

No. 12, Sept. 5 Term, 18

Private Road

Versus

Buccania Township

Contents:

Clearfield County, ss:

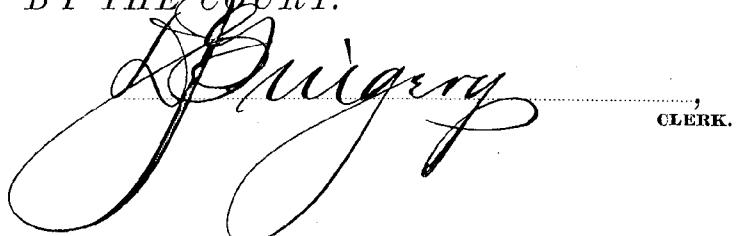
At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 23rd day of September, A. D. 1895, before Judge of said Court, upon a petition of sundry inhabitants of the township of Lawrence

, in said County, setting forth that they labor under inconvenience for want of a public road to lead in a public road running from Clearfield to Woodlawn at or near the house of A. Graham to branch in a public road at or near William Graham's in said town and vacate from house of John Weaver to where said road crosses Clearfield Creek

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, ~~to report to the next session~~

whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Bixler, Melchée Shope, Jas. A. Moon 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 the 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 land 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 land through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

B Y 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. 189 .

Seal

Seal

Seal

Seal

ASSESTMENT 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..... the sum of.....

To..... the sum of.....

To..... the sum of.....

Witness our hands this..... day of....., A. D. 189 .

To The Honorable Cyrus Gordon President Judge of
The Court of Quarter Sessions of Clearfield County:
we The undersigned viewers appointed by the within
order of court to view layout and vacate the roads
herein mentioned respectfully report that we gave
legal notice of said roadview and met agreeable thereto
and having been severally sworn or affirmed we
have viewed the ground for the proposed road, and the
road to be vacated and are of opinion that there
is no occasion to layout said road and that the road
now in use is not useless inconvenient and burdensome
and should therefore not be vacated. Witness our
hands this eighteenth day of November A D 1898

Harry Byers
Viewers J. A. Moore

NOTE:—In case of a private road, the release must be executed in favor of the petitioner for said road.
Also.—Viewers will carefully note the number of days employed, and set the amount out at the foot of their return.
Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the disadvantages as well as the disadvantages of the road, they will report to that effect.

No. 16 Sept Sessions, 1890.

ORDER

To view and lay out a road for
Public use in the township of
Lawrence, Clearfield Co.

Sessions, 1890,
read and confirmed Ni. Si.
Road to be opened 33 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

	AMOUNT.
Harry Myers	Days 1
	Miles 2 4.20
W. Mitchell Shope	Days 1
	Miles 2 2.20
Jos A. Moore	Days 1
	Miles 2 2.20
Albert Shaw	Days 1
Chairman	Miles \$1.50
Jos Reed	Days 1
	Miles \$1.50

Filed 1890
Fees \$1 paid by

In Re Private Road) In the Court of Quarter Sessions of
in) Clearfield County.
Beccaria Township.) No. 12 September Sessions, 1896.

John B.Dillen, the owner of the land over which said private road is located and proposed to be opened files the following exceptions to the confirmation of the report of the viewers:-

1st. That all the the viewers were not either sworn or affirmed according to law before entering upon the duties of their appointment.

2d. That the report of the viewers does not show that personal notice of the time and place of the intended assessment of damages to the said John B.Dillen was given to him as the law requires.

3d. That no notice of the time and place of the assessment of damages to the said John B.Dillen was in fact given to him, as required by law.

4th. That no opportunity was given to the said John B.Dillen to appear before the said viewers either by himself or with witnesses upon the question of damages to be sustained by him by reason of the opening of said private road over his land.

5th. The report of the viewers is erroneous and illegal in not showing the width the viewers adopted as a basis for the assessment or computation of damages to the said John B.Dillen.

6th. The report is erroneous and exceptionable in

that it does not show the considerations moving the assessment of the damages of the said John B.Dillen at nothing for the land taken for this proposed private road.

7th. The report of the viewers is objected and excepted to for the reason that said viewers received entertainment by the petitioner for said road at his house.

8th. The report of the viewers does not set forth that the proposed private road is necessary as the law requires.

John B. Dillen

State of Pennsylvania.

ss.

County of Clearfield.

Personally appeared before me, the subscriber, a Justice of the Peace in and for said county, John B.Dillen, who being duly sworn according to law doth depose and say, that the facts set forth in the foregoing exceptions, so far as they are within his own knowledge, are true and correct as he verily believes, and so far as they are founded upon information from others, he believes and expects to be able to prove that they are true and correct.

John B. Dillen

Sworn and subscribed before me this 21st day of November,
A.D., 1896:

V. Stevens

Justice of the Peace.

No. 12 Sept. 88, 1896.

Private-Press
in
Buccania Township

Receipts on hand
John B. Dickey

FILED NOV 23 1896

J. Dickey

C. O. Miller, Atty.

Plaintiff Exhibits 'D'
B. & Chase N.Y.
4-19-99

Dept. of B.
H.B.G.
9/21-99

In the Court of Quarter Sessions of Clearfield County, Penn'a.

In re Private Road No Sep Sessions 1896

in
Beccaria Township.

To the Honorable Cyrus Gordon, President Judge of the said Court:-

The petition of George H. Dillen, of the Township of Beccaria, in said County of Clearfield, respectfully represents:-

That he is the owner and occupant of a certain tract of land situate in, said Township of Beccaria, on Turner Run above Coalport upon which land your petitioner has his residence;

That he labors under great inconvenience for want of a private road to lead from his dwelling house on said land to the public road leading from Coalport to Utahville, at a gate at the intersection of a timber road and the public road mentioned, about eighty rods, more or less, above the mouth of Turner Run;

That all the land not owned by your petitioner, through which the said road will likely run, is owned by John B. Dillen.

Your petitioner therefore prays the Court to appoint proper persons to view and lay out the said road, according to law, and he will ever pay &c.

George H. Dillen

Clearfield County SS

George H. Dillen the above named petitioner, being duly sworn says the facts set forth in the above petition are true as he verily believes

Sworn and subscribed before me
this 26th day of May 1896.

George H. Dillen

George H. Dillen

No 12 Sep Session 1896

In re Private Road

ni
Buccania *forasophis*

And now May 29-1896
the nation of Chile presented
and ~~thereupon~~ ^{hereupon} ~~presented~~ ^{to}
J. K. O'Shaugh and his wife
our appointed attorneys to make
and return an affid. desiring
by the Court

Opposed ^{to} *Opposed*
J. J.

Dated 29th May 1896

J. J. O'Shaugh

D. J. O'Shaugh

In Re Private Road) In the Court of Quarter Sessions of the
in) County of Clearfield.

Beccaria Township, No. 12 September Sessions, 1896.

John B. Dillen, the owner of the land over which said private road is located and proposed to be opened, respectfully remonstrates against the confirmation of the report of the viewers made in this case for the following reasons:-

First. Said road is not necessary for the petitioner to reach the public road desired, as he has an outlet over his own land which he has been using for some time.

Second. The property through which said proposed road runs is cut diagonally by said road and causes it to be divided into three long and narrow pieces, the public road already running through said property. The usefulness of said property as a farm is thus largely injured when the damages to the said owner can be avoided by the said petitioner for the road using his own land as a way of reaching the public road.

The said John B. Dillen therefore respectfully prays that your honor will refuse to confirm said road as laid out. And he will ever pray &c.

John B. Dillen by his
Atty. C. Miller

NO. 12 September Sessions, 1896.

In Re PRIVATE ROAD

IN

BECCARIA TOWNSHIP.

Remonstrance to Confirmation

of Report of Viewers.

FILED NOV 23 1896



W. C. Miller, Attorney.

Plaintiff exhibit 'E'
S. S. Chase - N.P.
4-19-99

Defend.

Deft's ex B³
off B3
9/21-99

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

In re Private Road

No 12 Sep Sessions 1896.

in

Beccaria Township

Clearfield County SS

George H. Dillon, the petitioner at whose instance a view was had in above stated case, being duly sworn according to law says that he is informed and believes that the report of viewers filed in the above case is wholly defective for the reason that the vieweres were not sworn and also for the reason that they had entertainment as alleged. And in as much as he is desirous of having a new view in his behalf without the delay necessary to have the matter disposed of at Argu-
emnt Court, he would ask that he be allowed to discontinue these pro-
ceedings, or that such order as will dispose of them at this time be made by the Court that he may present a new petition for a view.

Sworn and subscribed before me

Jan 28th 1897.

George H. Dillon

George H. Dillon

And now Feb 26-1897, in pursuance
of above petition the except leave is
granted to discontinue these pro-
ceedings and for the purpose the except
leaves are hereby sustained.

#12 Sept 28, 1896

FILED. FEB 26 1897

No. 112-24-1197 claim
practic to discontinue
Fisher Creek

John G. Murphy Esq
Cincinnati writer
and claim.

Ex. 182
Ex. 183

(D)

Geo. W. Pease
for Plaintiff
2/26/97

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 29th day of May, A. D. 1896 before ~~the~~ ^{George} Judge of said Court, upon a petition of ~~sundry~~ ^{the} inhabitants of the township of Beccaria

He labors under great inconvenience for want of a proper road to lead from ~~his~~ ^{the} land, on ~~his~~ ^{the} property above ~~the~~ ^{Beccaria} his dwelling house, to the public road leading from Coalport to Utakoille at a gate at the outer section of a timber road and public road mentioned about 80 rods more or less above the mouth of Turner Run

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, ~~Report to Sept 26 1896~~ whereupon the Court upon due consideration had of the premises do order and appoint ~~John Lightfoot & D. Spangler~~ ^{John Lightfoot & D. Spangler} Justice 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 the 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 land 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 land 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.

I MAY K

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. 189

Seal

Seal

Seal

Seal

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 O' Neill the sum of nothing
To the sum of
To the sum of

Witness our hands this 31st day of Aug - , A. D. 1896

J. P. Spangle
J. M. Gill

15. W. R. W.

36.8
15.7
18.1
one line $\frac{1}{8} \times 3.5$ m. $\frac{1}{4} \times 4$ m. $\frac{1}{16} \times 2$ m. $\frac{1}{73} \times 5$ m. $\frac{1}{234} \times 7$ m. $\frac{1}{1000} \times 9.0$ m.

Drasteria privata
T. over nequinquecili
lit. Rusiae et g. g.
R. lutea lutea lutea
Bucania. leu l. d.
Candia lutea lutea
Alatocera lutea lutea
N. lutea lutea lutea
N. lutea lutea lutea

J. 23. Villene

minutus lata

Ex. 22. Villene

minutus lata

J. 13. Villene

minutus lata

Ex. 21. Villene

M. E.

Return of the Survey-

To the Hon Judge Gordon of the Court of Common
Sessions of the Peace in the Justice or Armaged order
named: He the Subscribers, the persons appointed by the
said Court, to view and lay out the road therein mentioned
aforesaid, that ^{after due notice to all parties in interest} having been first severally sworn or affirmed
in the manner and form prescribed by the said order all of us
John S. Gill, J. P. Spangle having viewed the ground for the proposed
road all of us did lay out and mark out the same for a
"private road" beginning at a post of the existing course of
the S. B. River in Boscawen Side there by lands of the same & 880 ft 36.8 Rds. thence by
the same 880 ft 10.7 Rds. thence by the same & 81 ft 8 Rds thence by the same & 166 ft 18.1 Rds to land
of J. B. Dyer there by the same & 66 ft 14.4 Rds thence by the same & 85 ft 34.5 Rds thence by
the same & 72 ft 21.3 Rds thence by the same & 60 ft 8.6 Rds to post and
thence of cutting and then connecting the Public Road to the aforesaid.

Witness our hands and seals the 31st day of Aug - A.D. 1818

John S. Gill
Subs
J. P. Spangle
Subs
John S. Gill
Subs

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.
Also—Viewers will carefully note the number of days employed, and set the amount out at the foot of their return. Reviewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the reviewers.
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.

No. 109 Sessions, 1896

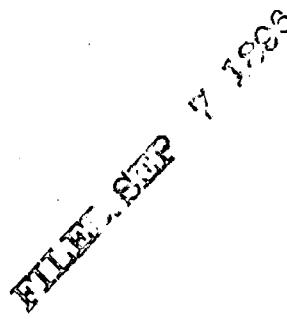
ORDER 

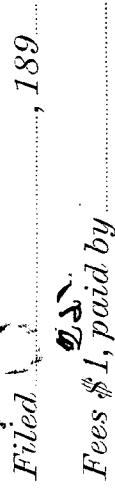
To view and lay out a road for

Civituse in the township of
Decauville, Clearfield Co.

Sessions, 1896,
read and confirmed Ni. Si.
Road to be opened 33 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

Days		AMOUNT.
John Sessions	# 6	
} Miles		
John Dix		Days 1
} Miles		200
John Spangler		Days 1
} Miles		200
} Miles		Days
} Miles		Days

FILED 

Filed 
1896
Fees \$1, paid by 

Begun 