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Public Notice

Take notice in pursuance of an Order of the Court of Quarter Sessions of the Peace in and for the County of Cambria. That the undersigned were duly appointed to view and lay out a private road, from a point at or near the barn of Andrew White on the Public Road from Carrolltown to Cherry Tree; to a point at or near the house of John H. Miller in Carroll Twp. Will meet on Monday February 26th at 10 o'clock a.m. 1883 at which time and place you may attend if you see proper

Feb 15, 1883.

Henry Scantlan
 Charles A. Langhain
 Frederick Haupt

}
 Wm. B. ...

Know all men by these presents that

of Carroll 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 me from the road passing through my land as located this
day in pursuance of the award order of Court of Quarter Sessions
of Cambria County have remised released and quit claimed
and by these presents do remise release quit claim unto John
W. Miller of Carroll Township County of Cambria State of
Pennsylvania of all damages which may or can accrue to
me for or by reason of the location or construction of
said road Witness my hand and seal this day

16th 1883

of
Witness present

3
3
3

Seal

To the Honorable John Bran Esquire and
Joseph Masters John Delaogau Esquire his Associate
Judges now composing a Court of Sessions
and for the peace in and for the County of Cambria at
March Term AD 1883

We the undersigned Jurors do
report that having first posted three written notices
in three public places in neighborhood of said road
before giving due and timely notice of occupants of land
over which said road passes of time and place of said
view and we do further report that having met at
time and place designated in said notices and after
first all being first sworn according to law proceeded
to the duties of our appointment and did view and
lay out the following for a private road viz Beginning
my own residence of John W Miller in Carroll Town-
ship Cambria County thence South thirty seven degrees
West eight perches thence South thirteen degrees East
Eight perches thence South sixty three and one half
degrees East ten perches thence North sixty five degrees
East ten perches thence North fifty six and one half degrees
East at twelve and one fourth perches Cross line of land of
John W Miller and Andrew White and in all at forty eight
perches to point in Cherry Tree and Carrolltown road near
born of Andrew White in Carroll Township And
further we report we demanded release of damages
from Andrew White which he refused we asked
amount of damages he would claim which he
refused to demand any and in Casere

In the Honorable the Judges of Quarter
Sessions of the Peace in and for Cambria County

That
The undersigned respectfully request of our Honorable
to grant the private road laid out by N. Scanlan
& C. W. Langburn and Friedrich Haupt, lead-
ing from T. D. White's to residence of John
H. Miller in Carroll Township as the same
is necessary and no injury to lands
there passed through. And we well ever
pray &c,

John Drinkley

Joe Baker

1. Peter Elli

Henry Joy

Geo. Taylor

W. Powell

Leonard Scarborough

H. C. Scanlan

John Stott

John H. Miller

John E. Maucher

Wm. Ogden

H. J. Poppel

James ...

1885

Acted as a member of the
for the Grand Jury
of the County of
John W. Walker
Cornell wife

Filed Dec 27 1885
John W. Walker
Clerk

J. R. ...

In the matter of the Report of Reviewers to Review a private road from a point at or near the barn of Andrew White to a point at or near the house of John H. Miller in Carroll Township.

We, the subscribers, owners of lands through which the road above referred to as laid out by the reviewers, will and do hereby release all claims to damages that may arise from opening the same.

Witness our hands and seals, the 22nd day of October, A.D., one thousand eight hundred and eighty three.

Witness
to signature of Andrew
White.
H.H. Myers.

Subscribed

Seal
Seal
Seal

To the Honorable the judges within named

We the undersigned persons appointed by the within order of Court to review the road therein mentioned respectfully report

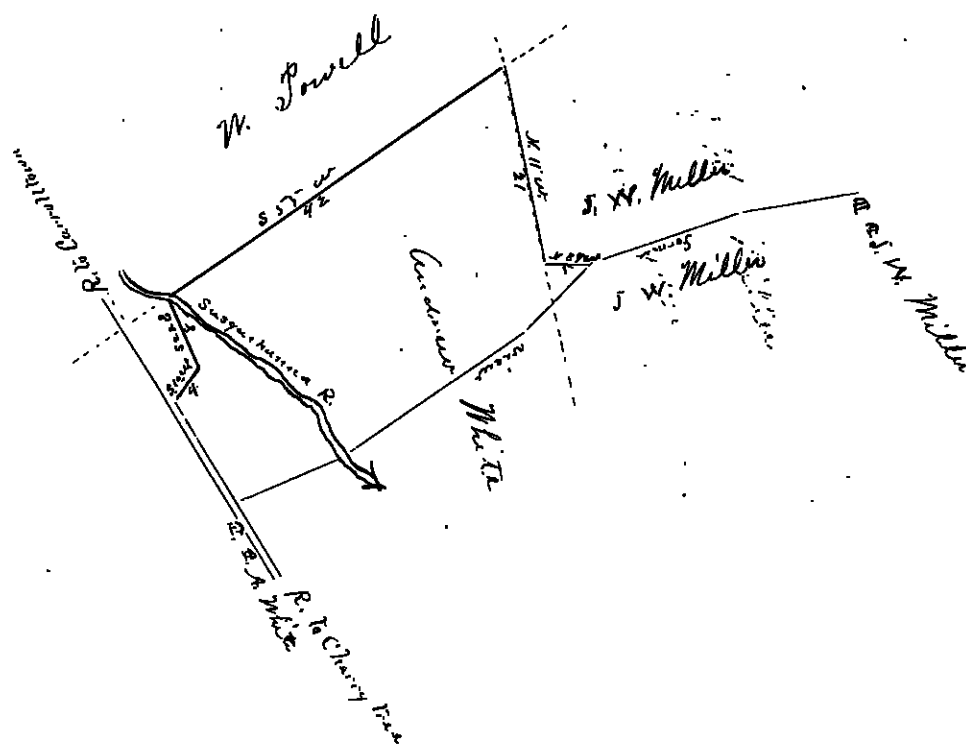
That after having given due notice of the review, we met at the residence of Andrew White and after having all been duly sworn in pursuance of the within order we did review the same and have laid out and do return for private use the following road Viz: Beginning at a point on the public road leading from Carrolltown to Cherry tree. Thence through unimproved land of Andrew White South 10 degrees West 4 perches thence South 22 degrees ^{West} 8 perches to Susquehanna river.

Thence across the same and along line of Wilson Powell, South fifty five degrees West 42 perches to a good and passable ^{road} land of J. M. Miller running along line of Andrew White North 11 degrees West 21 perches, Thence North 89 degrees West at 5 perches intersecting the part of said road as laid out by former viewers on land of said J. M. Miller and remaining thence a short distance to a point near the barn and residence of said J. M. Miller

We also report that all the Citizens holding land along the road as this day laid out by us, were present, who upon being asked by us as to damages, said that they Claim no damages by reason of said road passing through their land: We have also annexed a draft of said road

Witness our hands this 28th day of August 1883

Paul G. Atner
Robert McGombie
Michael Kirsch



Commonwealth of Pennsylvania,
County of Cambria } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria
held at Clearburg in the said County, on the eleventh day of
July A. D. 1883, before the Honorable the Judges of the same
court: Upon the petition of Andrew White
~~diverse inhabitants~~ of the township of Carroll
in the said county, setting forth that ~~they labor under inconvenience for want of a~~

~~road or highway, to lead from~~
~~upon the petition of John W. Miller's views were~~
~~appointed to view and lay out a private road from~~
~~a point at or near the farm of the petitioner on the~~
~~public road from Carrolltown to Cherrytree to a point~~
~~at or near the house of John W. Miller in Carroll township~~
~~that said views filed their report laying out a road for~~
~~private use of said John W. Miller, which said road is~~
~~partly over the land of your petitioner and further rep-~~
~~resenting that the said John W. Miller has already a right~~
~~of way over the land of the petitioner only about 20 feet~~
~~distant from the road as laid out by the views and~~
~~further that said views did not assess damages to said~~
~~petitioner by reason of the opening of said road, and do not say~~
~~whether or not he will sustain damages by reason of opening~~
~~the said road~~

and therefore praying the court to appoint proper persons to review and lay out the
same according to law. The Court upon due consideration had of the premises, do
order and appoint, Paul Yahn SURVEYOR,
and Robert M. Coombes and Michael Kirsch

As 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.

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. 5

June Term 1883

Report of Viewers

Order to view a road from a
point at the corner of
Andrew White's to a point
at or near the head of
Joseph M. Miller's
in Grant township

Viewers
Paul Graham
Robert M. Bayles
J. Michael Hind

Filed Nov. 12, 1883

13th Nov. 1883,
confirmed - 20 feet
and ordered to be opened
20 feet wide by the court
Charles Gales
Paid by M. S. Hilditch Esq

"H. Hilditch"

In the matter of the Report of Viewers laying out a private road from John H. Miller to a joint near barn of Andrew White in Carroll township.

Exceptions to report of Viewers.

1st Said road is unnecessary; the said John H. Miller already having a right of way over land of Andrew White at a joint about three hundred feet distant from the road laid out by the viewers.

2nd The Viewers did not assess damages to Andrew White by reason of opening said road, and their report does not say whether or not he sustained any damages.

M. D. Kittell

Atty for Andrew White.

In the matter of the Report
of Viewers laying out a
private road from Andrew
White's to John H. Miller's
in Carroll township.

Exceptions to Report of
Viewers.

Filed June 4, 1883

M. D. K.

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

The petition of Andrew White respectfully represents; That upon the petition of John N. Miller, viewers were appointed by your Honors to view and lay out a private road from a joint at or near the barn of your petitioner on the public road from Carrolltown to the Cherrytree to a joint at or near the house of John N. Miller in Carroll township. That the report of said viewers has been filed in this court, laying out a road for private use of said John N. Miller, which said road is partly over the land of your petitioner. Your petitioner further represents that the said John N. Miller has already a right of way over the land of your petitioner at a joint distant only about 300 feet from the road as laid out by the viewers; and further that said viewers did not assess damages to your petitioner by reason of the opening of said private road; and ^{their report} does not say whether or not he will sustain damages by reason of opening the same.

He therefore prays your Honors to appoint viewers to review the ground for said private road,

And he will ever pray

Andrew White

No 5 June 1883

Notice of Andrew White for
appointment of receivers to
reclaim the ground for a
private road from a point
at or near the barn of Andrew
White to a point at or near the
house of John W. Miller in
Carnel township.

Filed July 11, 1883
John L. White

July 11, 1883
Paul Graham
Robert W. Sprinkles
Michael H. Smith
Appellate Division
By the court
Curtis & Co. clerks

Smith

Cambria County ss:

At a Court of General Quarter Sessions of the Peace held at Ebensburg, in and for said County, on the third day of January A. D. 1883, before the Honorable Judges of said Court: The petition of John W. Miller of Carroll Township, in said County, was presented, representing; that said petitioner labors under great inconvenience for want of a Private Road, to lead from a public road running from Carrolltown to Cherry Tree, beginning at a point at or near the barn of Andrew White, to a point at or near the dwelling of said petitioner in Carroll Township, in said County, and praying the Court to appoint proper persons to view and lay out the same according to law. The Court upon due consideration had on the premises, appointed Henry Scanlan, Charles A. Langbein and Frederick Hauke to view the ground proposed for said road, who after first having given due and legal notice by printed or written advertisements of the time and place of meeting, and having been duly qualified according to law, to discharge the duties of their appointment with fidelity, shall proceed to view the same, and if all the said Viewers view the same, and a majority of them agree that there is occasion for such road, they shall proceed to lay out the same as agreeably to the wishes of the petitioner as may be, having respect to the best ground for a road, and the shortest distance, and in such manner as to do the least injury to private property. If the Viewers aforesaid shall decide in favor of locating said road, it is hereby made their duty to obtain from persons through whose land the same may pass, releases from any damages that may accrue to them from opening the same, and in every case where the owners of such lands refuse releasing their claims for damages, the said Viewers shall apportion the damages, if any,

and make report thereof, signed by a majority of the Viewers present, and transmit the same, together with all releases, to be filed with the papers relating to said road; And the said Viewers shall make report of their proceedings herein to the next Court of Quarter Sessions to be held for said County, accompanying the same with a plot or draft of said road, the courses and distances, and references to the improvements through which the same passes, in which report, they shall state distinctly that they had been sworn or affirmed; and also, whether they judge the same necessary for a Public or Private Road.

By the Court
John C. Gates, Clerk

1883

Order to View and lay out a Private Road, from a point at or near the base of Andrew White, on the public road from Conwelltown to the Cherry Tree, to a point at or near the house of John M. Miller, in Carroll Township.

Viewers

Henry Scanlan
Charles A. Longden
Frederick Hantz

June 4, 1883 Exception filed
Dec. 27, 1883 Additional Pet. filed

Alth. Gates \$75
Paid by S. B. Scanlan Exp.

Report of Viewers filed
March 5, 1883

1883 July - Public copy taken of the draft - copy taken of the same

April 5, 1883 Read and Confirmed visi and extend to be opened twenty feet wide

July 14, 1883 Certified
By the Court
John C. Gates, Clerk

By the Court
John C. Gates, Clerk