



Plan of the Proposed Private Road in
 READE TOWNSHIP, CAMBRIA COUNTY, PENNA.
 Scale: 1 inch = 180 feet. Surveyed December 11 1894 by

J. L. ELDER
 Civil Engineer.
 Ebensburg, Penna.

Viewers appointed upon an order of the Court of
 Quarter Sessions dated November 3 1894
 J. Leard Elder, Fred Bland and John H. Hommer.

Proposed Private Road
 Improved Land

Catherine Hiscor's Land & House



R. #6 Sept 1894

Lat. Microfilm

To the Honorable A. V. Barker President Judge
of the Court of Quarter Sessions of Cambria County
Pennsylvania. We the undersigned appointed by the
aforesaid order respectfully report that after giving
notice as required by law and having all been
present at the view of the ground proposed for
such road and having all been first personally
sworn or affirmed We in pursuance of the said
order have viewed and laid and do return
for private use the following road to wit
Beginning at Catherine Hiscox's house thence
through her improved land south eighty two
degrees West three hundred and one and one
half feet to a post thence through George
H. Crook's improved land south sixty two
degrees West one hundred and ninety four
feet to a post thence south seventy eight
degrees West two hundred and seven feet
to a post thence south seventy seven and
three fourths degrees West two hundred
and two feet to a post thence south seventy
nine degrees West one hundred and fifty one
feet to a post thence north eighty four degrees
West one hundred and ten feet to a post thence north
eighteen degrees West two hundred and eighty feet
to a post thence north twenty one degrees West two hundred
and twenty nine feet to a post thence north twenty three and
one half degrees West one hundred and fifty four feet to a
post thence across Paul & H. R. R. tracks at Crossing.

Abraham K. L.

Post Thru across Paul & N. R. R. tracks at crossing -

About fourteen
hundred feet South of P. & N. R. R. Station
North twenty degrees East one hundred and
thirty four feet to Public Road which said
private road as aforesaid laid out we are
of opinion is necessary for a private road
We assess damages for George W. Cross
amounting to twenty dollars for
the said private road through his
land a plot or draft here with
witnesses on hand
This 4th day of December 1898

J. Leard Elder
Fred Paland
J. H. Horner

| | |
|--------------------------------------|--------------|
| J. J. Elder 2 days @ 4 ⁰⁰ | \$8.00 |
| do do 22 miles | 2.20 |
| Fred Paland 1 day | 2.00 |
| J. H. Horner 1 - | 2.00 |
| | <u>14.20</u> |

Commonwealth of Pennsylvania,
County of Cambridge, } ss.

At a Court of Quarter Sessions of the Peace of the County of Cambridge
held at Ebensburg in the said County, on the Thirteenth day of
November A. D. 1894, before the Honorable the Judges of the same
Court: Upon the petition of ^{Gardner Kincal} ~~divers inhabitants~~ of the township of Reade
in the said County, setting forth that ~~they~~ ^{she} labors under inconvenience for want of

~~a private~~ ^{road or highway} to lead from
her residence in the Township of Reade to a point
on the public road leading from Glasgow Station to Gloydsville
or read a crossing over the P. & N. W. R. R. Road about
fourteen hundred feet South of the P. & N. W. R. R. Station

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. James Elder SURVEYOR,
and Fred Blanks & John H. Hammer

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:

Jas. B. Darby
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. 9
 App. Dec. 1894
 P.D.

Order to view a road from
 residence of William H. Cox
 on the road leading from
 Glasgow Station to Glasgow
 village, 3/4 of a mile, crossing
 over the C. & N. R. Railroad
 about 1/2 mile from Glasgow
 Station, to the C. & N. R. Station

Viewers
 James Elder
 George Dando
 John H. Hannon

Filed 3rd Dec. 1894

James Elder
 Dec 1st 1894
 by writ with C. & N. R.
 at Glasgow
 Charles Dando, Secretary, Q. S.

James Elder

23 July 1895 Read and confirmed and
 ordered to be opened 20 ft wide

11 Nov. 1895 By the Court
 The order of the Court of 23 July 1895 fixing
 the width of the private road reported by the viewers
 as 20 feet is amended so as to read "14 feet" and
 the exceptions are over-ruled report confirmed absolutely
 and the road ordered to be opened 14 feet wide
 (enlarged) to Baiter's

In the matter of the exceptions to proceedings for private road in Reade Township, for Mrs. Catharine Hiscox.

The report of viewers, in this case, was filed on the 3d of December 1894, and on the 1st of March 1895, exceptions were filed, the burden of the exceptions being that a private road could be located advantageously for the petitioner on other ground that would result in no injustice or injury to the exceptant, and that as laid out, the road resulted in great injury and damage to him, for which sufficient damages had not been awarded by the viewers.

When the case was first on the argument list, we declined to hear testimony on the part of exceptant as to the necessity of the road and the amount of damage done to the exceptant, as well as to the allegation that the road could be as advantageously laid out over other ground with less injury to him, believing, under the authority of Ohio and Ross Township Road, 166 Pa. St., 132, that these were matters that the Court could not determine on the testimony of witnesses, but that they should be determined in a duly appointed mode of proceeding by a review, and, in the discretion of the Court, a re-review; whereupon the exceptant asked leave to file additional exceptions, and the case was continued. The additional exceptions which were considered when the case came up again for argument were: that the viewers assessed the damages on the basis that the private road would be of the width of 14 feet, and that the report of viewers was defective in not showing this width; that the report of viewers did not show that personal notice of the intended view and assessment of damages was given to the exceptant; and fourth, that the appropriation of the property for the exceptant for the private road is in violation of

the Constitution. Before the case was reached for argument, counsel for the petitioner asked leave to file an amended or supplemental report of viewers setting forth that personal notice of the intended view was given to George W. Cree, the exceptant, and that he was present at the view, and that the width of the proposed road as adopted as a basis for the assessment of damages was 14 feet, which amended or supplemental report we permitted to be filed under the authority of Thompson's Private Road, 154 Pa. St. 541.

The fourth exception, as cited above, was not urged on argument, and the others having been remedied by the filing of the supplemental report, there is nothing before us to warrant us in interfering with the report of viewers. We were urged upon argument of the case to refer the matter back to the viewers in order that they might re-consider the question of damages done to the exceptant, as well as the question of a re-location where it would do less injury to his land; but there being nothing before us to indicate that they ^{had} ~~have~~ not performed their duties originally in any other than an honest and conscientious manner, or that they did not give due consideration to all matters affecting the question of damages, and of a ~~re~~-location which would do ^{The Court} ~~less~~ injury to private property, we fail to discover any authority for such disposition of the case, and must confirm the report, amending, however, our previous order as to the width of the road. It has been the practice in this court to fix the width of all private roads at 20 feet, unless there be something in the report of viewers indicating an intention to make it of less width, and in pursuance of that practice the width of the road was fixed at 20 feet, a matter which we have authority to amend in pursuance of the amended report now filed.

And now, November 11th 1895, the order of this Court of
the 23d of January 1895, fixing the width of the private road
reported by the viewers, at 20 feet, is amended so as to read
"14 feet", and the exceptions are overruled, report confirmed
absolutely, and the road ordered to be opened 14 feet wide.

A. V. Barker
P. J.

No. 6 Sept. Term, 194.
Rd.

The matter of
Exceptions to proceed-
ings for private road
for Caskarino Hiscop
in Rende Township

Opinion,
—
Filed 11 Nov. 1870.

| | |
|-------------------------------------|------------------------------------|
| Petition for private road from | 0 In the Court of Quarter Sessions |
| residence of Catherine Hiscox to | 0 |
| a point on road leading from | 0 of Cambria County. |
| Glasgow Station to Lloydsville | 0 |
| at or near a crossing over the | 0 No. 6 Sept. Sessions 1894. |
| P. & M. W. Railroad about 1400 feet | 0 |
| South of Station in Reade Township. | 0 |

Supplemental exceptions for and on behalf of George W. Cree against the confirmation of the report of the viewers in the above stated proceedings, as follows:

1. That the viewers assessed the damages on the basis that the private road would be of the width of fourteen feet.

2. That the report of the viewers does not show that personal notice of the intended view and assessment of damages, the time and place thereof, was given to the exceptant, as required by law.

3. The report of the viewers is defective in not showing the width ^{of road as} the ~~viewers~~ adopted as a basis for the assessment or computation of damages.

4. That the appropriation of the property of George W. Cree for a private road from the residence of Mrs. Catherine Hiscox is in violation of the constitution of this State.

May 8, 1895.

Alvin Evans
Atty for Geo. W. Cree, Exceptant

No. 6. Sept. Term 1894

On re petition for writ
wade from Chicago to
Stegerville

Filed May 1895

Supplemental or addi-
-tional exceptions.

And now May 8th 1895 Counsel for ~~exception~~ Geo. W. Cree
exceptant moves the Court to for leave to file the
within additional Exceptions. Same day leave
granted in so far as the exceptions refer to
irregularities or other matters apparent on the
record. - Same day counsel for petitioners
ask that a bill of exceptions be signed and
sealed which is accordingly done. -

A. V. Barker P. J.
Recd
1895

Petition for private road from 0 In the Court of Quarter Sessions
 residence of Catherine Hiscox 0
 to a point on road leading from 0 of Cambria County.
 Glasgow Station to Lloydsville 0
 at or near a crossing over the 0 No. 6 Sept. Term 1894.
 P. & A. W. Railroad about 1400 feet 0
 S. of Station in Reade Twp. 0

Exceptions for and on behalf of George W. Cree against the confirmation of the report of the viewers in the above stated proceedings, as follows:

First: That the exceptant is the owner of a piece or parcel of land situate in Reade township, in the County of Cambria, adjoining lands of John Matthews on the South, Mrs. Elizabeth Hiscox on the East, Flemming Mulhollen on the North and township road on the West, containing about fifty acres, and that the Pennsylvania & Northwestern Railroad passes across said land in a diagonal course from the Southeast to the Northwest corner, leaving the premises with a triangular piece lying upon each side of the railroad.

Second: That the proposed private road from the residence of Mrs. Elizabeth Hiscox passes through and over that portion of the premises of the exceptant mentioned above lying Northeast of the said railroad, and starting about mid-way between the Mulhollen line and the said railroad at the Hiscox line and running over that portion in a Westerly direction until nearing the railroad and then running along the side of said railroad until same reaches crossing over said railroad.

Third: That the construction of the proposed private road, as laid out by the viewers, will result in great injury and damage to the property of the exceptant.

Fourth: That if the private road, as reported by the viewers, is confirmed, it will be an irreparable injury to the property of the exceptant, and for that reason, should not be confirmed.

Fifth: That a private way could be located from the residence of Mrs. Hiscox along the line between her property and the properties of John Hommer and Flemming Mulhollen and connect with the public road leading from Allemansville to Glasgow Station; that it would be upon much better ground and less grade and the distance to be travelled to reach Glasgow Station along this route would be but little, if any, greater than by the proposed road as reported by the viewers.

Sixth: That the school house for the district in which Mrs. Hiscox's property is located is on the line of the public road leading from Allemansville to Glasgow Station and about one fourth of a mile East of the lines dividing the properties of Flemming Mulhollen and John Hommer

Seventh: That a private road located on the line between the Hommer and Mulhollen properties would do little, if any, injury as compared to the injury which would result to the exceptant should a private road as reported by the viewers, be confirmed absolutely and opened.

Eighth: That the damages awarded to the exceptant by the viewers is but trifling in comparison to the injury which would be done to his property should the proposed private road be opened.

March 1, 1895

Alvin Evans,
att'y for Geo. H. Cree,
Exceptant,

To. 6 Sept. Session 1894
R.L.

In re report of viewers
as to private road from
residence of Catharine Her-
cox in Read's Lwp.

Exemption

Filed 1 Mar. 1895

Evans

In the matter of proceedings for
 a private road from residence
 of Catharine Siegel to a point
 by road leading from Glasgow
 Station to Wayville at or near
 at or near
 Crossing over the P.M. Railroad
 about 1400 feet south of Station in
 Slide township.

In the Court of Quarter
 Sessions of Cambria County
 Penna.
 No 6 Sept. Term 1894.

To the Honorable N. S. Barker, President Judge of the Court
 of Quarter Sessions of Cambria County Penna

The undersigned jurors appointed by your Honor
 to view and report upon the necessity for said proposed
 road, and upon the question of damages caused by opening
 same, respectfully beg leave to amend their report already
 made by adding and showing

That personal notice of the intended view and assess-
 ment of damages, and of the time and place thereof
 was given to Geo H. Ree through whose land a part of
 said road is laid out, and that said George H. Ree
 was present at said view and assessment: and
 the width of said proposed road, as adopted as a basis
 for the assessment of damages was fourteen feet.

Witness our hands this 23^d day of October, 1895

J. Leard Elder
 Fred Poland
 J. H. Hommer

Jurors.

No 6 Sept. Sess. 1892
Road Act.

In re Private Road
in
Beade Township.

Amended or Supplemental
Report of Vienna

Filed 28 Oct. 1892

H. L.