

Exceptions to the Report of Reviewers appointed by the Court of Quarter Sessions to review a road from M<sup>rs</sup> Fry to Cresson in Washington Township.

1<sup>st</sup> No notice was given, as required by law, of the time and place of the meeting of the reviewers.

2<sup>nd</sup> The said reviewers were not sworn or affirmed according to law before commencing their duties.

3<sup>rd</sup> The report of the reviewers is not accompanied by a plot or draft of the road reviewed.

4<sup>th</sup> One of the reviewers, John Eger, was a petitioner for the review.

5<sup>th</sup> The reviewers erred in reporting that the road, if opened, would be useless and burdensome.

6<sup>th</sup> The reviewers did not view the whole of the road proposed to be opened.

M. D. Pittell

Atty for petitioners for original review

Receipts to report of  
revenue of road from  
Merry Run Bridge to  
Cecora

211 Dec: 3. 1853

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

The petitioners citizens of Washington Town-  
ship, in said County respectfully sheweth

That a road has lately been laid out by order of  
Court, (but not yet opened), beginning at the McGuffeen  
Bridge on the Plank Road, and thence running to the Turn-  
pike where the Pa-Rail Road crosses the same at Cresson,  
which road, if confirmed by the Court, will be very  
injurious to your petitioners, and burdensome to the inhabitants  
of the Township, through which the same runs.

Your petitioners, therefore, respectfully pray your Honors to  
appoint proper persons to re-view and survey the same, and  
parts adjacent, with instructions to make report according to  
law. And they will ever pray &c.

<sup>his</sup>  
Daniel Slattey  
<sup>mark</sup>  
Michael Lynch  
J. J. O'Neill  
<sup>his</sup>  
William Doren  
<sup>mark</sup>  
John B. Slattey  
Susan M. Bannell  
Dance Crist  
James M. Sillins  
John M. Sloan  
John Shambaugh  
Paul M. Penner  
J. S. Meehan

Daniel S. Slattey Junior  
Geo. O'Connor  
<sup>his</sup>  
Barth + Sutter  
<sup>his mark</sup>  
John Mitchell  
<sup>mark</sup>  
William Boyle  
James A. Parrish  
A. B. Storm  
J. H. Clark  
George J. Schwadmer  
Frank Adelsberger  
Thronk Treverhoff <sup>township</sup> <sup>road</sup> <sup>Superior</sup>  
David Egan

High<sup>ly</sup> D. Donnell  
<sub>man</sub>

Michael Storm

McDermott

John East

Matthew Adelsberger

Frank Bailey

Jacob Warner

William Warner

John Piffel

J. P. Parrish

J. A. Parrish

W. P. Supt

For Crosson Spg Co

J. Adams

10th June 1883

Petition of citizens  
of Washington Township  
for re-view of the  
road beginning at  
Sun Bridge on the  
Pa. R.R. and ending where the  
road crosses the  
Washington Township.

July 11, 1883

Respectfully  
John C. Galt  
Appointed Assessors

By the Court

Filed July 11, 1883

John C. Galt  
Clerk

Order to view issued

Recd

Commonwealth of Pennsylvania, }  
County of Cambria } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria  
held at Chesterburg in the said County, on the eleventh day of  
July A. D. 1873, before the Honorable the Judges of the same  
court: Upon the petition of divers inhabitants of the township of Washington  
in the said county, setting forth that ~~they labor under inconvenience for want of a~~

~~road or highway, to lead from~~  
has lately been laid out by order of Court (but  
not yet opened) beginning at Mr. McCoy's  
bridge on the plank road and thence running to  
the turnpike where the Penna. Rail Road crosses  
the same at Crosson which road if confirmed by  
the court will be very injurious to the petitioners  
and brethren of the inhabitants of the township  
through which the same runs

and therefore praying the court to appoint proper persons to re view and lay out the  
same according to law. The Court upon due consideration had of the premises, do  
order and appoint, Augustine McCannell SURVEYOR,  
and John Lynch and John Eager

re VIEWERS, to review the ground proposed for said  
road, and if they review 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:

John C. Gates

Clerk.

To the Honorable Judges  
of the Court of Quarter sessions of  
Cambria County Pa

We the undersigned  
Subscribers appointed to review  
the road herein mentioned do report  
that in pursuance of said Order having  
been first severally sworn, we reviewed  
the road and are of the opinion  
the same if opened will be useless  
and burdensome

Retire from our hands and

seals this 1<sup>st</sup> day of Sept 1883

August McConnell

John Lynch

John Eyer

same, together with the petition, shall be subject to appeal, review or modification, as may be ordered by the Court.

"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  
James Stewart 1873

Order to view a road in  
Washington Territory  
Signed by Mr. Cox, Agent  
to the Territory by P. A. R. Coburn  
The Territory at Council

Witness  
Augustus M. Council  
John W. French  
John W. French

Dec. 3, 1883 Exception filed

Filed Sept. 3, 1883  
14 November 1883  
Read and confirmed  
wise by the court.  
Clerk's Office \$1.00  
Paid by Geo. W. Head Esq.  
"Reader"

May 5, 1884 Confirmed Absolutely  
By the Court.

To the Honorable, the Judges of the Court of  
Quarter Sessions of Cambria County Penna.

The petition of the undersigned, respectfully  
represents:

That they labor under great inconvenience  
for want of a public road to begin at a point where  
the Cide crosses the Penna R.R. at Cession, and  
to end at a point at or near McCoy Run Bridge  
on the Pland Road from Cession to Soritto, in  
Washington Township.

The petitioners therefore pray the Court to appoint  
three persons qualified according to law, to view the  
ground proposed for said road, and if they see  
occasion, lay out the same, &c., and make report  
of their proceedings to the next term of the Court.  
And they will ever pray &c.

Vincent P. Barber  
Andrew J. Barber  
James Barber

John Barber  
Gilbert A. Brown

Charles Mc Garity  
Vincent Mc Dermitt  
M. B. McLaughlin  
James Mc Garity  
James Bolger  
Robert P. Myers

No. 1. March Sessions 1883.

1883

Petition of Citizens of  
Washington Township for  
the appointment of jurors  
to view and lay out  
a road from Cresson to  
McCoy's run bridge in  
Washington Township

5<sup>th</sup> March 1883

Jurors appointed

Nenny Scoulan  
Richard Denny  
John Boland

By The Court

Filed March 27 1883

Order to view issued.

M. D. C.

Nenny Scoulan  
Richard Denny  
James Boland } Jurors

In the Quarter Sessions of Columbia County.

In the matter of the view of the Road from Bretton to  
Mc Coy's Bridge in Washington Township.

Exceptions.

- 1<sup>st</sup> That said report of viewers, is informal, irregular, and illegal because the Owners, through whose land the said Road is located; to wit: Heirs of S. Lemon, deceased, John Lemon; R. Pheaster; Gression Springs - Property, and Pa. R. R. Company; <sup>have not released, and</sup> does not attest, the damages to each one of said parties, sustained; and does not find and report, that the said parties, or either of them will sustain no damages in consequence of the opening of the said road, through their land.
- 2<sup>d</sup> That said report and proceedings do not show affirmatively, that the said owners, had legal and sufficient notice of the time fixed for viewing the proposed location of said road: required by law, whereby the said report is inoperative, and void.
- 3<sup>d</sup> That since the said view was made, the Loretto, and Bretton Plank road Company has lost its charter by default in not paying to the State Government, the sum of money due thereon, whereby the bed of said Plank road has become by operation of law a township road, thereby imposing

upon said township officers, the duty of keeping up the  
said additional road; and that said proposed new  
road is located parallel thereto; and the expense of opening  
and maintaining two such roads, would be burdensome  
and oppressive upon the tax payers of said township.

G. W. Reade.

Atty. for Petitioners for Re-view,  
Sept. 1, 1883.

No. 1.

Ex ceptum to the  
Report of Viewers of  
the Road from Bottom  
to McCoy's Bridge in  
Washington Township.

Filed Sept. 3, 1883

Reade.

To the Honorable, The Judges within named. We undersigned by  
the annexed order do report: That in pursuance thereof,  
after having being duly sworn severally, and duly notice given  
before. All the viewers being present, and duly appointed by said order, viewed the ground proposed for the  
within mentioned road, and all of the viewers do agree  
that there is occasion for said Public road and the  
same is necessary for a Public road, And having had  
respect to the shortest distance and the best ground for  
such road, we have laid out in such manner shall  
do the least injury to private property as far as  
practicable, And do return for public use the following  
described road, to wit: Beginning at Plank road passing  
through heirs of S. Lemon, North thirty nine and one half  
degrees East forty one perches; South eighty degree East thirty  
two perches South sixty two degree East eighteen perches  
South forty four and one half degrees East thirty six  
perches, South twenty degree East, seventeen perches  
South sixty eight degree East, thirty five perches, thence  
South twenty degree East, thirty eight perches, South seven  
degrees West, fifteen perches through land of A. J. Sanker and  
thence, South sixteen degrees West, fifteen perches, South thirty  
two degrees West, twelve perches, South sixteen degrees  
West, twenty perches, South twelve degrees West, thirty perches,  
thence through lands of Michael Slattery, South seventeen  
and one half degree West, twenty two perches, South  
two and one half degrees West, twenty four perches  
South twelve degrees West, twenty perches, South one degree West,

twenty six perches, south five and one half degrees East  
 nineteen perches, thence through land of R. Pheaster  
 south ten degrees East. Thirty three perches, thence  
 through Crescent Springs property, south sixty degrees East,  
 thirty perches, south forty one degree East, eight perches, south  
 sixteen ~~degrees~~ East, eleven perches, south thirty six degrees  
 West, eighteen perches, south forty-two degrees West, eighteen  
 perches south thirty four and one half degrees West, nineteen  
 and one fourth, south seven degrees East four perches,  
 south thirty seven and one fourth degrees <sup>thirty eight perches.</sup> West to  
 Bridge on Turnpike. a plot or draft is here-  
 to attached with all the releases received, and  
 further returns the same as necessary for public  
 travel, and public road

We keep our hands this 5 July AD 1853

Henry Scanlan  
 Richard Denny  
 John Flick

2768

Time			
Henry Scanlan	Surveyor	2 1/2 days	28 miles
R. Henry	Surveyor	1 day	2 miles
John Flick		1 "	28 Miles
Ambrose Sanker	Chairman	1 "	
Adam Sanker		1 "	
W. P. Sank	Appraiser	1 "	



Know all men by these presents  
That we

Township County of Cambria  
State of Pennsylvania. for divers good causes and considerations  
and especially for the consideration of the advantages  
to be derived by us from the road passing through  
our lands as located this day in pursuance of the aforesaid  
Order of the Court of Quarter Sessions of Cambria  
County have assumed released and quit Claim and  
by these presents do remise release and quit Claim unto  
John Campbell & W Davis and Joseph Hogue Commissioners  
of Cambria County and their Successors in Office all damages  
which may or can accrue to us for or by reason of the loca-  
tion or construction of said road

Witness our hands and  
Seals this 2<sup>d</sup> day of July AD 1883

Sealed and delivered in presence  
of us

John Link	William Wiffner	Seal
Richard Denny	Vincent P. Danker	Seal
	Andrew J. Sankis	Seal
	Michael Slattery	Seal
		Seal
		Seal

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 fifth day of March A. D. 1883, before the Honorable the Judges of the same court: Upon the petition of divers inhabitants of the township of Washington in the said county, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from a point where the Pike crosses the Pennsylvania Rail Road at Cresson and to end at a point at or near Mc Coy's Run Bridge on the Plank Road from Cresson to Levitts in Washington Township.

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, Henry Scamman SURVEYOR, and Richard DeLong and John Boland

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:

John B. Gates,  
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.”

*John C. Bates  
Clerk*

No. 1  
March Term 1883

Order to view a road from  
Cresswell to Mt. Caye  
Bridge on Washington  
Township,

Viewers  
Henry Sigelman  
Richard Denny  
John Boland

Sept. 3. 1883 Executions filed

July 13. 1883. Minutes Cont.

at June 1883 it was found  
by view John Boland  
one of viewers appointed  
is dec. since said ap-  
pointment was made. The  
order is Cor. it is not  
which is authorized in place  
of said John Boland. ~~But~~  
Ch. Bates  
Report laid by M. S. Smith Esq  
July 11. 1883.

*M. D. Kettell*

July 11. 1883 Continued

By the Court  
*John C. Bates Clk*

19<sup>th</sup> July 1883 Confirmed nisi 2 orders  
to be opened 30 ft wide.

Perpetual  
Road Refused.  
See No. 6 June Term 1883  
(5 May 1884) By the Court.