

TO THE HONORABLE F. J. O'CONNOR, PRESIDENT JUDGE OF THE COURT  
OF QUARTER SESSIONS OF CAMBRIA COUNTY.

The petition of the undersigned inhabitants of the Township of Clearfield, in the County aforesaid, respectfully represents:

That they labor under great inconvenience for want of a public road to begin at a point in a public road leading from Glen Connell at or near No. 10 or Clark School House and to end at a point in a public road leading from the Glen Connell road to Patton, fifteen rods, more or less, Northwest of the residence of George W. Cassidy, in said Township of Clearfield.

Your 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 to lay out the same, to inquire of and vacate the public road now open from the said Glen Connell road to the residence of George W. Cassidy on the line of the proposed road in the Township of Clearfield which said last mentioned road will, by reason of the laying out of the proposed road, become useless; and make report of their proceedings to the next court.

The record of the proceedings erecting the said road to be vacated is to be found in Road Docket Vol. , page .

And they will ever pray, etc.

W. C. Greninger

J. E. Kirk Hdw and Fruit Co

George L. Smith

F. W. M. Connell

Leary Bros.

E. Brown Supt.

W. J. Robinson

NAMES.

NAMES.

J. N. Nagle

Bill Garrison

P. H. Biller

James Muligan of R. I.

Geo. Baller

J. H. Staper

Knock Short

Michael Maher

Ed. Keene

John H. Abel

D. M. Connell

George B. Nagle

John Sabkner

Wm. Litzinger

G. L. Forsberg,  
Patton Pa.

W. J. Cassidy

Rich Cassidy

William Goddard

Hiram McQuire

Thos. J. Durbin

John S. Bush

Joseph Burke

Mark Duneigan

S. B. E. (unclear)

Charles Bliss

Chas. Duneigan

L. X. Stalk

J. Adams

Ans. Nagle

Charles Gilson

E. A. Duneigan

Terence DeLozier

Francis Rieley

P. J. Mulhann

Alex. Will

A. J. McMillen

J. G. McMillen

Cambria County, SS.

Before me, a Justice of the Peace in and for said County,  
personally came F. W. McConnell, who being by me  
duly sworn according to law, doth depose and say that the matters  
and things set forth in the foregoing petition are true and correct.

Sworn and subscribed before me

this 28<sup>th</sup> day of May A. D. 1903.

F. W. McConnell

James Mellon  
Justice of the Peace.

1902 June Decs 1903 (H) 16, COURT OF QUARTER SESSIONS.

Petition of the Inhabitants of Clearfield Township for the appointment of viewers to view a road leading from Glen Connell to the residence of George W. Cassidy and to vacate a road leading from the Glen Connell road to the residence of George W. Cassidy in Clearfield Township.

Filed 3 June, 1903.

And more June 3, 1903 the within petition was and considered and it is the order of the Court that the same be referred to the viewers appointed therein as within prayer for By the Court

Now July 2, 1904 the viewers have made and report of viewers, returned By the Court.

EVANS, LEECH & EVANS,  
ATTORNEYS-AT-LAW,  
EBENSBURG, PA.

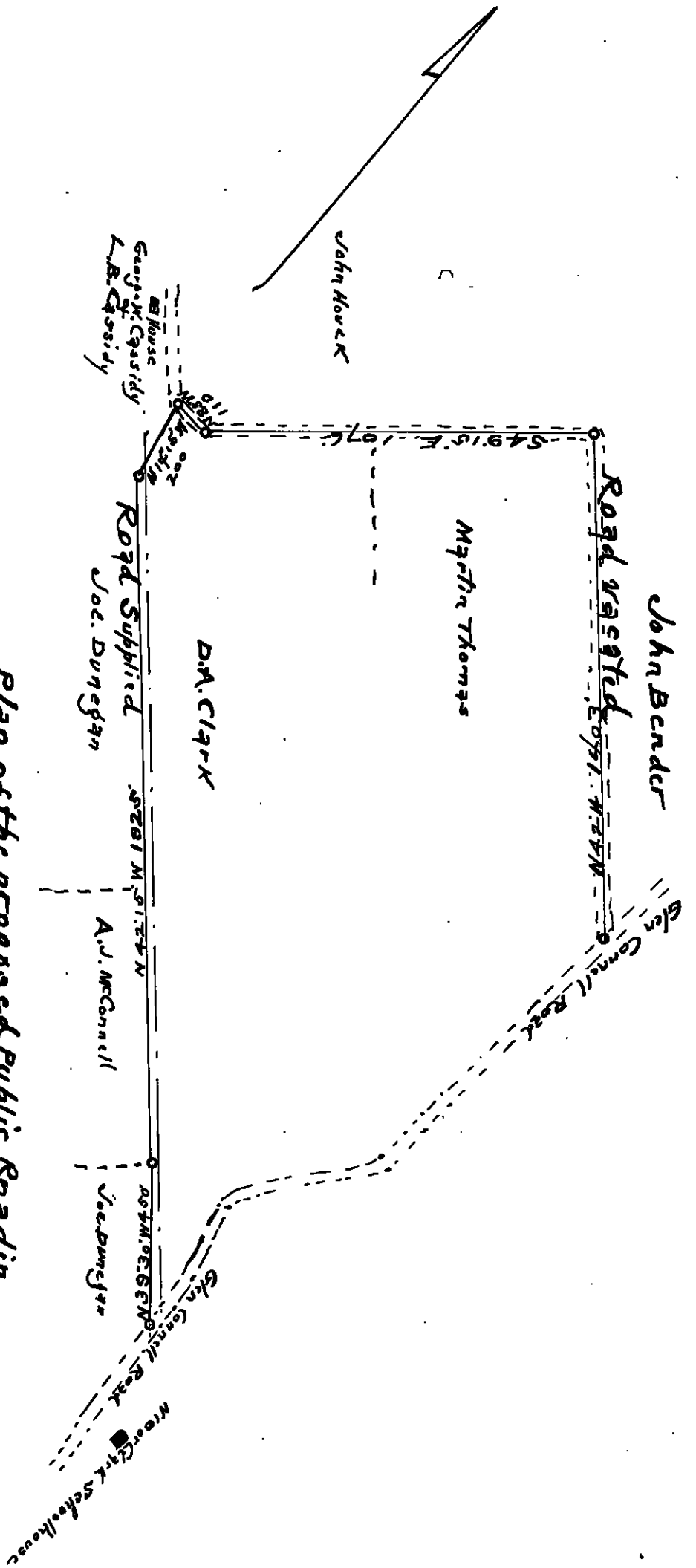
to operation. It may be some must. Briefly speaking no road for the laid out from Glen Connell to Cassidy, but a road, gets vacated for the road ends. As regards this petition now and the one given in perhaps the first one fall in order to name that according to object. The other objections fall by an examination of the record, except those, which is not affected. By action of the Court at this time. There are objections that objections were fully informing of the intended action of the petitioners in their effort to vacate and keep the road. The petitioners, nevertheless in nearly not regard that as alone. The petitioners of the viewers that more might reasonably be expected. In fact, the viewers given in their report, according to intention.

To the Honorable Francis J. O'Connor President  
Judge of the Court of Quarter Sessions of Cambria  
County Pa: We the undersigned viewers appointed  
by the aforesaid order do report that in pursuance  
thereof after having been severally duly sworn  
or affirmed to perform our duties impartially  
and to the best of our judgment and having  
given due public notice as required by law  
and having served copies of said notice upon  
the Supervisor of the territory through which  
such road is vacated & supplied and  
also upon the County Commissioners of said County  
properly attested copies of said notice being hereto  
attached. All the viewers appointed by said order  
viewed the ground proposed for such road to be  
vacated & supplied and the undersigned viewers  
do agree that on account of the length and grade  
of the road it should be vacated and in  
pursuance of said order do vacate the  
road beginning at Glen Conell road three  
North forty two degrees west of four hundred  
and three feet then south forty nine and one  
fourth degrees East two hundred and seventy  
six feet then north eighty five degrees west  
one hundred and two feet to near the residence  
of George W. Cassidy and have supplied  
viewed and laid out and do return for  
public use the following road to wit beginning  
at a point in public road leading from

The Council at or near Eto 10 or Clark School house  
 three north thirty nine and one fourth degrees west  
 four hundred and fifty feet three north forty  
 two and one fourth degrees west nineteen hundred  
 and twenty five feet three north fourteen and  
 one fourth degrees west two hundred feet  
 to a point in public road leading from  
 The Council road to Patton fifteen rods  
 more or less from the residence of George  
 W. Cassidy. The road passes through lands  
 of Joe Dunningan of Mc Connell, D. A. Clark and  
 L. B. and G. W. Cassidy and we have assessed or  
 awarded to Joe Dunningan one hundred dollars  
 damages to L. B. and G. W. Cassidy twenty  
 dollars to D. A. Clark twenty dollars  
 said road as aforesaid laid out we are of  
 opinion is necessary for a public road and  
 recommend the same a plot or draft  
 there of is herewith attached and made part  
 of this report. Witness our hands this  
 1st day of September 1903

J. L. Elder  
 John Durbin  
 J. J. Zeelee

J. L. Elder	2 days	10.00
" "	mileage	2.00
John Durbin	1 day	2.00
" "	mileage	4.00
J. J. Zeelee	1 day	2.00
" "	mileage	4.00
George W. Cassidy	Chairman	1.50
Joe Dunningan		1.50
		<hr/>
for Court order by Elder		13.80
		20.70



Plan of the proposed Public Road in

CLEARFIELD TOWNSHIP CAMBRIA COUNTY, PA.

Scale: 1" = 400' Viewed July 22<sup>nd</sup> 1903

W. Leard Elder  
County Surveyor

Viewers appointed upon an order  
of the Court dated June 3<sup>rd</sup> 1903  
J.L. Elder John Durbin and Joseph Zerber

ROAD NOTICE.

Notice is hereby given that the undersigned, viewers appointed by the Court of Quarter Sessions of Cambria county, Pa., to view, vacate and supply a public road, beginning at a point in a public road leading from Glen Connell at or near No. 10, or Clark School House, and to end at a point in a public road leading from Glen Connell road to Patton, fifteen rods, more or less, northwest of the residence of George W. Cassidy, in Clearfield township, will meet at the residence of George W. Cassidy, in said township, on Wednesday, the 22d day of July, 1903, at ten o'clock, A. M. for the purpose of viewing said ground.

J. L. Elder, {  
John Durbin, { Viewers.  
Joseph Zerber, {

*Service accepted by Co. Comptroller,  
J. J. Jones  
J. J. Jones*

Sutton July 12-1909 Mr J J Eldon Co Surveyor Dear Sir  
Scherdon the supervisor of this end of the township refused  
to sign the Road Notice but the other supervisor signed it  
it is herewith enclosed

Respectfully yours

F W McConnell

*betweeen roads*

ROAD NOTICE.

*George W. Cassidy*

Notice is hereby given that the undersigned, viewers appointed by the Court of Quarter Sessions of Cambria county, Pa., to view, vacate and supply a public road, beginning at a point in a public road leading from Glen Connell at or near No. 10, or Clark School House, and to end at a point in a public road leading from Glen Connell road to Patton, fifteen rods, more or less, northwest of the residence of George W. Cassidy, in Clearfield township, will meet at the residence of George W. Cassidy, in said township, on Wednesday, the 22d day of July, 1903, at ten o'clock, A. M. for the purpose of viewing said ground.

J. L. Elder, {  
John Durbin, { Viewers.  
Joseph Zerber, {

Service accepted

Supervisor

W. L. Campbell

HOUSTON TEXAS

Notice is hereby given that the undersigned, viewers

appointed by the Court of Quarter Sessions of Hampshire County, Pa., to view, assess and survey a public road, beginning at a point in a public road leading from Glen Connell at or near No. 10, or Clark School House, and to end at a point in a public road leading from Glen Connell road to Patton, in town of Patton, more or less, northwest of the residence of George W. Cassidy, in township of Patton, will meet at the residence of George W. Cassidy, in said township, on Wednesday, the 22d day of July, 1903, at ten o'clock, A. M. for the purpose of viewing said ground.

Joseph Barber,  
John Burdick,  
J. L. Rider,  
Viewers.

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. 1903, 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 public road or highway, to lead from a point in a public road leading from Glen Cannell at or near No. 10 or Clark School House and to end at a point in a public road leading from Glen Connell road to Patton, fifteen rods, more or less, Northwest of the residence of George W. Cassidy, in said Township of Clearfield.

And to vacate road now open from Glen Connell road to the residence of George W. Cassidy on the line of the proposed road

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. L. Elder SURVEYOR, and

John Durbin and Joseph Zerber

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 desires 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:

B. E. Fryell, Clerk.

No. 2 June SESSION 1903.

Order to view lay out and vacate road in Clearfield Township.

Report of Viewers  
Filed July 1903.

J. L. Elder  
John Durbin  
Joseph Zerber  
Viewers

Clerk for Allen 90 cts.

H. L. & E.

ACCOUNTS-HERALD PRINT.

2. P. 11303  
2003 11303 P. 2

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 person or 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."

*Ebensburg, Pa., Jan. 23, 1904.*

Hon. F. J. O'Connor,  
Johnstown, Pa.

Dear Sir:-

In the matter of the Clearfield Township road, which was argued before Your Honor on Tuesday last, we desire to call your attention to one or two matters in connection therewith.

We feel that the court may have got a wrong impression from the representations made by F. A. Shoemaker, Esq., concerning the road from Chest Springs to St Lawrence. The road in question does not affect the road from Chest Springs to St Lawrence in any manner whatsoever. We were not clear in the matter until we had J. L. Elder, the surveyor, make us a sketch, which we herewith enclose. Your Honor will see from this sketch that the road to be vacated is not any portion of the road leading from Chest Springs to St Lawrence. The road from Chest Springs to St Lawrence has been laid out so long that the memory of man runneth not to the contrary. We have made a diligent search and failed to find any reference to it in the road docket. However that may be, it is the road to be vacated that should have been referred to either by number and term on the original case, or number and page of the docket, containing the record thereof, as required by rule 23. This we failed to find after having made a diligent search before presenting our petition to Your Honor for the appointment of viewers and have again failed to find any reference to this road.

Mr. Elder informs us that the road to be vacated has some steep grades on it, in addition to being a very indirect route for an outlet or for people who desire to go from the Chest Springs and St Lawrence road to Patton. Your Honor will notice that the new road to be supplied begins at a point in the Chest Springs road near the school house and takes almost a direct route towards the Borough of Patton. The only deflection in the line was made, as stated by Mr. Elder, to accommodate D. A. Clark, the party who is now fighting this road and Mr. Elder says, that he said if this change in the line were made, he would have no objections.

We again repeat that we believe that at the time of filing our petition we stated to the Court that we had failed to find any reference to the road to be vacated and asked privilege of filing it without doing so, the information to be placed in later in case we discovered it.

There having been a view previously held on the same road and all parties interested having full knowledge of the location of the road proposed to be vacated and the proposed new road, the reason for the existence of the rule disappears and certainly it is within the discretion of the Court to grant us the permission to file a petition without complying with the rule when the compliance was practically impossible.

Every citizen in the vicinity of the proposed road, with one exception, is in favor of it and the party taking exceptions is only desirous of having a greater amount of damages paid to him. It would be certainly a great hardship on these people to be compelled

Hon. F. J. O'G.

3.

to appear before this Court in another petition for the same identical road, particularly since it was by violation of a rule of Court in the first instance, that the parties have any standing in this case.

We trust that Your Honor will not allow a slight technical objection to weigh in this matter sufficient to overthrow the purposes of the petitioners.

Respectfully,

*James Lee D. Evans*

Exceptions to the confirmation of the Report of Viewers appointed to view vacate and supply a part of a road from Glen-Connell to G. W. Cassidays in Clearfield Township.

1st. There is no such road as that indicated in the petition .

2nd. Proceedings were had to vacate and supply the same road at a former Term of Court, to-wit at March Term 1903.

3rd. The petition to vacate and supply said road does not contain a reference to the number and term of the original case or to the number and page of the Locket containing the record thereof.

4th. The former proceedings above referred to, having been set aside, then under Rule No. 21 of the Court of Quarter Sessions of the County of Cambria, which provides as follows, viz: When a procedure to obtain a road has failed, an other application shall not be acted upon for one year from the Sessions at which the same was rejected: these proceedings are untimely.

5th. The amount of damages awarded is inadequate, insufficient and not compensatory.

6th. The proceedings in this case, being irregular, untimely and void for the above reasons, should be set aside

*F. A. Shormaker*  
*Atty. for D. A. Clark*

102 Pine Road 1903 R.D.::

Receipts to Report of  
Haines appointed to  
invest & supply a part  
of a road in Clearfield  
Co. from Clearfield to  
R. W. Cassing

Filed 8 September, 1903.

Shawmiller

John Huxley

Road location

John B. G. G. G.  
Road 1 & 2nd

William Thomas

T. A. Blank

Road 1 & 2nd

Dr. Amory

Alfred L. L.

Dr. Amory

Road 1 & 2nd

Richard  
Korn

John Huxley  
Road 1 & 2nd

John Huxley  
Road 1 & 2nd