

E.O. # 2 June 1898
Ret. Michigan

R.O. #2 June 1898

Rat Microfilmed

In re petition for viewers to view
and lay out a public road to begin
at a point at or near the residence
of Lawrence Wyland on line between
Spangler Borough and Susquehanna
Township

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.

No. 2 of June Sessions, 1898.

to

Road Docket.

A point on public road leading from
Hastings to Barnesboro at or near
Allport Colliery No. 1 in Susque-
hanna Township

EXCEPTIONS.

1. The viewers did not procure a release of damages from Lawrence Wyland an owner of part of the land over which said land was laid out nor did they assess and report any damages done to said land, and the said Lawrence Wyland did not release either verbally or in writing the damages claimed by him.

2. The viewers were not sworn or affirmed to perform the duties of their appointment impartially and according to the best of their judgment.

3. The viewers did not comply with the order of the Court in viewing and returning the route for a road between the termini named in the petition for appointment of viewers and in the order of Court.

Wittell Little
Attorneys for Lawrence Wyland,
Exceptant.

CAMBRIA COUNTY SS:

Lawrence Wyland being duly sworn according to law,
says that the facts set forth in the foregoing exceptions are true and
correct to the best of his knowledge and belief.

Sworn and subscribed this 7th
day of October A. D. 1898 before

Lawrence Wyland

Wittell Little
Notary Public

No 2 June 22 1898
Road Abolished

In re Road from
Hawley through
Albert Collins for

Receipts to
Report of Ward
Filed 11 Oct 1898

WJ

In re Report of Viewers
appointed to view a
Public Road from a
Point or near Residence
of Lawrence Wyland
to a Point or near
Allford Colliery No. 1,
in Susquehanna Township.

In the Court of Quarter
Sessions of Cambria County,
No. 2 June Session, 1888,
Road Pocket.

Statement of Viewers Fees, &c.

C. F. Fraser, Surveyor, 3 days and mileage	\$12.80
E. P. Baker, Viewer, 1 day and ..	\$2.80
Celestine Fisher, Viewer, 1 day and ..	\$2.80
John W. Kaurara, Chairman, 1 day,	\$1.50
	<hr/>
	\$19.90.

No. 2 June Session, 1878,
Road Factor.

In re Report of Viewers
in re Public Road from
Lawrence Wyland's
to Allport Colliery No. 1,
in Susquehanna Township.

Statement of Fees
of Viewers, &c.

Filed 7 Oct 1898

Re land:

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

The petition of the undersigned, inhabitants of the Township of Susquehanna, ^{and the Borough of Spangler} County aforesaid, respectfully represents:

That they labor under great inconvenience for want of a public road or highway, in said Township of Susquehanna, beginning at a point at or near the residence of Lawrence Wyland, on the line between Susquehanna Township and Spangler Borough, the terminus of South Twelfth Street in said Borough, to a point on the public road leading from Hastings to Barnesboro, at or near Allport Colliery No. 1, in said Township.

Your petitioners therefore pray the Court to appoint three persons qualified according to law, to view the ground proposed for such road, and, if they see occasion, lay out the same, and make report of their proceedings to the next term of this Court.

And they will ever pray, &c.

NAMES.

R. H. McNamee
M. Smith
J. E. Smith
J. D. Hoppel
Wm. A. Luther
Ed. F. Hoppel
E. M. Flick
J. E. Ordell
J. Patterson
A. Huskey
J. D. Boucher
M. P. Kooty
W. J. Turner
John M. McNamee
L. C. Harding
W. Dringer
James A. McNamee
J. N. Rodkey
Alex. M. Lammick
Henry Redding

NAMES.

J. J. McNamee
Louis Benson
O. A. King
J. M. Lusk
J. H. Lusk
W. A. Lusk
L. J. Beaser
William Barnes
Thomas Barnes
Lorenz Wyland
H. L. Bunn
C. Girard
James M. Lusk
Nicholas Wyland
John King
Wm. Lusk
H. V. Graffius
Smith Benson
Chas. Miller

McMullen

1900-1901
1902-1903

1904-1905

1906-1907

1908-1909

1910

1911

CAMBRIA COUNTY, SS:

Lorance Wyland, being duly sworn according to law, says the facts set forth in the foregoing petition are true and correct, to the best of his knowledge and belief.

Sworn and subscribed before me,

this 17 day of June, 1898.

E. P. Baker,

Justice of the Peace.

Lorance Wyland

No 2 fine Acarine 1898

Position of independence of the
 the human sciences, for the in-
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2
July 30 June 1898

June 30 1898 Pettin
read and

C. J. Huggins
Celestine Society

E. P. Baker & family

Belmont, Aug 14th 1862

Poland.

CAMBRIA COUNTY, SS:

C. F. Fraser

THE COMMONWEALTH OF PENNSYLVANIA, TO

GREETING: This is to command you, that setting aside all manner of business and excuses whatsoever, you be and appear in your proper person before

F. C. Shambaugh, Commissioner to take testimony etc

at his office, in the Borough of Ebensburg, on *Saturday, the 22nd* day of *April*, A. D. 1899, at *8* o'clock *A. M.*

to testify to all and singular those things which you shall know ~~concerning~~
In the matter of the petition for Viewers to view and lay out
a public road to begin at a point at or near the residence of Lawrence
Wyland on line between Spangler Borough & Susquehanna Twp etc
etc.

And this you are not to omit under the penalty that may ensue.

Witness the hand and seal of the said *Commissioner* this
nineteenth day of *April*, A. D. 1899.

F. C. Shambaugh

(SEAL)

Commissioner to take testimony etc.

Cambridge County E98
 Personally appeared Lawrence J. Warner Constable of Hastings Pa
 and he being sworn says that he served the within Subpoena on
 C. J. Jeraizer on the 21 day of April 1899 Personally
 Sworn to before me to the truth of this Return on April
 the 21-1899 Anthony Anna J. P.
 L. J. Warner
 Const

No 2 June Deco. 1898
 Road District
 In re Road from point near
 residence of Lawrence Jeraizer
 Allport Colliery No 1

Subpoena

Certs

Affidavit of J. P. 25-

Berries
 5-6
 8 1

In re Road from joint for the Court of Quarter Sessions
 near residence of Lawrence Hyland of Cambria County Pa.
 to Allport Colliery No 1 } No 2 June Sessions 1898
 Road District.

Bill of Costs on part of Exceptant.

C. F. Fraser	Witness - 1 day & 1/2 mileage 15 miles 90¢	1.90
L. F. Warner,	Constable, Serving subpoena, and affidavit	.81
		2.71

No 2 June Asses 1898
Road District.

In re Road from residence
of Lawrence Highland
to
Allport Colliery No 1.

Acceptants Bill of Costs.

Filed 24 Apr. 1899

W. H.

TO THE HONORABLE A. V. BARKER, PRESIDENT JUDGE OF THE COURT OF CHANCERY
THE SESSIONS OF CALIFORNIA COUNTY:

We, the undersigned viewers appointed by the said Court to view and lay out a public road from a point at or near the residence of Lawrence Wyland, on line between Spangler Borough and Susquehanna Township, the terminus of South 12th Street in said Borough, to a point on public road leading from Hastings to Barnesboro, at or near Allport Celliery No. 1, in Susquehanna Township, in said County, No. 2 June Sessions, 1898, road docket, do respectfully report, supplementary to the report heretofore filed in said case to said number and term:

That, having been first severally duly sworn, and having viewed the premises, and the land of Lawrence Wyland over which the said road passes as laid out and returned in our former report, we do assess the damages sustained by him, the said Lawrence Wyland, by the laying out and opening of the said road over his lands as aforesaid, at the sum of Eighty Dollars; the said damages not having been released, assessed or passed upon in our former report.

Witness our hands this... 21st ... day of April, A. D. 1899.

C. F. Franson
E. P. Baker
Celestine Luther

Viewers

fees of Viewers:

<i>C. F. Franson, Surveyor</i>	<i>1 day</i>	<i>\$ 4.00</i>	
	<i>10 miles</i>	<i>1.00</i>	<i>\$ 5.00</i>
<i>E. P. Baker</i>	<i>1 day</i>	<i>2.00</i>	
	<i>16 miles</i>	<i>1.60</i>	<i>3.60</i>
<i>Celestine Luther</i>	<i>1 day</i>	<i>2.00</i>	
	<i>16 miles</i>	<i>1.60</i>	<i>3.60</i>
			<i>\$ 12.20</i>

Joseph A. Gray,
Dealer in Timber,
Coal Lands and Real Estate.

~~Spangler~~
~~Carrollton~~ Pa., April 21 - 1899

Messrs. Kittell & Little,
Ebensburg Pa.

Gentlemen: -

Messrs. E. P. Duhon, Celestine
Duhon and C. F. Fraser, Vienna, have
agreed to allow me damages in the
sum of Eighty Dollars (\$80.00) provided
we agree to ask the Court to refer the
Refers back to the Vienna to assess damages
to me in that amount.

Under these circumstances I will agree
to withdraw objection and have refers
reconfirmed.

Respectfully yours,
Corans Wyland

(Over)

The above fully agreed to -

E. P. Baker
Celestine Luther
C. F. Frusen

No. 2 June Session, 1838
R.D.

On the Good from & our -
Newer Windsor & Algon
Killing No. 1 in the -
prohuna Securidif,

Steffen Wendel Reynolds Womers,

March 24th 1849

Poland.

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 Thirtieth day of June A. D. 1898, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Susquehanna and Borough of Spangler in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, ~~to lead from~~

in said Township of Susquehanna, beginning at a point at or near the residence of Laurence Wyland on the line between Susquehanna Township and Spangler Borough, the terminus of South Twelfth Street in said Borough, to a point on the public road leading from Hastings to Barnesboro, at or near all-port Colliery to, 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

C. J. Frazer SURVEYOR, and Celestine Lusher and E. P. Baker

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:

W. D. 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 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."

No. 2, *Garret* Session, 1898.

ORDER TO — VIEW A ROAD FROM
a point at or near residence of
Lawrence Wyland online between
Spangler Bros and Suaguchanna
Twp to point on road leading
from Hastings to Barnesboro
at or near Allport Colliery
Sp 1 in Suaguchanna Twp

C. F. Frazer
Celestine Luchen
E. P. Bader
Viewers

CLERK DAVIS for atty 90 CTS.

Roland

NOTICE OF ROAD VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions to view the ground for a public road from a point at or near the residence of Lawrence Wyland, on line between Spangler Borough and Susquehanna Township, to a point on road leading from Hastings to Barnesboro, at or near Allport Colliery No. 1, in Susquehanna Township, will meet at the residence of Lawrence Wyland, in Spangler Borough, on... *Monday*..., the...*8th*...day of August, 1898, at ten o'clock A.M., for the purpose of viewing said ground.

July 2nd, 1898. *C. F. Frush*
Celestine Luther
E. P. Baker } Viewers.

MEMORANDUM OF SERVICE.

CAMBRIA COUNTY, SS:

I, *John M. Namara*..., hereby certify that I did, on the...*23rd*...day of...*July*..., A. D. 1898, serve the foregoing notice upon...*Morgan Mathews, Charles Miller, Estate of Henry Miller, Lorain Wyland*.....

all the owners of lands over which the road therein mentioned passes, by informing each of them of the contents of the same, and by delivering to each of them an exact copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year aforesaid.

J. M. Namara

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

We, the undersigned viewers appointed by the annexed order of Court to view and lay out the road therein mentioned, do respectfully report:

That in pursuance thereof, after having been severally duly sworn, all the viewers appointed by said order viewed the ground proposed for the said road, and do agree that there is occasion for a road as desired by the petitioners, and that the same is necessary for a public road; and do, therefore, return for public use the following-described road, in Susquehanna Township, said County, Pa., to-wit: Beginning at a point near residence of Lawrence Wilson on line between Susquehanna Twp. & Spangler Boro, the terminus of South 13th Street in said Borough; thence N 49° 30' E 140 ft. N 8° 35' E 265 ft. N 17° 15' E 120 ft. N 4° 30' E 160 ft. N 18° E 205 ft. N 48° 15' E 115 ft. N 01° 15' E 101 ft. N 05° 15' E 201 ft. N 02° 30' E 60 ft. N 48° 35' E 237 ft. N 50° 30' E 390 ft. N 47° 30' E 315 ft. N 62° E 165 ft. N 8° E 137.0 ft. N 0° 30' E 425 ft. N 6° 10' E 410 ft. N 5° E 300 ft. N 10° E 101 ft. N 3° 40' E 535 ft. N 1° 50' E 250 ft. N 4° 15' E 550 ft. N 4° E 240 ft. N 1° 55' E 440 ft. to a point at or near Allport Gallery No. 1, on the public road leading from Hastings to Barresboro,

The undersigned further report that they endeavored to procure releases, from all the owners of the lands over which said road passes, of all claims to damages that may arise from opening the same, and did procure such releases from... *Lorans Wyland and The Allport family*...

....., which said releases are herewith returned; but failed to procure such releases from.....

William Shorttimmer, Estate of Henry Miller, Charles Miller.....

Morgan Matkins....., and, therefore, they have assessed the damages sustained by the said *Mr. Shorttimmer*...

..... at *Eighteen* Dollars, those sustained by the said *Estate of Henry Miller*..... at *One hundred* Dollars;

those sustained by the said *Charles Miller*..... at *Eighty seven and three* Dollars, and to *The Susquehanna School Board*.....

.....
no damages at all, as the viewers are of opinion none will be sustained by
..then...; and further that written notice of the time and place of meeting
of the viewers was given to all the owners of lands as aforesaid, ten days
before the meeting, which notice, with proof of service, is hereto annexed.

The undersigned hereunto annex a plot or draft of said road as laid
out, stating the courses and distances, and noting briefly the improve-
ments through which the same passes.

WITNESS our hands, this....27th....day of August, A. D. 1898.

A. H. Frazer
Helestone Luther, Viewers.
E. P. Baker

R E L E A S E S O F D A M A G E S .

We, the subscribers, owners of lands through which the road above de-
scribed will pass, hereby release all claims to damages that may arise
from the opening of the same.

WITNESS our hands and seals, this...27th...day of August, A.D. 1898.

Witness:

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}
}

Acworth Coal Co. (Seal) (SEAL)

_____ (SEAL)