

No. 12, Sept. 55 Term, 18

Private Road

Versus

Biccania 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 23<sup>rd</sup> day of September, A. D. 1893, 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 road running from Clearfield to Nevada at or near the house of A. Graham to point in public road at or near William Graham in said township and vacate from house of John P. Weaver to where said road crosses Clearfield Creek

and therefore praying the Court to appoint proper persons to view and lay out ~~vacate~~ the same according to law, Report to Dec. Term

whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers, Melchior 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.

BY THE COURT.

Brigery

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 recieve 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  
therein 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 1895

Viewers { Harry Byers  
J. A. Moore

No. 12 Sept Sessions, 1898

ORDER

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

Sessions, 189  
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.

Filed  
Fees \$1.25 paid by

NOTE:—In case of a private road, the release must be ex-  
ecuted in favor of the petitioner for said road.  
Also—Viewers will carefully note the number of days em-  
ployed, 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.

		AMOUNT.	
Harry Byers	Days 1	Days 1	
	Miles 2	Miles 2	4.20
Mitchell Skope	Days 1	Days 1	
	Miles 2	Miles 2	2.20
Jos. A. Moore	Days 1	Days 1	
	Miles 2	Miles 2	2.20
Albert Shaw chairman	Days 1	Days 1	
	Miles 2	Miles 2	\$1.50
Jos. Reed chairman	Days 1	Days 1	
	Miles 2	Miles 2	\$1.50

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



g.B.D. John B. Allen

State of Pennsylvania.  
County of Clearfield. SS.

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.

J.B.D. John B. Deane

Sworn and subscribed before me this 27<sup>th</sup> day of November,  
A.D., 1896: 2564

V. Stevens  
Justice of the Peace.

No. 12 Sept. 1896.

Private Road

in  
Deeraria Township

Section out of  
John B. Dineen

FILED NOV 23 1896

*H. H. Quincy*

W. C. Miller, City



Plaintiff Exhibits 'D'  
B. F. Chase. N.P.  
4-19-99

Deft's Ex B'  
H736  
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.

*Benjamin*  
Clerk

*George H. Dillen*

No 17 Sep Decem 1896

San Francisco Road

in

Becerra Township

and now May 29-1896  
the union position presented  
and the company San Francisco  
of 103 space and 161 cell  
one appointed officers to meet  
and report at Sep. Session  
for the Court

Cyprus L. L. L.  
P. P.

Filed 29<sup>th</sup> May 1896

Brigancey

Brigancey

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. Chas. C. Miller

No. 12 September Sessions, 1896.

In Re PRIVATE ROAD

IN

BECCARIA TOWNSHIP.

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Remonstrance to Confirmation  
of Report of Viewers.

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FILED. NOV 28 1896

A handwritten signature in cursive script, appearing to read "W. C. Miller", is written over the printed text of the filing date.

W. C. Miller, Attorney.

Plaintiffs Exhibit 'E'  
B. F. Chase v. P.  
4-19-99

Defend.

Deft by B<sup>3</sup>  
H. B. L.  
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

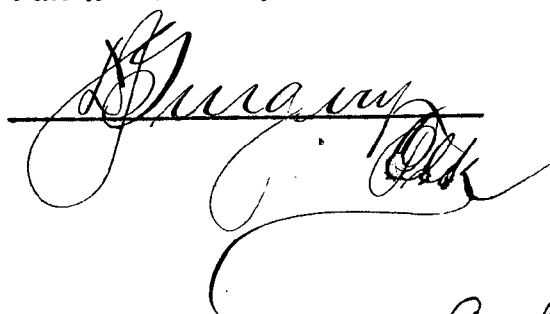
Clearfield County SS

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 Argument Court, he would ask that he be allowed to discontinue these proceedings, 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



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

#12 Sept 28 1896

FILED FEB 26 1897

Nov 24 - 1897 leave  
granted to discontinue  
pay this Council  
Cyano Stinson  
(49)

Wm H. J. Grogan Sr  
discontinue with  
overhead care.  
See Mr. Rogers  
for further  
2/24/97

See Mr. Rogers  
for further

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the  
county of Clearfield, Pennsylvania, held at Clear-  
field, in and for said county, on the 29<sup>th</sup>  
day of May, A. D. 1896, before  
Judge of said Court, upon a petition of <sup>George</sup> ~~sundry~~  
~~inhabitants~~ of the township of ~~Beecunia~~  
; in said County, setting forth that

the laborers under great inconvenience  
for want of a private road to lead from  
<sup>on this land, on Turner Run above George's in Beecunia Tp.</sup>  
this dwelling house, to the public  
road leading from Coaleport  
to Utahville at a gate at the inter-  
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 Term 1896  
whereupon the Court upon due consideration had of the premises do order and  
appoint John Lightner, D. Spangle, M. Gice  
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 per-  
sons through whose land said road may pass, or failing to procure such re-  
leases, 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.

*Spingery*  
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 en sealing 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 recieve 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. 1896 .

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 John R. Miller the sum of Nothing  
To \_\_\_\_\_ the sum of \_\_\_\_\_  
To \_\_\_\_\_ the sum of \_\_\_\_\_

Witness our hands this 31<sup>st</sup> day of Aug, A D. 1896

J. Spangle  
J. M. Gill



Charlie Road

New York

on the property

36.8  
15.7  
18.1  
83.5

6.1  
21.3  
39.5  
14.4  
73.8  
161.2  
234.7

Road on the property  
of George, John  
and Mary

unimproved land

J. B. Miller

J. B. Miller

12-14-1910. 185 1/2 W. 39.0

12-14-1910. 18

12-14-1910. 18

12-14-1910. 18

Residence

Geo. A. Miller

18

Drags a private  
road beginning at  
the residence of G. H.  
Miller on the west of  
Beverly. Def. Rd. Co.  
and the Miller  
at a point on public  
road leading from  
to Melville. 18

18

Geo. A. Miller

## Return of the Inquest-

To the Hon Judge Gordon of the Court of Sessions  
 services of the Peace in the within or annexed order  
 named: We the subscribers, the persons appointed by the  
 said Court, to view and lay out the road therein mentioned  
 report: that <sup>after due notice to all parties in interest</sup> having been first severally sworn or affirmed  
 in the manner and form prescribed by the said order all of us  
 J. S. Higham J. P. Spangle Having viewed the ground for the proposed  
 Road all of us did lay out, and now return the same for a  
 "private road" Beginning at a post at the dwelling house of  
 Geo. W. Allen in Bessaria Twp. thence by lands of the same to 88° 4' 36.8 Rods. thence by  
 the same to 88° 4' 10.7 Rods. thence by the same to 82° 4' 8 Rods thence by the same to 86° 4' 18 Rods to land  
 of J. B. Allen thence by the same to 66° 4' 14.4 Rods thence by the same to 88° 4' 39.5 Rods thence by  
 the same to 72° 4' 21.3 Rods thence by the same to 60° 4' 86 Rods to post and  
 place of crossing and then connecting the Public Road to the station.  
 Witness our hands and seals the 31<sup>st</sup> day of Aug - AD 1896

J. S. Higham (seal)  
 J. P. Spangle (seal)  
 J. W. Gill (seal)

before

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. *1258* *Sept* Sessions, 189*6*

ORDER

To view and lay out a road for  
*Private* use in the township of  
*Acacia*, Clearfield Co.

Sessions, 189*6*,  
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.

FILED SEP 17 1896

Filed *10*, 189*6*  
Fees \$ *1.00*, paid by *W. J. B.*

AMOUNT.			
<i>Ho. Superior</i>	Days <i>1 1/2</i>	}	# <i>6</i>
	Miles		
<i>Jo. Rice</i>	Days	}	<i>200</i>
	Miles		
<i>Jo. Schaeffer</i>	Days	}	<i>200</i>
	Miles		
	Days	}	
	Miles		
	Days	}	
	Miles		

*Beggs*