

Plan of the Proposed Public Road in  
 SUSQUEHANNA TOWNSHIP CAMBRIA COUNTY, Pa.  
 Scale: 1 inch = 400 feet Surveyed November 25 1895 by  
 J. Leard Elder,  
 Civil and Mining Engineer  
 Ebensburg, Penna.

Viewers appointed upon an order of the Court of  
 Quarter Sessions dated October 29 1895  
 J. Leard Elder, Joseph Lowmaster and John Kline

P. 116 - Sept. 1895

Rat Microfilm

In re Petition for Road  
from Point near Joseph P.  
Millers, in Barr Town-  
ship, to Point on line of  
Barrough of Barnesboro,  
near where lands of Thom-  
as Barnes & Daniel Gar-  
man join, in Sus-  
quehanna Township.

In the Court of Quarter Ses-  
sions of Cambria County

No. 6 Sept. Sessions, 1885.

Road Pocket,

### Agreement of Settlement.

It is hereby agreed by and between us,  
C. F. Fraser, exceptant to reports of viewers  
and Andrew D. Long, exceptant to re-  
port of reviewers, that the excep-  
tions to report of reviewers be sus-  
tained; and that the exceptions to re-  
port of viewers be withdrawn,  
by leave of Court, and the report be  
confirmed absolutely.

Witness our hands, this Tenth  
day of June, A. D. 1888.

Witness:  
J. M. Motley  
W. A. Donohy.

C. F. Fraser  
auditor Toney

And now, June 12<sup>th</sup>, A. D. 1899, exceptions  
to report of reviewers sustained, leave  
granted to withdraw exceptions to report  
of reviewers, and report of reviewers dis-  
firmed absolutely. (See agreement of set-  
tlement.)

By the Court.

No. 6 Sept. Session, 1895,  
R. F.

Supplication for Road  
from Joseph P. Miller,  
in Bar Township, &  
Captain Barnesboro line,  
in Sequoia Township

Agreement of Settlement.

Filed June 1899

Roland.

In the matter of Road to } In the Court of Quarter Sessions  
lead from a point at or near } of Cambria County.  
Joseph P. Miller to a point } to 6. of September Sessions 1895,  
on Barnestown line } Road Docket.

Exceptions to the Report of the re-viewers filed 1 March 1897.  
First: The petition for the appointment of the re-viewers having been presented to the Court on 1 March 1896, and they having been appointed but failed to file a report, their appointment as reviewers came to an end and their duties ended.

Second: The appointment of the re-viewers on the 18th Jany 1897, on the same petition, it having been presented as an original petition, was illegal and void.

Third: The report of the reviewers is void and of no effect whatever, for the reason, that their appointment was irregularly made and not in accordance with law, giving the Court the power to appoint reviewers.

Fourth: The appointment of the reviewers, and the subsequent proceedings under the Order of Review, were all in violation of the law relating to reviews of proposed roads, and the view should be disregarded by the Court, and all proceedings relating thereto set aside.

Fifth: The re-viewers disregarded their Order to Review, in this, they did not begin or end said road as reviewed at a point at or near the place where Daniel Gorman and Thomas Barnes join lands, on the Barnestown line but did return for public use a road ending about one mile from the point named in Order of Review granted by the Court.

Sixth: The road laid out and returned will be useless and inconvenient and burdensome to the tax-payers of Barrons and Susquehanna Townships.

Seventh: That the road as laid out by the re-viewers, will deprive a large number of children residing in Susquehanna of school facilities, which they would have by the confirmation

of the views, and to which they are entitled to by law.  
 Sixth: Either the Report of the re-viewers or the accompanying  
 plot or draft, states whether the road laid out passes through  
 improved or unimproved lands.  
 Seventh: The viewers did not endeavor to procure releases  
 from all claimants for damages from the persons over whose  
 land the road is laid out.

The report of the re-viewers should therefore be not  
 confirmed by the court.

Wm H Sechler,  
 Attorney for Exemptants  
 Columbia County, N. Y.

Andrew Long, being duly sworn according  
 to law, says the facts set out in the foregoing exceptions  
 are true to the best of his knowledge and belief.

Sworn and subscribed this }  
 10th July 1897 } Andrew Long  
 D. D. Davis Prothy }

No 6 Sept Sessions 1897  
 Road Docket

Swore Road to lead from a  
 point at or near for P. Millers  
 etc.

Exceptions to the Report  
 of the  
 Re-viewers.

Filed 10 July 1897

Sechler

In the matter of Road to lead from  
a point at or near Joseph P. Mil-  
ler's

to

A point on Barnesboro line

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
No. 6 of September Sessions 1895,  
Road Docket.

EXCEPTIONS.

1. The report of viewers does not show that they endeavored to procure from the persons over whose land the location was made releases from all claims for damages that might arise from the opening of the road, or having failed to procure such releases, they did not report whether any damages would be sustained by the opening of the road.

2. The viewers did not endeavor to procure releases from all claims for damages from the persons over whose land the road is laid out.

3. The viewers did not before proceeding to the duties of their appointment make oath or affirmation to perform the same impartially, and according to the best of their judgment.

4. The road laid out and returned by the viewers does not begin from a point at or near Joseph P. Miller's on public road from Garmans-Mill to Spangler, but begins at a point at least six hundred feet from the residence of Joseph P. Miller, and the place of beginning is on the property of Joseph Gardner.

*Wittell Little*  
Attorneys for Plaintiff.

CAMBRIA COUNTY SS:

C. F. Fraser, being duly sworn according to law, says that facts set out in the foregoing exceptions are true to the best of his knowledge and belief.

Sworn and subscribed this

day of 29 A. D. 1896 before  
*Anthony Amund J.P.*

*C. F. Fraser*

... of the ...  
... of the ...  
... of the ...

No 6 Sept Dec 1895

Paul L. ...

In re Road ...

... of ...

... of ...

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... of ...

STL

... of the ...  
... of the ...  
... of the ...

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... of the ...  
... of the ...

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

The petition of the undersigned, inhabitants of the Townships of Barr and Susquehanna in said County, respectfully represents.

That a road has lately been laid out by order of Court as described in the proceedings entered to No. 6 of September Sessions, 1895 "From a point at or near Joseph P. Millers on public road from Garmens Mills to Spangler, Barr Township to a point on Barnesboro line at or near the the place where Daniel Garman and Thomas Barnes join lines of land in Susquehanna Township."

Which road if confirmed by the Court will be very injurious to your petitioners, and burdensome to the inhabitants of the said Townships through which the same will pass.

They therefore pray your Honor to appoint proper persons to re-view the said road and parts adjacent and make report to the next Court.

And they will, etc.

J. L. Mauler

*Printed Name*

<i>Charles E. ...</i>	<i>Henry Sligo</i>
<i>J. R. Myers</i>	<i>L. W. ...</i>
<i>Adam ...</i>	<i>P. ...</i>
<i>W. G. Myers</i>	<i>Benjamin ...</i>
<i>A. B. ...</i>	<i>Stephen ...</i>
<i>S. H. ...</i>	<i>John ...</i>
<i>Joseph A. McKee</i>	<i>Clark ...</i>

David Westover  
Reory Westover  
Nehemiah A. Bannard  
George A. Bannard

Richard Learner  
Jesse B. Learner  
William Learner  
Andrew Trout

John R. Baker  
Harry Baker  
George S. Lloyd

David Somerville  
Joseph Stiffler  
Elias Stiffler  
Isaac Taylor  
G. W. Lloyd  
A. Carver

David Hoost

J. Joseph S. Miller

Joseph B. Miller  
Gallah A. Hoth

No 6 Sept. Asses 1895  
Road Abceter

Letter for appointment  
of Reviewers

24th Nov. 1896

Paul Yehner

E. P. Barker

L. J. Beare

appointed Reviewers

By the Court,

February 21st, 1896

R. L.

18<sup>th</sup> Jan'y, 1897. petition presented as an original petition  
and Paul Yehner, E. P. Barker and L. J. Beare  
appointed as reviewers — By the Court,

To the Honorable A. V. Barker, President-Judge of the Court of Quarter Sessions of the Peace in and for the County of Cambria,

The petition of the undersigned inhabitants of the Townships of Barr and Susquehanna, in the said County; respectfully represents; That your petitioners labor under great inconvenience for want of a Public Road or highway to lead from a point on the public road from Gamman's Mills to Spangler at or near the residence of Joseph P. Miller, in Barr Township to a point on the Borough line of Barnesboro' (at North Barnesboro') where, or near the point where the lands of Daniel Gamman and Thomas Barnes adjoin each other, in Susquehanna Township, to connect with a public highway in said Borough.

Your petitioners therefore pray the Court to appoint proper persons to view and lay out the same, according to law, and they will ever pray

James Raper  
Andrew Loring

William Adfield  
Samuel Adams  
Frank Graff  
Ben J  
Harvey B. Linn  
Jacob G. Gately  
Thomas Stephenson  
Frank Butler  
Geor. Boyles  
Joseph S. Miller  
W. A. Lamb  
W. A. Shank

No 6 Sept. Term 1895

Petition for appointment  
of Viewers to  
view and lay out a  
Public Road from a  
point at or near Jos.  
P. Millers on public  
road from Garmans  
Mills to Spangler to  
a point on Barnes-  
boro line at or near  
the place where Dan-  
iel Gorman and the  
Barnes join lines of  
land in Suogwihan-  
na Township, Cambria  
County.

29th Oct. 1895

petition read

J. Sawtelle

Joseph Snowmester

John Klue

appointed viewers

By the Court

Filed 25 Oct. 1895

Early

897

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 <sup>Eighteenth</sup> day of January, A. D. 1897, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of Barr <sup>and Susquehanna</sup> in the said County, setting forth that they labor under inconvenience for want of a road or highway, to lead from <sup>has lately been laid out by order of</sup> Court as described in the proceedings entered to hold of September Sessions, 1895, "From a point at or near Joseph P. Miller on public road from Germans Kill to Spangler, Barr Township to a point on Barnesboro line at or near the place where Daniel G. Cairns and Thomas Barnes join lines of land in Susquehanna Township" which road if confirmed by the Court will be very injurious to your petitioners, and burdensome to the inhabitants of the said Townships which the same will pass.

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 <sup>Carl Galmer</sup> SURVEYOR and <sup>G. P. Baker & F. J. Beaman</sup>

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. 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."

No. 6  
 Sept. 25th 1896

Order to review a road from a petition  
 of one Mrs. P. Williams on public  
 road from Jameson's tract to  
 Spring Hill, Barr Township, to a farm in  
 Barr Township, one at a distance of  
 place where Daniel Jameson  
 and three Daniel Jameson  
 land in Barr Township, Pa.

Filed 1. March 1897

Remitted to  
 Paul W. Williams  
 E. P. Baker  
 L. J. Beach

Chas. Davis for atty K 9 octo

K T

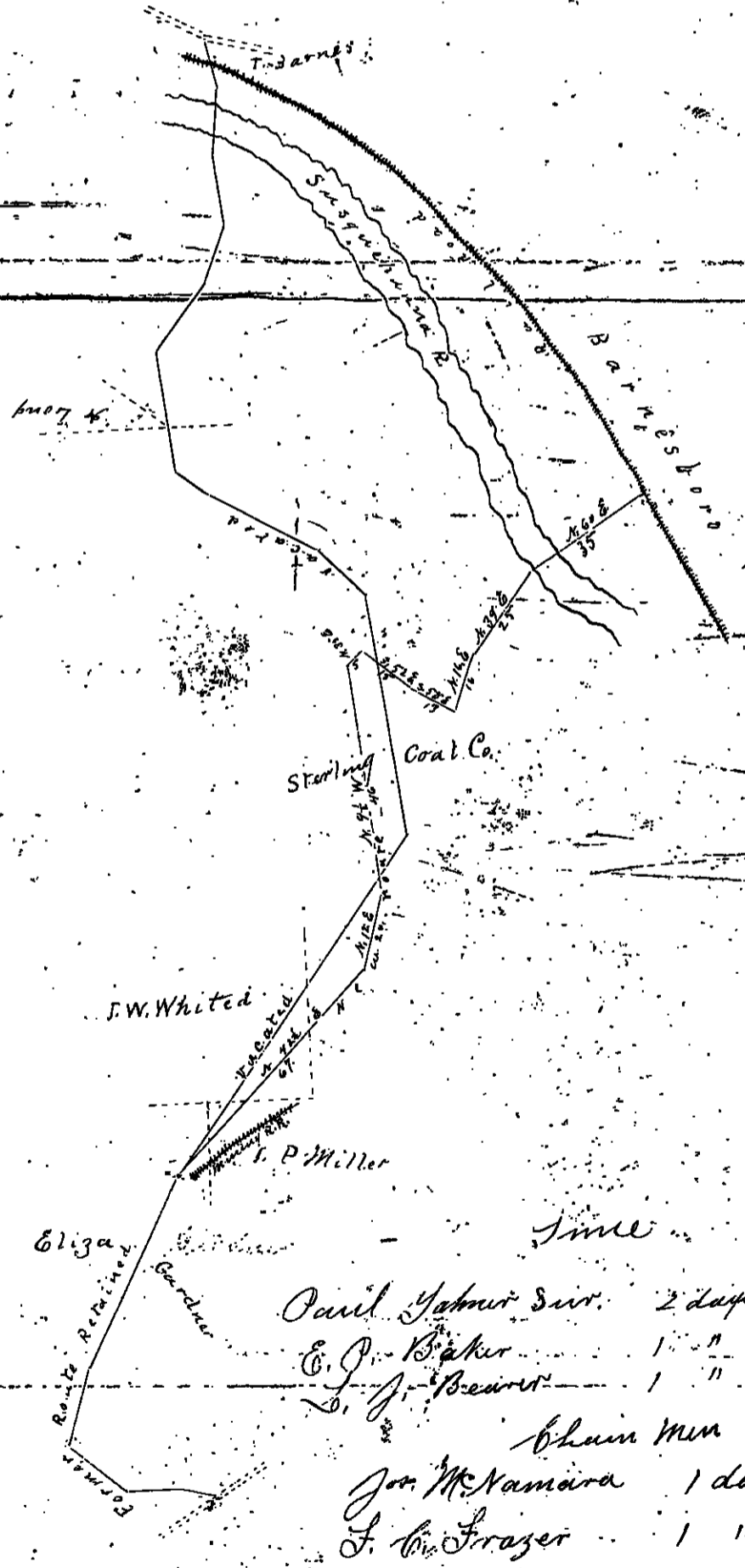
of the Honorable the Judge within named.

We the undersigned persons appointed by the within order of Court  
to view the road therein mentioned, respectful reports: That having been  
present at the view of the said road, and having also been first duly  
sworn, we have reviewed the same and a return for public use the following  
road viz: BEGINNING at a point near the place of J. P. Miller, then south  
78° west, 9 rods. Thence south 87° west, 12 rods. Thence north 51° west, 16 rods  
thence north 15° east, 19 rods. Thence north 26° east, 42.1-2 rods, thence N.  
42.1° east, 67 rods. Thence <sup>north</sup> 12° east, 20 rods. Thence <sup>north</sup> 82° west 48 rods. Thence  
north 85° east, 5 rods. thence south 82° east, 1. rods. Thence south 88° east,  
13 rods. then north 16° east, 16 rods. north 39° east, 25 rods. to the west bank  
of the Susquehanna river. Thence across said river, north 60° east 39 rods.  
to the rail road shown as the rough line of the Town of Baraboo.

Which said road, as aforesaid laid out, and shown by the accompanying  
plot and also, we are of opinion is necessary for the inhabitants <sup>of Baraboo</sup> and others  
and therefore we return the same for a public road. And further we  
believe that Eliza Gardner should have \$40.00 as a reward, by reason of said road  
crossing her land.

Witness our hands this 23<sup>rd</sup> day of February, A. D. 1887

Oscar Yahner  
E. P. Baker  
S. J. Brewer



Time  
Oscar Yahner Sur. 2 days 7 Miles  
E. P. Baker 1 " 5 "  
S. J. Brewer 1 " 4 "  
Chas. Mun  
Jon McNamara 1 day  
J. C. Frazer 1 "

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 29<sup>th</sup> day of October A. D. 1895, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of ~~Linn~~ *Luquehanna* in the said County, setting forth that they labor under inconvenience for want of a *public* road or highway, to lead from a point on the public road from *Lammie's Mills* to *Spangler* at or near the residence of *Joseph P. Miller* in *Linn Township* to a point on the Township line of *Jamesboro* (at *North Jamesboro*) where or near the point where the lands of *David Garrison* and *Thomas James* adjoin each other in *Luquehanna Township* to connect with a public highway in said 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 *J. David Elder* SURVEYOR and *Joseph Lawmante, John Klein*

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. C. Wasley*,  
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. 6 Sept. Term 1896  
P.A.D.

No. ....

Order to view a road. Return a  
 report at or near the following  
 on public road from Thomas  
 Mill to of ...  
 to a point on ...  
 at or near the place where  
 Daniel ...  
 from ...  
 ...

Viewers  
 J. Land Edder  
 J. ...  
 J. ...

Let ... \$90

Filed ... 1896

17 July, 1896. Read and confirmed nisi and ordered  
 to be opened 30 ft wide

By the Court

~~...~~  
 22 Oct. 1896  
 ...

To the Honorable A. V. Barker President  
Judge of the Court of Quarter sessions of Cambria  
County Pennsylvania. We the undersigned  
viewers appointed by the aforesaid order  
respectfully report that after giving  
notice as required by law and J. Hard  
Elder Joseph Fowmaster and John Kline  
having all been present at the view of  
the ground proposed for such road to  
be viewed and having all been sworn  
sworn or affirmed to perform our duties  
according to law. We in pursuance of  
said order have laid out and do  
return for public use the following road  
beginning at a point on the public road  
from Gammans Mills to Spangler at or  
near the residence of Joseph P. Miller  
in Barr Township passing through  
lands of Eliza Gardner Joseph P. Miller J. W.  
Whited Sterling Coal Co. Acumeton Coal Co.  
Thomas Barnes and Dan Gorman to a  
point on the Borough line of Barnesboro (at  
North Barnesboro) when or near the point when the  
lands of David Gorman and Thomas Barnes  
adjoin each other in Duquesne  
Township to connect with a public highway  
in said Borough. no damages awarded  
said road as aforesaid laid  
out we are of the opinion  
is necessary for a public  
road and we recommend

The same, a plot or draft  
 thereof is herewith enclosed  
 witness our hands this 26<sup>th</sup> day  
 of November 1895

J. Leard Elder

Joseph Townmaster  
 John B. Kline

J. J. Elder 3 days @ 4<sup>00</sup> \$ 12.00  
 " " " 53 miles " 2.30

Joseph Townmaster 1 day 2.00

John B. Kline 2 miles 20  
 1 day 2.00

Michael Johns 2 miles  
 2 day Chairman 3.50

Harry Paulson 1 day Chairman 1.50

\$ 23.70