

No. 2, Dec 58 Term, 1888

Private Road

versus

Graham Supr

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No. 2, Dec 58 Term, 1888

Private Road

versus

Graham Gufr

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Pvt. Rd. No Good

map
start

WALLACETON

Clfd. Co., Graham Twp.
Conf. Assol May 1889.
12 ft. private road.

Begin at the public road at J.W.
Turner's (public road to Wallacetown)
--- to the public road *M* Hummel *hill*
at Center Hall.

Note:- This road replaced (probably)
by road in Docket 12 Sept. 1889.

DIST.	COUNTY	ROUTE	SEC.	

June The 6 - 1890

Mr S M Bloomer

Please pay the money to
E M Peters that he paid to
you seven dollars and fifty
cents as damage on private
road through my place as
I don't hold any claim
on that money

James X Moyer

Petition for Road in Graham Twp.

To the Honorable the Judge of the Court of Quarter Sessions of the County of Clearfield, now holding September Session 1888.

E. M. Peters

~~The undersigned~~ Pray the Honorable Judge to grant him a road or private Road. Commencing at the Township Road at John W. Turner's and running into the Township Road at Abram Hummel's Mill at Center Hill, as I have no road to send my children to school or to get out my self.

Graham Township
Clearfield Co. Penna.
August 21st 1888

~~Signers~~
J. W. Turner
Samuel Smeal
Stephen Smeal
J. Blum
R. Holt

J. Smeal
J. H. Smeal
H. R. Williams
James Smeal
Hers. P. Hummel

} Signers
E. M. Peters
Ben. Gmrale
C. S. Smeal
A. Hummel or

noted 28 1888

Petition for Land in Graham
County - Blairfield
County, New York

And now April 28th 1888
at which petition
read, and the
soil more,
and more, and
many more are
opposite mine to
win and more
apart to next year.

By McTear
D. C. Thedy
R. J.

Feb 24th 1888

Now to the great
Harry P. J. 28 1888
H. J.

James
L. J. J.
L. J. J.

In Re Petition for Privals } Quarter Sessions of
Road in } Clearyfield County
Eschmann Township } No 2 Dec 88, 1888.

Harry Byers, Affirmed says:-
I am a Surveyor and live in Cleary-
field, Pa. I was one of the viewers in
the road in question, No 2, Dec. Ses-
sions 1888. I was present with the other
viewers on the day this new road,
I made report going into a private
road or proposed for. The road along
the dam is flat in places, but it
was not wet at the time. The ground
is clay and of a kind that gets
muddy soon. I conceived the worth-
while of locating the road in a North
westerly direction between fences of
Noyes & his son in law, & across the
run over the head of the dam to the
Mallerton Road. The road runs north
of it would be through woods, and
across the bank of the run, instead
of down along the run. At or near the
run next the Mallerton road the
ground is swampy & this would
have to be thrown up or dried in
some way. At the steep bank the
ground would have to be dug off &
filled in & this it would make
a good road. The reason why I did
~~not~~ adopt the road we did is be-
cause the order to view was from
the Top Road at John Turners & Run-
mire or Othello Turners Mill at Cleary
Hill. We understood to report a Road
or all we were compelled to make the
Road at Turners Mill one of the

tennis. Mr. Tolson the matter over
from Mr. Macle the report.

Cross Ex.

Mr. Went across the River over
Moyers proposed route, & the road a-
cross the river would be the most
expressed road to make. When Mr. Macle
the land the ground was not swampy,
but dry. The road Mr. adopted would
be the best of those now. because
it is already formed out. In the con-
ditions of things there the damages
to Moyer, \$750 is a reasonable assess-
ment of damages. Mr. concluded
a bridge across the river would be
about 2 rods of a span.

Re Called. The conditions of things re-
ferred to in 1880, the damages of
\$750 were the fact that the road
was already open for use & the
land damaged thereby, & that
Moyer would use the road, and
the fact that the land was not
formed in. By clearing up the land
it could be formed, it is tillable.
The distance Mr. adopted is greater
than the route across the river.
and is more ground for a road
and would therefore cost more
to keep it up. The ground along the
dam is clay ground. Mr. Tolson over
it & if had not been for the fact

that we were tied to the terminus
at Hummel's Mill I would have
been in favor of making the mile
cross the creek to the Millcreek
road. The general run of our talk
was that the road ought to have
been up there. I think the reviewers
were of one mind on that. Hatcher
too, but Nurse did not know or
think to say on that point.

Re Cross Ex. The reason why we accept
this route was because we un-
derstood Hummel's Mill was to
be the terminus. 2" There is no
second important reason be-
cause if it had not been for
that we would have put it
at the other place. One argument
in favor of the present location
is because of the old road being
there, but it is not a strong argu-
ment. We did not measure the dis-
tance across the river. Myra
was along when the line was
made. He traversed the road across
the dam.

Harry Byers.

Now & April 1st 1890 it is agreed that the
Gregory deposition shall be used in evi-
dence in the argument of the case in
question, with same fact as if taken

Upon Rule & notice regularly issued &
Served with time waived.

Whitney & Gordon

Attys for Remonstrants.

Amos G. Harris

Att'y for Petitioners.

No 2 Dec 88/888

In Re

Petition of J. J. J. J.

State Road

in

Graduate Fellowship

Defendants are present
at the Court house.

Mr. G.

Z.T. Eberbach.

vs.

In the Court of Common Pleas of Clearfield County

No. 2 December Term 1888

The Clearfield Steam Heating Company-

IN EQUITY-

And now ~~February~~ *April 9* 1889, it is hereby agreed by and between

Messers Murray and Gordon Attorneys for Plaintiff, and J.F. McKenrick
Attorney for respondent, That-----

be appointed Master in Chancery to take the testimony and report a
Decree in this case

J.F. McKenrick atty for Defn

O. L. Westfall
A. H. Westfall
James B. Dudley
Rev. J. H. Gandy

No. 2 December Term 1888
 Z. T. Eberbach
 vs.
 The Clearfield Steam Heating
 Company -
 Agreement of Counsel for the
 Appointment of a Master &
 1888

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 6th day of Sept, A. D. 1889, before Judges Em. Peters of said Court, upon a petition of sundry inhabitants of the township of Graham, in said county, setting forth that they labor

under great inconvenience for want of a
Private road commencing at the Township
road at John W. Tarners and running at the
Township road at Abram Hummels Hill at
Contra Hill

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, make report at next Court whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers Levi Stuller David Mace 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 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.

 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 ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release 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. 1888 .



ASSESSMENT OF DAMAGES.

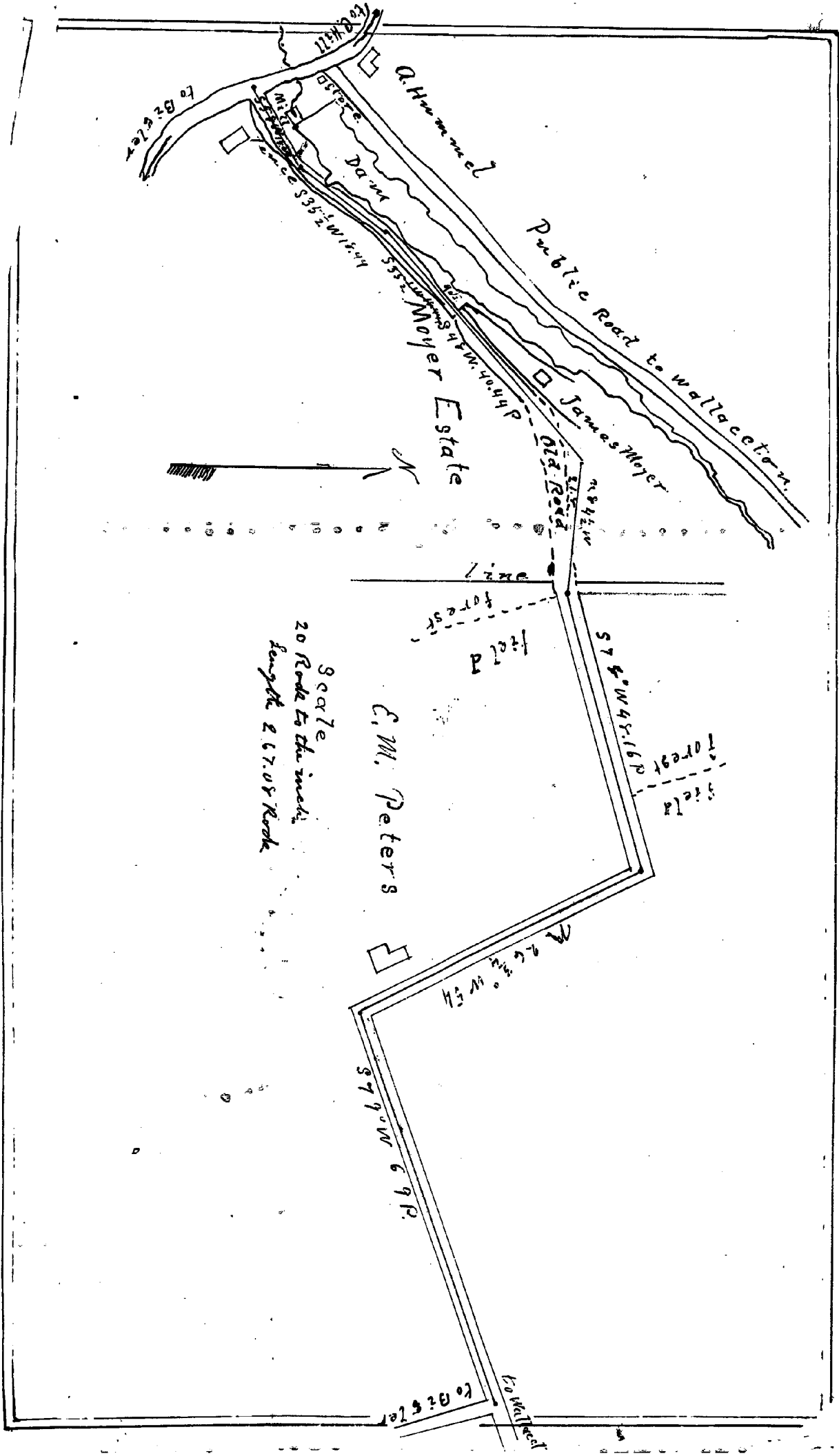
The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their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

To Moyer Estate the sum of seven and one half dollars
To Abraham Hammond the sum of nothing
To _____ the sum of _____

Witness our hands this 11th day of October A. D. 1888.

Harry Higgs
David Higgs
L. H. Higgs
2nd

6-1
2
3



20

Miles in
Ship

Days /

Date /

Davis

Miles

347

ORDER

Dec Sep 1851 confirmed to be

is the opened 12 feet wide by
putation of the square
by the town

Replied for 879 against
aid. Continued by Mr. Town

May 26 1889 Confined
abruptly. By Mrs. Clark

Filed 12th Dec., 1889

Fees \$1,²⁶ paid by Henry Spaulding

Remembrance filed 13 Dec
1877 by many students

