wm J. Gill

A. J. Watt

James M. Caffrey

Polly Kelly

B. A. Cronin

Wm Cronin

Wm Cronin

A. Hutchison

Alex. Hutchison

Frank M. Taguer

F. B. Williams

H. S. Dyck

Henry Gradwell

J. O. Jones

S. M. Wilson

S. E. Barr

James Taylor

James Taylor

Fred Simmons Jr  
J. T. Stephens  
Chas. Weaver  
Peter P. Warrington  
Thomas Gitzinger  
W. Harrell  
Peter Gitzinger  
William Gitzinger  
John N. Kagle  
Jacob <sup>this</sup> ~~ick~~ <sup>ick</sup> ~~en~~ <sup>en</sup> ~~rode~~ <sup>rode</sup>  
it his mark  
Augustine Saltsiver  
George N. Kagle  
John Saltsiver  
Thomas J. McConnell  
Joseph L. Linder  
Alex. N. Kagle  
James N. Kagle  
A. M. Smith  
Frank Gitzinger  
Thomas M. McConnell

W. L. Reese  
Theodore Fischer  
Samuel Fischer  
Frank Anderson  
Anderson Swanson  
Ishee

Orstraw  
Joseph Gill  
John Olsen  
Matt Miller  
Wies Truena

John Bayce  
John Bayce  
John Bayce

John Bayce  
John Bayce  
John Bayce

James Mellon  
Jack Scheid

John Simpson  
Millard. Edmiston

Albert Thomas  
J. R. Cordell

J. W. Patton  
Jno. O. Dillen

N. A. Morris  
Fred A. Miller

John Ryan  
Pat Reier

Pat Reier

Levi J. Le Vail  
Jno. L. Merchant

E. W. Lander  
J. Van Wilson

Robert Torley  
Jno. W. Wolf

Chas. Wolf  
J. B. Taylor

H. H. Pennington  
H. J. Eager

H. J. Eager

John Hunter

Ed. A. Sheppard

Ed. A. Sheppard

Adam ~~Sheppard~~ Frost  
H. J. Reese

One ~~Sheppard~~ Frost  
Chris. Bayce

J. E. Ball  
John Ashurst

Patton Coal Co.  
R. S. Tozer

F. B. Markle  
Wm. Lindsay

Ed. Simmons  
Ed. Brown

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Ed. Brown

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No 4 June Decs 1897  
Road Docket

In re Road from Bridge  
at Patton

to  
Point near Litzingers Bridge  
in Clearfield Township

Filed 11 Dec 1897

Petition for appointment  
of Re-viewers

6<sup>th</sup> Dec 1897 petition  
read and James Campbell

R. R. Davis and  
John J. Evans (owner)  
appointed Re-viewers  
By the Court.

Krd

In the matter of the report of viewers vacating an unopened  
Road in Clearfield Township.

Beginning at a point at or near  
County Bridge in Patton Borough  
and

Ending at or near Litzinger's  
Bridge, leading to Eckenrode's  
Mills

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

No. 4 of June Sessions, 1897.

*Road Docket*

EXCEPTIONS TO REPORT OF VIEWERS.

1st. The petition for the appointment of viewers in this case was  
not signed by a majority of the original petitioners for the said road.

2nd. The petition for the appointment of viewers does not show in  
what respect the said road if opened up would be useless, inconvenient  
and burdensome to the inhabitants of the Township in which the same  
is located.

3rd. The report of viewers does not show in what respect the said  
road if opened would be useless, inconvenient and burdensome to the  
inhabitants of the said Township.

4th. The petition for appointment of viewers did not contain a ref-  
erence to the number and term of the original case or of the number and  
page of the Docket containing the record thereof.

*Pittell & Smith*  
Attorneys for Thomas C. McConnell,  
et al, *Exceptants.*

CAMBRIA COUNTY SS:

Thomas C. McConnell being duly sworn according to  
law, says that the above exceptions are true to the best of his knowl-  
edge and belief.

Sworn and subscribed this *28<sup>th</sup>*  
day of *October* A. D. 1897  
before

*James Mellon J.P.*

*Thomas C. McConnell*



In 4 June Sec. 1897  
Road Acket

In re Road from Ludge  
at Patton

<sup>to</sup>  
Betzingers Bridge in  
Clearfield Township

Exemption

<sup>to</sup>  
Report of Viewers

Dated 27 Nov 1897

Krd

To The Honorable - The Judge of The Court of  
Quarter Sessions of the Peace for Cambria  
County - We the undersigned Jurors, appointed  
by your Honor in the annexed order of Court  
do report. That legal notice of the time and  
place of meeting having been given - We met  
and having been sworn - We viewed the an-  
opened road when laid out starting at a  
point near The County Bridge in Pattonboro  
and ending at a point near Litzingers Bridge  
leading to Eckmores Mill. Said road we  
believe to be unnecessary and entirely too burden-  
some for the inhabitants of Clearfield  
Township.

We therefore recommend the vacating of said  
road as a public road.

Dft annexed.

Witness our hands this 31<sup>st</sup>  
day of August 1897.

Jos J. Donahoe  
E. R. Donagan  
J. A. Shomaker

Time

E. R. Donagan 1 day 13 miles  
Jos. J. Donahoe 1 " 15 "  
J. A. Shomaker 2. " 18 "

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 fourteenth day of June A. D. 1897, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of Clearfield in the said County, setting forth that ~~they~~ ~~labor under inconvenience for want of a~~ ~~road~~ ~~or highway, to lead from~~ ~~at the September Session of this Court~~

~~Ad 1890 a road, beginning at a point at or near the county bridge in the borough of Patton and ending at a point at or near Litzinger's bridge leading to Eckersode's mills in Clearfield Township, laid out by order of this Court, was confirmed, and that the said road has not been opened yet. The petitioners therefore representing to the Court that they are a majority of the original petitioners for the said road resident within the County of Cambria aforesaid, pray that the same may be vacated and annulled and for that purpose that the Court will appoint three persons, qualified according to law, to view the ground in which said road has been laid out and make report of their proceedings at the next term of this Court, and they will ever pray etc~~

~~and therefore praying the Court to appoint proper persons to view and lay out the same according to law.~~ The Court upon due consideration had of the premises, do order and appoint J. A. Shuemaker SURVEYOR, and Joe J. Donahue and E. R. Dunnegan

VIEWERS, to view the ~~ground proposed for~~ said road, and if they view the same, and shall agree that there is <sup>no</sup> 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:

S. W. Davis

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."

130  
no 14  
June 25<sup>th</sup> 1897  
Order to view road and  
locate an unimproved  
road in Clearfield Twp.  
beginning at point at corner  
County bridge in Patton Bros  
and ending at or near Sijungus  
bridge leading to Edenburg  
ville  
Filed 6<sup>th</sup> Sep 1897  
Return of  
Viewers  
J. A. Shermaker  
E. R. Shermaker  
Geo. J. Donahue  
Geo Davis for atty  
HERALD PRINT, EBENSBURG, PA.  
E L

Nov. 10<sup>th</sup> 1897 Approved  
By the Court.

Apr. 17<sup>th</sup> 1899 Confirmed Absolutely and it  
is directed that the cost of this proceeding  
be paid by the County -  
By the Court.