

No.

1

May

Term,

Public or Private
Road

versus

in

Riverside Township

Contents:

De Rival-Read vs

VERSUS

Bennett Thawley

To *John H. Moore, Clerk*

Sir: Enter my appearance for

E. C. Hyman

in above case.

In the Court of *Charles Deane*
County, Va.

No. *1* May Term, *1884*

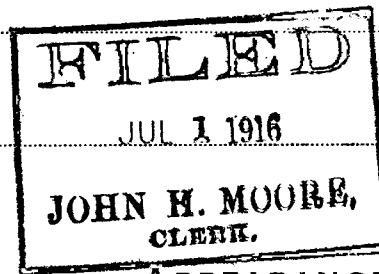
A. C. Miller
Attorney for *E. C. Hyman*

No. 1 May SS 1884
Term, 191

Ex Re Private Roub

VERSUS

in Beside Township



APPEARANCE

For E. C. Myncoch.

In Re Private Road

in Burnside Township

VERSUS

Mary George
E. B. Hynes

In The Court of QUARTER SESSIONS of
Clearfield County, Penn'a.

No. 1 Ma y Term 1884 Term, 191

Fi. Fa. No. 191

And now, February 28th, A. D., 1916, petition read and considered and a
rule is ~~granted~~ ^{XXXXXX} directed to the present owners and occupants of the land
through which this Road runs. to show cause why the prayer of the
petitioner should not be granted personal notice to be given to
the Owner, or occupants within clearfield county. and by register
letter t o other owner.

Returnable First Monday of May 1916.

By the Court,

HON. SINGLETON BELL, P. J.

Certified from the record this 1st day
of March 1916

John H. Moore
Prothy and Clerk of the Court

Now 6th. day of March, 1916 I Mary George hereby accept
service on the within notice and waive personal service.

Mary George

No. May Term. 188X
191

San R. Que. Road
in Riverside

George
VERSUS

RULE ON

Sheriff

Attorney for Claimant.

Attorney for Plaintiff.

Attorney for Defendant.

To The Honorable the Judges of the Court of
Quarter Sessions of The Peace in and for
the County of Claremont

The Petition of the undersigned inhabitants of
the Township of Burnside in The Said
County. Respectfully Sheweth: That your
Petitioners Labor under Great inconvenien-
ces for want of a public or private Road
to Lead from the township Road near Beaver
Run Mills to the Residence of Elliott Scotts
Your Petitioners Therefore Humbly pray
the Court to appoint proper persons to
view and lay out the same according to Law
and they will ever pray &c

M. M. Giveling
Isaac Giveling
P. M. Giveling
Wm Brothers
John Giveling
C. T. Brothers
N. B. Shepherd
Jacob Giveling
Willford Jester
John B. M. Lambless
Henry Giveling
Joseph Giveling
John Brothers
Hudson Oaks
Wm E Westover
William Somerville
David Adams

Peter Beck
Nicholas Beck
James Skinn
James O. Skinn
Albert O. Skinn
St. Oakes
Leonard Beck

In Justice Lewis

Wm. H. H. H.
D. J. H. H.
H. H. H. H.

Went now May 13
1884 the Michigan Michigan
Went & conscience &
William Knight D. J. H. H. H.
George Parker
are hereby affirmed
verdicts to make report to
September 1884
By the Court
J. H. H. H.
H. H. H.

Paid 125 by atty

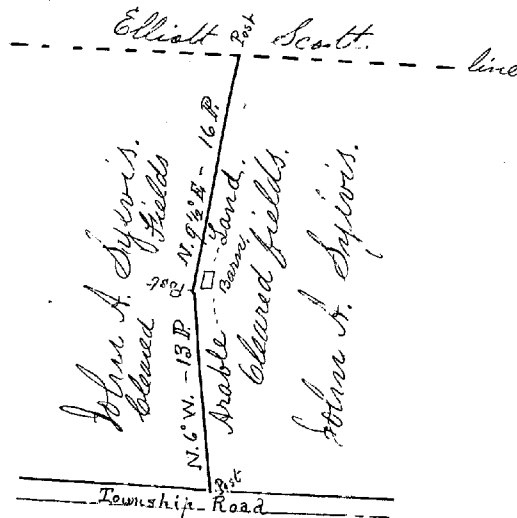
Paid 13 May 1884

Harris

To the Honorable the Judges of the Court of
Quarter Sessions of the Peace in the annexed
order named.

We, the undersigned, the persons appointed
by the said Court, to view and lay out the
road therein mentioned, that having been
severally sworn or affirmed in the manner
and form prescribed by the said order, that
all of us having viewed the ground for the
proposed road, and all concurring did lay
out, and now return the same for a private
road.

Beginning at a post on the township road
near River Run Mills and at the entrance to
a lane on the premises of John A. Syvris,
thence through arable lands of said Syvris,
North six degrees West (N. 6° W.) thirteen perches
(13 P.) to a post near and west of the barn
of said Syvris, thence North nine and one half
degrees East (N. 9½° E.) thirteen perches 16 P. to
a post on the line between said Syvris and
Elliott & Scott.



And, we, the said viewers, further report that on the 12th day of July, 1884 - the day on which the said private road was viewed and laid out by us, a verbal agreement was made by and between Elliott Scott, for whose use the said private road is intended, and John A. Sybis, through whose lands it passes, by which said Sybis agreed to convey by deed the right of way through said land to said Scott, by the road then laid out.

And said Scott agreed to convey by deed to said Sybis a certain spring of water on the premises of said Scott, with enough adjacent land to ensure the use, care and control of said spring.

In pursuance of said agreement, we, the said Viewers, together with the said parties, (both of whom were then and there present, assisting, consenting, and concurring,) proceeded to survey and mark out by miles and bounds the lot of ground which said Scott agreed to convey to said Sybis, as follows, viz:

Beginning at a post on the line between said Elliott Scott and John A. Sybis, thence by other lands of said Scott North fourteen degrees West ($N. 14^{\circ} W.$) one hundred and eleven feet to a post, thence South eight eight degrees East ($S. 88^{\circ} E.$) forty feet to a post, thence South fourteen degrees East ($S. 14^{\circ} E.$) one hundred and eleven feet to a post on the line aforesaid, thence by said line North eight eight degrees West ($N. 88^{\circ} W.$) forty feet to the place of Beginning.

Containing four thousand four hundred and forty feet

It was also agreed by the said parties that no building excepting a Spring ^{house} of ordinary dimensions should ever be erected on said lot. And also that said Sylvio was to build at his own expense a fence on the line around said lot, which said fence was thereafter to be maintained by both of said parties as a line fence.

He also further reports that before the proper conveyances for said Right of Way and said Spring Lot were made and executed, the aforesaid Elliott Scott notified us that he rescinded and annulled his said agreement and that he would not execute the conveyance.

Wm. H. Vincent }
George Patchin Viewers.
O. G. Brewster }

CLEARFIELD COUNTY, SS:

At a Court of Quarter Sessions of the Peace of the county of
Clearfield, held at Clearfield, in and for said county, on the
13th day of May, A. D. 1884,
before Judges of said Court, upon a petition of sundry inhab-
itants of the township of Burnside, in
said county, setting forth that they labor under

great inconveniences for want of a Public or Private
Road to lead from the Township Road near Beaver
Run Mills to the Residence of Elliott Scotts

and therefore praying the Court to appoint proper persons to view and lay out the same
according to law, ~~and~~ make report
whereupon the Court, upon due consideration had of the premises, do order and appoint
Willis J. Nugent of Westover and George Patchin
who, after being respectively sworn or affirmed to perform the duties of their appointment
with impartiality and fidelity, are to view the grounds proposed for said road, and if they
view the same and any two of the actual viewers agree that there is occasion for such road,
they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having
respect to the best ground for a road and the shortest distance, and in such manner as to do
least injury to private property, and state particularly whether they judge the same necessary
for a public or private road, together with a plot or draft of the same, with the courses and
distances and reference to the improvements through which it passes, and shall also procure
releases of damages from persons through whose lands said road may pass, or failing to
procure such releases, shall assess the same, if any sustained, and shall make report thereof
to the next Court of Quarter Sessions to be held for the said county; in which report they shall
state that they have been sworn and affirmed according to law. Notice is directed to be
given to the owners or occupants of seated lands through which the within road is intended
to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

James Kerr
CLERK.

RELEASE OF DAMAGES.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes, for and in consideration of the sum of ONE DOLLAR to us respectively paid by the _____ at and before the enrolling and delivery hereof, have remised, released and forever quit-claimed and do hereby remise, lease and forever quit-claim to the said _____ all damages that may arise to us respectively by reason of the location and opening of the said road; so that neither we, nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____
A. D. 188 .

Il. si

Il. si

Il. si

Il. si

ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly do assess their damages and make report thereof, as follows:

To John A. Seabris the sum of Forty Dollars

To _____ the sum of _____

To _____ the sum of _____

Witness our hands this 6th day of Sept A. D. 1884

William J. Nugent
O. F. Westover
George Patchin

Viewers will eagerly note the foot of their return, and the amount out of the pocket of their return. Reviewers must interfere with damages assessed by the jury, except so far as the location may be affected by the injury.

N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

		Amount.
Days	1	
Miles	2	
		\$4.25

O. J. Mederer { Days 1
Miles 2 220

Mr. Mathew { Days 1
Miles 3 230

Days.....
Miles.....

<i>Days</i>	}
<i>Miles</i>	

No. 1 May Session, 1874.

WORTH

To view and lay out a Road
For Public Use in the township
of Dunmade Clearfield county.

from near the September 1884
conferred. His Road to be
opened 20 feet wide, ~~except the~~
~~opening on each side in ground~~
~~and the thickness of the~~
~~road.~~

of Robert
18th December 1884
K. & Francis Deasdale
By His Son

Filed 10 Sept, 1884

Fees \$1, paid by ²⁵ Dr. E. Mann

E. Davis

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

In the matter of :
Private Road in Burnside Township. : No. 1 May SS. 1884.

In Re Petition of Joseph Leamer for leave to pay the damages assessed in said proceeding into Court and to have opening order issued to him.

E.C. Wynecoop, the present owner of the land through which said private road was located, by his Attorney, W.C. Miller, files the following objections to the prayer of said petitioner.

FIRST: The private road was laid out for the benefit of the then present owner of the premises to be reached by said private road and not for the benefit of the present owner of said premises.

SECOND: The said road was laid out in 1884. No damages have ever been paid and the road never opened. This condition has existed for over thirty-one (31) years. The Law presumes an abandonment of the road, and there is no right now in the present owner to ~~revive~~ said proceedings.

THIRD: The ownership of the land over which said road was laid out has changed since 1884. In purchasing said property the present owner had the right to rely upon the state of the record and assume that said road had been abandoned. It cannot now be opened against him.

FOURTH: After thirty-one (31) years without the damages and costs being paid and the road opened, the law would presume that the original petitioner or petitioners found there

was no necessity for said road and that the same had been abandoned.

FIFTH: There is no right in the petitioner to have said road opened at this time.

SIXTH: After thirty-one (31) years no opening could or should be made unless it is shown to the Court that there are present necessities for said road.

SEVENTH: As a matter of fact there is no such necessity for the reason that the petitioner has a public township road running through the other side of his farm which gives him access to and from his farm.

EIGHTH: As a matter of fact conditions have so changed that it would be a very serious injury to E.C. Wynecoop to have said road now opened as originally laid out largely followed a private road used by a Mr. Sylvis going to and from his barn. This private road was abandoned and the part of the Wynecoop farm has become first class farm land. Farm buildings have been removed from the opposite side of the township road and are now erected at or near the one end of this private road so that said road would open at his front lawn and being a source of great annoyance and inconvenience.

NINTH: After thirty-one years of abandonment no opening order should issue unless present facts, circumstances and necessities would show that said location is proper and convenient and not burdensome or more injurious to the owner of the land than it would have been in 1884.

TENTH: It would now be inequitable, burdensome and injurious to open said road.

A. C. Miller

Attorney for E.C. Wynecoop.

July 21/1916

To. 1 day SS. 1871.

In the Court of Quarter
Sessions of Clearfield County.

In the matter of
Private Road in Burnside
Township.

Objections of F.C. Tynes
to Petition of Joseph Learer

W. C. MILLER
ATTORNEY AT LAW
CLEARFIELD, PA.

In the Court of Quarter Sessions of Clearfield County, Pa.
In the matter of Private road in Burnside Township, said
county, No. Sessions, 1884.

To the Honorable Singleton Bell, Judge of the said Court:-

The petition of Joseph Lamer of the township of Burnside, said County of Clearfield respectfully represents, That a petition was filed in said court to said number on the 13th day of May A.D., 1884 by the inhabitants of Burnside township ~~petting~~ forth that ~~that~~ they labor under a great inconvenience for want of a public or private road to lead from the township road near Beaver Run Mills to the residence of Elliott Scott; that the order to view said road was given to F.G. Harris, Esq., on May 14th 1884 and that the said order was enlarged and continued until next term of said court, and the viewers appointed by the said court to view the same in pursuance of said order proceeded to view the said proposed road, and the report of said viewers was filed on the 10th day of September, 1884. ~~returning a private~~ road, Beginning at a post on township road near Beaver Run Mills and at the entrance of a lane on the premises of John A. Sylvis; thence through the arable lands of said Sylvis north 6° west 13 perches to post near barn of said Sylvis; thence north 9 1/2° east 16 perches to post on line between said Sylvis and Elliott Scott.

The said viewers assessed damages, by reason of laying out and opening said private road through the lands of said Sylvis, at forty dollars to be paid to the said John A. Sylvis, and that said report of viewers recommending a private road as aforesaid was confirmed absolutely by the said court on the day of

A.D. 1884.

That the record in said case shows that notice was given not to issue the open order for said road until ~~until~~ damages

2.

assessed by the viewers be paid into court; said notice was dated the 19th day of May, 1905, and road was confirmed on the 18th day of December, A.D. 1884.

Your petitioner further represents that said damages of forty dollars has never been paid nor has said opening order been issued; and that the land over which said private road was laid out was at the time of the said view belonged to the said John A. Sylvis by purchase by article of agreement and that he having failed to pay the purchase money the land was redelivered to the man from whom he purchased it, and that that then present owner of the land over which said private road was laid out is E.C. Wynecoop, and that the farm which the said private was to lead to, as a road of from the same, now belongs to your petitioner Joseph Lamer, and that the farm over which said private road was laid out over is now occupied by Mary George, a tenant of the said E.C. Wynecoop.

Your petitioner therefore prays the Honorable Court for leave to pay the said forty dollars damages into court and that on payment of the same into court, that the Clerk of the Quarter Sessions aforesaid be order to issue an opening order to your petitioner on payment of the costs, if not already paid, and the said forty dollars damages.

And he will ever pray, etc., etc.

Joseph Lamer

2.

State of Pennsylvania #
County of Clearfield. #, ss:-
#

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

Sworn and subscribed #
before me this 21st Feb #
ruary, A.D., 1916. #

Joseph Lamer

John M. Byers
Justice of the Peace

My Commission Expires Jan, 1st, 1918

No 1 May Term 1884
 Bond & return No 13
 Page (74)

FILED
 FEB 28 1916
 JOHN H. MOORE,
 CLERK.

Now Feb 28, 1916, Pelletier
 Concedes, and it is intended
 that a new road should be
 the French owner and de-
 signate of the land through
 which this road now to stand
 cause why the French of the
 Pelletier owner's neighborhood
 Personal notice to the grant to
 be given on or before the 1st of
 March 1916, and by
 the French owner to the other
 Pelletier owner's neighborhood
 of Feb 1916.

County Court
 of the State of New York
 FEB 28 1916
 JOHN H. MOORE,
 PROTHONOTARY.