

In the matter of exceptions to report of viewers appointed to view the location for a private road to run from Henry Schuman in Richland Township to point near Mowers School House. No. 1 Dec. Sess. 1896 Road Order

It is only necessary to refer to the fourth exception which is as follows: "The beginning of said road is at a private house not standing on a highway and hence is not a proper commencement for a public road"

The petition for appointment of viewers, the report of viewers and the depositions taken show that one of the termini is at a <sup>private</sup> ~~public~~ house not on a public road, nor at any place where the public resort and it is certainly unnecessary to cite authorities to show that a public road cannot be laid out from such a point to a public road. - Both termini must be on a public road or places where the public resort. See Trickett Prima Road case page 24 and cases here cited. - It is needless to observe that the viewers would not have been appointed had we observed this defect at the time the petition was presented. -

Now Sept. 6<sup>th</sup> 1897 exceptions sustained and proceedings ~~set~~ set aside at the costs of petitioners. By the Court.



To the Honorable A. T. Baird, President Judge  
of the Court of Quarter Sessions of the County of Cambria, Pa.

3<sup>d</sup>. In response to report of Viewers appointed to view and  
lay out Public Road in Richland Township, County  
of Cambria, viz. N. 1. Dec. Term 1846. R. D. by Charles  
Stapp one of Superiors of said Richland Twp. viz.:

Said Report of Viewers is irregular & should  
be set aside for the following reasons:-

1. Said report does not show that the  
termini of said road are within the Township  
of Richland and County of Cambria.

2. No notice was given by Viewers to County Com-  
missioner nor was any bond filed as required by Law.

3. The termini of said proposed road as set  
forth in the petition are not the same nor  
identical with the termini returned in the  
report of Viewers and latter are uncertain  
and indefinite.

4. Beginning of said road is private house, not  
standing on a highway and hence is not a proper  
commencement for a public road.

5. One of Viewers, Solomon Yoder, as shown by  
Report is an owner of land over which said  
proposed road is laid out and conse-  
quently is not qualified to be a viewer being

an interested person in said road

6. The attempted assessment of damages to Solomon Gader, who is one of the viewers, is improper because one cannot be at the same time judge and party.

7. Said Report does not mention in formerments along route of said proposed road.

Johnston June 5/97

Chas. Shaffer

reg. supervisor of Tichenor Twp.

Commissioner of Penn.

Henry C. Chubb

Reformer the substance of notes of Chas. Shaffer

for said county and state primarily concerning Chas. Shaffer, above mentioned who being duly affirmed over-ight last says the foregoing of affirms to report ~~there~~ was an error at or near to the best of his knowledge.

Affirmed and subscribed to before me the 5<sup>th</sup> day of June A.D. 1897,

Allen H. Heart

Notary Public.

Chas. Shaffer

Nov Dec 1897 R.D.

Re

Public Road <sup>For</sup> ~~Reclamation~~

Expenditures

Report of ~~the~~

~~the~~

Filed June 1897

Charles C. ~~W~~

-: IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA: -  
In Re Road                      Of Dec. Term, 1896, No. 1.  
in                                      Exceptions.  
Richland Township.

Depositions of witnesses produced, sworn and examined by me at my office  
Room No. 3 Woolf Block, Johnstown, Pa., between the hours of eight o'clock,  
A.M. and nine o'clock, P.M. of Friday the thirtieth day of July, A.D. 1897  
by virtue of the annexed Rule of Court of Quarter Sessions of Cambria  
County, Pa. and notice thereto attached for the examination of witnesses  
in the above stated case on the part of the exceptants.

By agreement of counsel, Charles C. Greer and Jacob Zimmerman, this testimony  
was taken before the time mentioned in the notice hereto attached.

Charles C. Greer, Esq., appears for the exceptants.

Jacob Zimmerman, Esq., appeared for the Road.

Charles Shaffer being duly sworn testifies as follows:

Q. Where do you reside?

A. In Richland Township, Cambria County, Pa.

Q. What official position if any do you hold?

A. I am Road Supervisor.

Q. As Supervisor did you file any exceptions to the report of viewers  
in the matter of the opening of a public road in Richland Township  
which report was signed by S. W. Miller and Eiram Orris?

A. Yes sir.



A. It is the same man that has the damages assessed in his favor.

Q. Are there any improvements along the route of that road?

A. Yes sir there is, there is no buildings or any thing like that, but there is improved land all along there.

Q. Name the adjoining property owners all along the road?

A. Henry W. Lenman, Alexander Weaver, and Solomon Yoder.

*Chas Chaffer*

Gambria County, ss.

I hereby certify that the above witness was duly qualified and examined at the time and place stated in the above caption, and subscribed his depositions in my presence.

*W. Williams*

Commissioner and Notary Public.

*Certs \$0.50 Paid by  
Chas Chaffer.*

Quarter Sessions

In the Court of ~~Common Pleas~~  
of Cambria County, Pa.

In re Road in  
Richland Township of Dec Term, A. D. 1896, No. 1

Exceptions

And now, to-wit, the 23<sup>rd</sup> day of July, A. D. 1897, Rule  
on part of Exeputant to take depositions of witnesses  
to be read on the hearing of the above stated case.

CAMBRIA COUNTY, SS:

Extract from the Record of said Court. Certified the

23<sup>rd</sup> of July 1897.  
S W Davis Prothonotary.

To Just Commisioners of Richland Township

TAKE NOTICE, That in pursuance of the above Rule the depositions of witnesses to be read in evi-  
dence on the Argument of the above stated case on part of  
the Exeputants will be taken at the office of prothonotary

in the office of the prothonotary on Friday & Saturday  
the 23<sup>rd</sup> & 24<sup>th</sup> day of July, A. D. 1897 between the hours  
of 9 o'clock A. M., and 9 o'clock P. M., before prothonotary

Commissioners in and for said County

or by some other person of competent authority, at the time and place aforesaid, when and where you may  
attend if you think proper.

Charles C. Green  
Att. for Exeputants

Answer July 24 1897  
Sumner  
Just Commisioners  
Att. for Petitioner

No. 1. Dec. Sessions 1898.

In re road in  
Richland Township

RULE ON PART OF Exemptants  
to take depositions

Green

7th Dec. Sessions 1896

In Re Road in  
Richland Township

Exceptions

Depositions taken on  
the part of the Except-  
ants before Wm Williams  
July 30, 1897

Filed 2 Aug 1897

WM. WILLIAMS,  
ATTORNEY AT LAW,  
JOHNSTOWN, PA.

HENRY HALL, PRINTER, INDIANA, PA.

To Hon A. V. Barker, Judge of  
the Court of Quarter Sessions of  
Columbia County.

The petition of the  
undersigned inhabitants of  
the Township of Richland in  
said County, respectfully re-  
quest; that your petition-  
valor under great inconvenience  
for want of a public road or  
highway to lead from House  
of Henry W. Lehman, in said  
Township, in an easterly  
direction to a point near  
Mares School House in said  
Township, at the Public Road  
which leads from Seal Land  
to Reed Bridge,  
Your petitioners therefore pray  
your Honor to appoint proper  
persons to view and lay out  
the same.

And they swear

Jacob Holsapple  
Hiram Orris  
Henry W. Lehman  
Hiram Lehman  
L. B. Bangs  
Hydrew Bongardus  
S. J. Orris  
Henry Speicher



R. L. Wisinger.  
Jonas. Hershberger  
S. L. Briggs  
Jonathan Barkley  
Hindulf Barkley  
Orrin Cole  
Alexander Meever  
G. H. Holmes  
Mrs. Mellen  
J. A. Maloney  
R. J. Jamison  
A. D. Rowell  
James Haughton  
Mrs. Hooper  
John Blough  
John Lewis  
J. C. Strohler  
J. J. Wipple  
James Guyer  
Geo. McCreer  
C. W. Miller  
Geo. Eubischer

Lyn Winger  
J. P. Staller  
Joseph Leape  
Levi P. Pingard

Samuel A. ...

Henry W. Lehman

my def ...  
at ...  
and ...  
of ...

~~Summers~~

Dec 5 1896  
Mr McKee  
Auditor

Henry W. Lehman

No 1 Dec Dec 1896  
Petition of Citizens of  
Richmond Township  
Praying for Court to appoint  
Commissioners to lay out a public  
Road from a point at  
House of Henry Lehman to  
a point called New School  
House Public Road running  
from Red Bank to Scuppernon  
Road and Township

And now Dec 1896  
The Court appointed  
Solomon J. Miller,  
Hiram G. Miller,  
S. W. Miller  
Commissioners  
Public Court  
Filed 7 Dec. 1896

Indifferently

To the Honorable the judge  
within named

We the undersigned viewers appointed  
by the within order of Court, to view and  
lay out the Road therein mentioned. —

Respectfully: Report, that having given  
Public notice by Written advertisements according  
to law of the time and place of meeting and  
that S. M. Miller, Solomon Goder and Hiram  
Orris viewers mentioned in said order met  
at the time and place advertised for meeting  
to view the ground proposed for such Road

And having first been severally affirmed  
according to law in pursuance of said order

All of us concurring did view and lay  
out and now return the same for a  
Public Road, to wit: Beginning at a  
Post at the west end of lane above the barn  
of Henry W. Lehman in Richland township  
thence along a private lane north forty  
seven degrees east seventy one perches  
to stone corner of land of Solomon Goder  
thence along the line of land of Solomon  
Goder and Alex. Weaver north fifty eight  
and three-fourth degrees east one hundred  
and twenty five and one half perches to a  
post in lane, thence along said lane north  
thirty one and one-fourth degrees east fifteen  
perches to a post, thence through the field —  
north forty five degrees east six perches to a  
post thence north fifty four degrees east nine  
perches to a post, thence north sixty four degrees  
east twenty three and one half perches to a

Post in the lane. thence along said lane -  
 North twenty seven and one fourth degrees  
 East twenty one perches to a post. thence along  
 said lane North forty five and one fourth  
 degrees East. thirty two perches to the Public-  
 Road leading from Seal Level to the Red  
 Bridge near Weavers School house A plot  
 or draft whereof is hereto annexed showing  
 the improvements through which said road  
 passes. which said Road so as aforesaid  
 laid out we all of opinion is necessary for  
 Public use

We endeavored to obtain Releases for  
 damages from the Parties through whose land  
 said Road passes

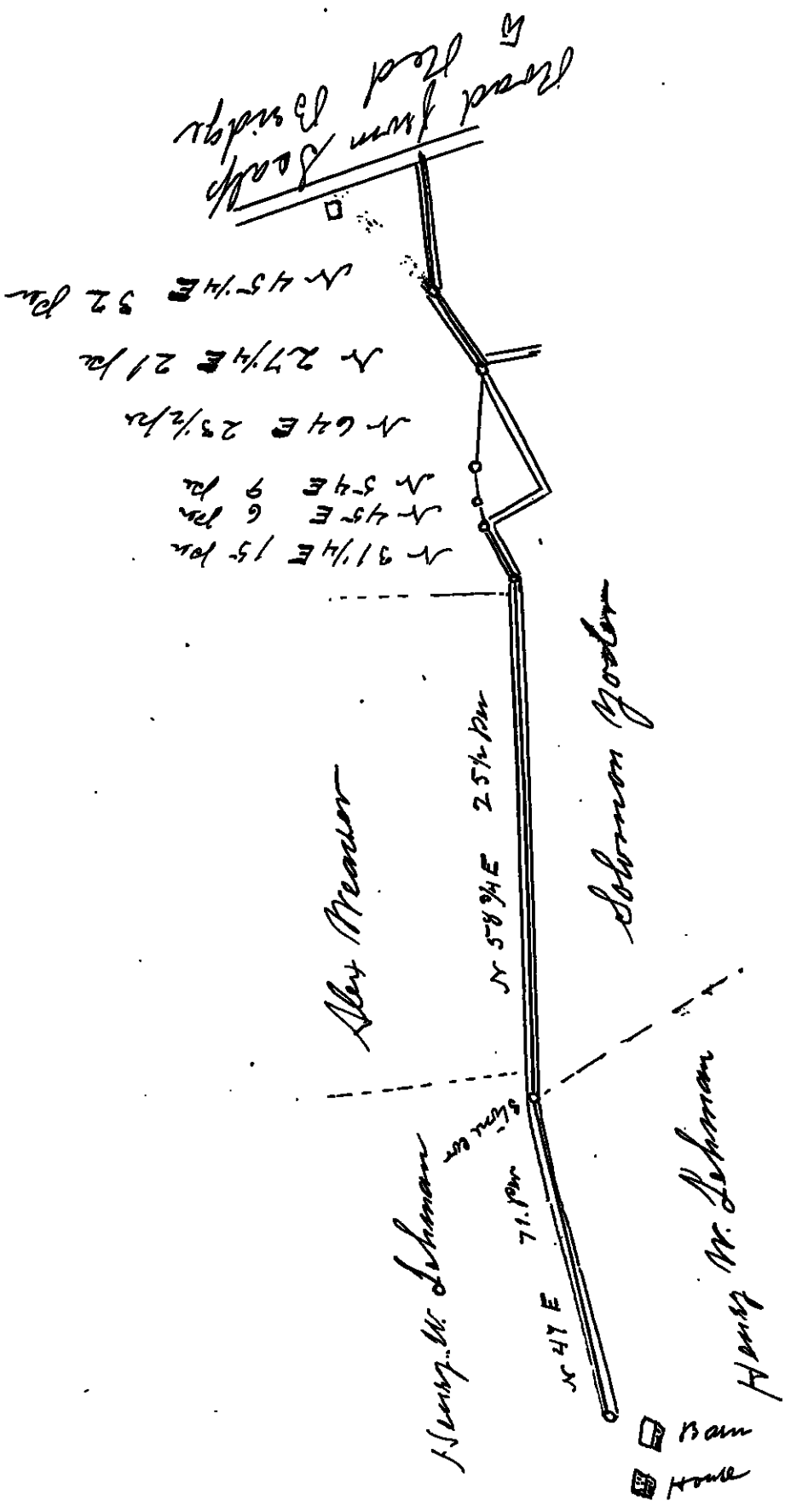
We find that Henry W. Lehman  
 and Alex Weaver will sustain no damage  
 and asses and allow Solomon Goder  
 the sum of ten Dollars damage that  
 he will sustain by reason of opening the  
 said Road

Witness our hands this twentieth  
 day of February A.D. 1897

S. W. Miller  
 Hiram Bris  
 Witnesses

S. W. Miller	2 days	7 miles	\$ 8.70
Solomon Goder	1 "	1 "	2.10
Hiram Bris	1 "	4 "	2.40

Richland Township Surveyed the 15<sup>th</sup> day  
 of February A.D. 1897 by J. W. Miller



Report of views  
to Wiley and lay out  
a Public Road leading  
from the house of Henry  
W. Johnson, in  
Richland township to  
a point on the south  
of Red Bridge Road  
near Thomas school house

Greene, Mar 1899

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 seventh day of December A. D. 1896, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the township of Richland in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from House of Henry W. Lehman in said Township in an easterly direction to a point near Weaver School House in said Township at the Public Road which leads from Scaep Level to Red Bridge.

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. W. Miller SURVEYOR and Solomon Yoder and Hiram Orris

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."

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No. 1  
Dec. Aveo 1896

Order to view a road from  
house of Henry Selman to  
farmhouse on Wilsons School  
house at the public road  
from A. S. S. to Red  
Bridges in Richards Twp.

Filed 1. Nov. 1897

Viewers:  
A. W. Miller  
Selman Jordan  
Hiram Davis

Hiram Davis 90 etc

HERALD PRINT, EBENSBURG, PA.

Gimmerman