

3, May

Term, 1892

Public Road.

versus

Brady Bloom
Township

Contents:

Part 7, p. 66, 1892

In Re.) In the Court of Quarter Sessions
: PUBLIC ROAD) of Clearfield County.
: in) No. 3 May SS. 1894.
: BRADY and BLOOM TOWNSHIPS.)

Remonstrance to Report of Viewers.

Exceptions to Report of Viewers.

Petition for Review.

OPINION and DECREE,

This case involves three issues raised (1) by the exceptions, (2) by the petition for review, and (3) by the remonstrance, and in our opinion they must be disposed of in the order named, regardless of the time they were raised.

If the exceptions are well taken and the proceedings are declared irregular, the case ends and there is nothing to review or remonstrate against. If the exceptions are over-ruled and the proceedings go on to review the road petitioned for and returned by the viewers, consideration of the remonstrance - which attacks the road upon its merits - must await the Report of the Reviewers. Both reports should come up for consideration by the court at the same time and be acted upon together.

In accordance with these views, the exceptions will be first disposed of, and in my opinion none of them are well taken. They will be disposed of in the order filed.

Exceptions filed 5th August 1895.

1st. This exception cannot be sustained (a) Because

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based upon an allegation of fact not sustained by proof. No testimony was taken and consequently we are not informed whether releases were obtained or not. The legal presumption is that the Viewers performed their duty according to law, which presumption will stand until rebutted by proof to the contrary.

2nd. This exception cannot be sustained (a) Because damages were awarded to Philip Arnold, the Exceptant, and he cannot therefore complain on his own account and those for whom he apparently assumes to act are not objecting to the road. (b) The fact that damages were awarded to Exceptant is direct evidence that the Viewers considered the question of damages sustained, and the fact that none were awarded by them to other persons through whose land the road passes is evidence none were, in their opinion, sustained. "An omission to assess and report damages is equivalent to a finding that none have been sustained." Road in Kingston Twp. 134 Pa. 409. It is not necessary to the validity of a report, that the Viewers should state in it that they have endeavored to obtain releases, nor that in the assessment of damages they have taken into consideration the advantages accruing to the land owner from the opening of the road. It will be presumed that the Viewers performed their duty and that all things were rightly done unless the contrary be shown." Road in South Abington Twp. 109 Pa. 124.

3rd. This exception alleges that legal notice was not given, but there is no proof to sustain it. "Notice to land

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owners is necessary, yet it need not appear of record but may be established in the Quarter Sessions by oral proof." Road in Plum Creek Twp. 110 Pa. 544. Stouffer vs. Stouffer, 1 S. C. 534. Road in South Abington Twp. 109 Pa. 118.

4th. Notice to the County Commissioners is not required, the Act of Assembly providing for it having been declared unconstitutional.

Additional Exceptions filed 6th April 1896.

1st. The Viewers have nothing to do with fixing the width of the road. It is a matter for the Court at nisi confirmation, as was done in this case. Road to Ewings Mill, 32 Pa. 282.

2nd. The law requires that the Viewers shall report a particular and specific route for the road, so described as to enable the supervisors armed with an opening order to locate and open it with certainty and accuracy. But to do this only requires one point to be fixed. If this is done, the entire route can be located upon the ground by surveying from it either forwards or backwards, as the case may be. Here the report shows a hemlock as a monument on the ground, and fixes the last distance as along Arnold's lane, and the terminus the intersection of the lane "with road leading from Perry Draucker's to the Erie Turnpike", all of which are shown upon the draft attached, which is to be considered a part of the report. In my opinion, this is sufficient to enable the road to be located.

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3rd. The report is silent as to improvements, and under it the legal presumption would be there are none. Road in Leet Twp. 33 W. N. C. 562. O'Hara Twp. Road 152 Pa. 319. The draft shows two improvements along the line of the road, and the remonstrance alleges that it "runs in the greater part of the length thereof through timbered lands." With the record thus showing, in our opinion the exception is devoid of merit.

This disposes of all the exceptions which must be overruled.

The next question is what shall be done with the Petition for Review? In our opinion, it is too late and that the petition cannot now be proceeded with. Review proceedings are provided for by Section 25 Act 13th June 1836, which reads "In all cases of views for any purpose mentioned in this Act, the respective Court shall, on petition of any person interested, direct a second view or review for the same purpose: Provided, that application therefor be made at or before the next term of the said Court, after the report upon the first view."

A review is a matter of right, provided the application therefor be made in time. But the requirement of the Act, that it be made "on or before the next term of the Court after the report upon the first view" is mandatory, and a failure to comply with it fatal. Road in Lackawanna, 17 W. N. C. 276. Road in Leet Twp. 33 W. N. C. 565.

Here, the proceedings were as follows, viz:- The Re-

port of Viewers filed 3rd August 1894. Confirmed Nisi 7th September 1894. Remonstrance filed 7th November 1894. Petition for Review filed, but not presented to Court, 10th December 1894. Exceptions filed 5th August 1895, and Additional Exceptions 6th April 1896. In our opinion, it is too late now to appoint reviewers. The next term of Court after the Report was December Term, which commenced the first Monday, and had the petition been presented to Court when filed, December 10th, 1894, it would have been in time and the appointment of viewers upon it a matter of right, but its being filed with the Prothonotary, and not further prosecuted, and no reason being given for the delay, is not a compliance with the Act. Had the exceptions, which were filed eight months later and attacked the legality of the proceedings, been filed with or before the petition for review, that would have justified postponing the appointment of viewers till the exceptions were disposed of, as if well taken there would have been no road to review; but the remonstrance, which merely raised an issue upon the merits of the Report, did not have that effect. Where a review is had consideration of the original report upon its merits is postponed until the confirmation Nisi of the Reviewers Report. Both should be before the Court at the same time and should be considered together. They constitute one case, involving one and the same road, and either may be confirmed or both rejected. Vernon Twp. Road 70 Pa. 23. Road in Indiana Co. 51 Pa. 296. Road in Bucks Co. 3 Wharton 104.

39 Pa. 20.

While technical rules are not to be applied to road proceedings, yet the law provides an orderly course of procedure which must be followed if the full benefits it furnishes are to be enjoyed. If opposition is to be made to a road, it should be before the next Term of Court after the confirmation Nisi of the report. (a) If the opposition is merely to the merits of the report, it is made by remonstrance and testimony, and the report may be sustained in the same way. (b) If attacked for illegalities or irregularities in the proceeding, it is done by exceptions, and if these are apparent on the face of the proceeding they can be filed after confirmation absolute. (c) If the road itself be not opposed, but it is charged the route adopted by the Viewers is not the best one obtainable, the proceeding is by review, the application for which must be at or before the next term of Court. In our opinion, where a legal reason appears for postponing proceedings upon the view, such as exceptions attacking the validity of the entire proceeding, the court would be justified in postponing the appointment of reviewers until the exceptions are disposed of, which if fatal would take away the necessity for the review. But a remonstrance will furnish no justification for such delay or postponement. (d) After the report is confirmed absolutely, but the road is not opened, it may be vacated and annulled by a view upon petition of a majority of the original petitioners. The purpose being to permit those who initiated the movement

to undo what they aver was mistakenly done at their instance.

(e) After the road is opened, if the object be to get rid of the road entirely, the petition should be for viewers to vacate, and if merely to change the location it should be to vacate and supply. As before intimated, to reap the benefit of either one of the provisions made for the regulation of road proceedings, parties in interest must act with due promptness, and if they fail to do so, especially in matters that are important and mandatory, they forfeit their rights to resort thereto.

The exceptions and petition for review being now out of the way, all that remains is to pass upon the Report upon its merits. In our opinion, it should be confirmed for the reasons: 1st. The viewers were appointed because of their judgment and fitness to act in that capacity, and having acted under oath they constituted a tribunal specially set apart to enquire into the propriety of granting the application for road, and to select its location, their judgment, under the circumstances, is entitled to much greater weight than would their opinions when not acting in such capacity. 2nd. All parties in interest, both petitioners for view and for review, allege by their respective petitions that the road asked for is necessary and it cannot now be reviewed. 3rd. No testimony was taken to enlighten the Court upon the question of whether the route adopted by the Viewers is the best one, and the case must be decided upon the respective petitions or remonstrances and the Viewers Report, we feel

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constrained to confirm the road as reported.

Therefore, now 3rd August 1897, in accordance with the foregoing view, it is ordered, adjudged and decreed:

1st. The exceptions to Viewers Report are over-ruled.

2nd. The Application for Appointment of Reviewers is refused.

3rd. The Report of Viewers is confirmed absolutely.

4th. Bills of exception are noted to Exceptants and Petitioners for Review.

By the court,

Cyrus Gordon
P. J.

NO. 3 MAY SESSIONS, 1894.

In Re.

PUBLIC ROAD

IN

BRARY AND BLOOD FURNISHINGS.

J. G. Langley

OPINION AND MURKIE.

To the Honorable Cyrus Gordon Esq President
Judge of the Court of Common Pleas of
Clearfield County Penna.

The petition of the subscribers, inhabitants
residing in the said County being ~~a Majority~~
of the original petitioners, respectfully represent
That a petition was presented to this Court
of May session 1894 signed by your
petitioners praying the Court to appoint
proper person to view and lay out a road
from the ~~Dauphin~~ public road at a point
commencing at widow Marshall's in Bloom Twp.
to intersect the public road near Philip
Arnoldo, leading to Dusquehannah & Erie
turnpike at P.W. Dranckes in Brady Twp.
which was accordingly done, and the said
viewers so appointed after being duly qualified
according to law did view and lay out and
returned for public use, a road beginning at
a point at widow Marshall's in Bloom Twp.
and ending at public road near Philip
Arnoldo in Brady Twp. which was on
due consideration approved of and confirmed
by the Court, That the said road not having
yet been opened and it appearing to your
petitioners to be useless, and if opened would
become burdensome,

Your petitioners therefore pray the Court to
appoint proper persons, not residing on the
route of the said road, to review the same,
and make report according to law: and
they will pray &c.

Names

John Leonard

E. Kieke

Wm. Johnson Rich

Wm. P. Margaret

Henry J. L. F.

John H. F.

Geo. F. Hinger

John H. F.

Samuel S. M.

John H. F.

Albertus Galestone

Daniel J. J.

Robert Reitzel

John D. H. F.

P. J. H. F.

John H. F.

Amos B. F.

David D. F.

J. D. D. F.

J. H. F. Margaret

J. H. F. Margaret

Adam Schuck

Elmer E. Story

M. H. L. H.

Names

W. S. Marigh

S. W. Beck

John J. O'Brien
Elias A. J. 1911
J. J. O'Byrne
John H. O'Byrne
D. J. O'Byrne
W. H. H. Kinniley
Christian J. H.
Henry O'Byrne
Geo. J. J. J. O'Byrne
Hilton H. Ausland
L. J. Ausland
Elias Lione
P. L. Kirk

○ No 3. May 2nd 1894

In Re Road leading from
Charlotte Marshall to Philip
Arnold in Dorset 2nd

Petition for Review -

Filed 10 Dec 1894

D G Tupper

To the Honorable Tyrus Gordon President Judge of the
Court of Quarter Sessions of Clearfield County Pa.

The Undersigned Citizens and Taxpayers of
Brady Township, respectfully present that the road
viewed, laid out and returned for Public use in Brady
& Bloom Townships to No 3, May sessions 1894, from
Mrs Marshall's and ending at Philip Arnolds, and of
which Thos. W. Moore, E. M. Davis and A. M. Brauker were
Petitioners, should not be confirmed and they do most
Respectfully and Earnestly protest against the Confirma-
tion of the same, for the following amongst other reasons

First. That there is no real existing necessity for said road
that the only persons who could be benefited by the opening
of the road, have already roads by which they can reach
the same points reached by the proposed road without any
great inconvenience to them.

Second.

That the proposed road runs in the greater part
of the length thereof through timbered lands, thereby mak-
ing the expense of opening said road larger than it would
otherwise be. That your remonstrators believe it would
cost from at least two dollars per road up to three dollars
per road, and that this large expense ~~ought~~ not now be
placed upon the Township.

Third. That a shorter and equally as good a road could
be laid out for the purposes of Mrs Marshall and those most
interested in the proposed road, which could be built at much
less expense, both as to the cost per road and the length thereof.

Wherefore your petitioners and Remonstrators ask the
Court to refuse Confirmation of said road and to dis-
miss the same

And they will ever pray etc

Haines.

Haines.

Jacob Schwanke
Salayette. Smiley
James Knarr
Ranard Knigh
S. H. Ellinger
Wm. H. Ellinger
Elias Lyons
Sol Shaper
J. S. Bloom
Jas. J. Hebel
Amos Dehngarts
L. P. Passine
H. W. Goldin
Samuel Wengert
And J. H. H.
Loris B. Miller
David Europe
A. H. Dill
H. M. Selsler
David Smiley
William Dehngart
W. H. Ellinger
A. J. Shear
Wm. Europe
J. C. Dehngart
George Gillings
Wm. H. Patten

George Staud
G. V. Young
H. S. Seyler
Jacob Prugel
John Hayes
J. J. Shugert
G. J. Snyder
A. C. Moore
Edward Kishel
R. H. Moore
W. F. Moore
J. H. Shaper
J. L. Seyler
George Anck
M. W. Hayes
J. W. Cork
E. J. Horner
John Dehngart
L. B. Carlisle
Philip Arnold

Names	Names
E. Riche	Peter Prager
Ferdinand Rich	Milton Beigler
W. W. Clark	J. M. Messinger
Samuel Swoope	L. B. Kirk
Jacob Commins	W. S. Kirk
John P. Gingert	W. E. Miles
Geo. F. Vincent	F. A. Bell
Abraham Galastine	W. H. Passmore
Christ Smith	C. Marshall
William Broadbent	L. G. McMath
Tommy Green	J. G. McMath
Rebecca Peitzsch	J. G. McMath
Daniel Dosh	John Evans
Adelison Taylor	R. J. Boisclair
Adam Schon	W. H. McKinney
Arnold Brothka	Perry McKinney
J. R. Swoope	Samuel Shober
W. P. Connor	John Reams
H. E. L. Jenkins	B. F. Sterling
David Y. Yancey	W. S. Wright
Elmer E. Hayes	L. M. Kinnier
R. H. Kirk	Ellis King
Henry Ward	Philip Lovell
Elias A. Schragg	

No 3. Mount Senn 1894

In the
Roads leading from Charlotte
Marshall, to Rockwood
in Brady Co.

Remonstrance -

Feb 19th 1894.

J. G. Sawyer
P. R.

W. H. Patterson
attn.

To the Honorable Cyrus Gordon Esq President
Judge of the Court of Common Pleas of the County
of Clearfield now Composing a Court of General
Quarter Session of the Peace in and for said
County at Ebey (Term) Session 1894, The
Petition of divers inhabitants of the
Township of Brady and parts
adjacent in said County respectfully
Showseth.

That your petitioners labour
under great inconvenience for want of
a road, beginning at a public road
near leading from ~~near~~ Charlotte Marshall,
Thence by the nearest & best route, until
it intersects a public road leading
from ~~from~~ ^{or} ~~from~~ Philip Arnold to Rusque Hannah
& Erie Turnpike, your petitioners
therefore respectfully pray your
Honour to appoint proper persons
to view & lay out the same according to
law, & they will ever pray the;

Names

J. W. Corp
H. J. Guther
L. J. Marshall
J. H. Kirk
William Winger
Christ Swoope

Names

Philip J. Derr

First Name L.

L. H. Marshall

B. D. Clark

Lewis F. Gilliat

Peter B. Richmon
Emmanuel Rich
John Diamond Rich
Henry L. Harzfeld
H. A. Harzfeld
Tobias Shafrazi
Alfred Brown
Henry (N.) Brown
Godfrey Gillett
Henry Gillett
R. Gillett
Alvin Shingard
George Dush
H. J. Vincent
Charles Harzfeld
S. C. Eckhardt
Henry Vincent
William Hammill
Lyophilus Harzfeld
C. A. Harzfeld
John Shingard
Peter ... ger
George Harzfeld

Mo 3 May 1894

Re-laying of Roads
to carry & lay out at
Public Roads from
Chesterly Grove & School
House in ~~Henry~~ ^{Henry} Burroughs
to Revere and Penn N.P.

10 AM
Died now May 7 1894
The up-hill portion having
been presented open Court
road and due compensation
is demanded. That the
Mr. Morris - Elleslie Davis
and Arthur Bracken
are appointed members
to view and lay out said
Road. If they clean it
necessary to do make
a report to next Court
of quarter sessions
By the Court

Yours Sincerely
D. J. Gandy

July 7, 1894

In Re Road in Brady) In the Court of Quarter Sessions
and Bloom Townships,) of Clearfield County, Pa.

No 3 May S.S. 1894

The following additional exceptions are filed to the viewers report this day of 1896.

1st, That the report of the viewers is defective and illegal, in that they do not report the width of the land proposed to be taken for a ~~road~~, nor any other description upon which they base their estimate of damages.

2nd, That the termini of the road are not sufficiently defined in the report of the viewers, nor in the petition itself.

3rd, Neither the report nor draft attached show the improvements through which the proposed road passes.

For Exceptants,

No 3 May Sessions 1894,

In Re Road in Brady & Bloom

Townships,

Additional Exceptions,

Filed by leave of Court

this 6 day of Apr.

1896,

*By the Clerk
James S. Gray*

Krebs & Paterson

In Republic Road in Brady,) In the Court of Quarter S,S,
And Bloom Townships,) of Clearfield County, Pa,
No May Term, 1894.

Notice,

The Rule of Court, No 172, provided that five days Notice written or printed shall be given to the County Commissioners,

The Act of Assembly of April 15th 1891, ^{P.L. 7.} requires that notice shall be given to the County Commissioners.

The Act of Assembly of 6th April 1843, Sec, 1 ,Provides that in the Counties of Washington, Mercer, and Fayette, that ten days notice shall be given, and by Act of 7 May 1884, Sec, 16, the provisions of the former Act were extended to Cleafield County. ^{P.L.} ^{P.L. 1884-45, 371,}

That the Act of May 7th 1884, is in force in Cleafield County, see 23, Pa, 485,

Report of Viewers,

The omission of Viewers to report the width of the land proposed to be taken for a road ,or some other proper description of the land taken, as the basis of their estimate of damages is an error fatal to the report,

4th District Reports, 417,
110, Pa, 544.

Designation of Termini,

A report of Viewers and draft accompanying it, ----- Designating a point in a public road as near a borough or townshi line, or near the corner of a property owner seems to be too indefinate,

152, Pa, 319,

Failure to Note Improvements,

Where a report states that a plot or draft is returned, showing courses and distances, and noticing briefly the improvements over whict it passes, but in fact no improvements whatever are noted, either in the report or in the plot, the proceedings will be set aside in the Supreme Court.

152, Pa, 319,

What are improvements?

The fact that on such a dratf there were the name of the owners, and lines indicating the boundaries of their proper- ties was not sufficient, Mere boundary lines are not im- provements, but fences erected, and buildings, clearings, upon the land enclosed by them are, To satisfy the stat- ute there ought to be something upon the draft from which it can be discovered whether the lands are improved or not.

Ordinarily if there is no reference to improvements in the draft or report the presumption is that there are none, but this presumption is re-butted by the report of the viewer that they have noticed the improvements in the draft, and

in such case the omission to note them is fatal.

159 Pa, 72.

Exceptants, Who may be,

Any one who could petition for a road could also except.
Persons whose property will be traversed.

Trickett on Roads, Page 123,

When can Exceptions be filed,

Exceptions appearing on the face of the record, may be filed after final confirmation of the report, but the refusal of the Court below to permit the exceptions to be filed, nunc pro tunc does not deprive the exceptants of the right to assign error in the decree on appeal to the Supreme Court, where the record itself sustains the exceptions.

152, Pa, 319.

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 Seventh day of May, A. D. 1894, before Judge of said Court, upon a petition of sundry inhabitants of the townships of Brady & Bleam in said County, setting forth that

That they labor under great inconvenience for want of a Publice road beginning at a publice road leading from Chestnut Grove School House to Pennsue near Chadoe Marshall, thence by the nearest and best route eente it intersects a Publice road leading from Perry Drawers to Sugghama & Erie Turnpike at Deep Arnold.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Make report at Sept. Session 1894 whereupon the Court, upon due consideration had of the premises, do order and appoint W. W. Morris, Elisha Davis, Arthur Drawers 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.


J. G. Singery,
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 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 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. 1894.

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 Philip Arnold the sum of One hundred Dollars.

To the sum of

To the sum of

Witness our hands this seventeenth day of July, A. D. 1894.

W. W. Moore
E. M. Davis
A. M. Granner

Viewers.

To the Honorable, the Judge of the Court of Quarter sessions of Clearfield county, We the undersigned, Viewers appointed by the within Order of Court, to view the road therein described, Do Report" That in pursuance of said Order and appointment, after first having given due notice of the time and place of meeting, by printed and written Notices put up according to law, and owners of lands through which said road was intended to pass also being notified of the same, And we being all upon the ground, and duly Affirmed, have viewed the route of said proposed road, and are of the opinion that the same is necessary, Therefore have viewed, laid out and Return for Public use, the following road Viz" Beginning at a point on the Public road leading from Chestnut Grove school House, to Pennville; near the residence of Charlotte Marshall, thence through her land, and land of J. B. England North eighty eight degrees and thirty minutes west, sixteen perches to a Post. Thence North seventy four degrees west fifty perches to a Hemlock, on line of G. A. Marshall. Thence along line of G. A. Marshall and J. B. England North four degrees east, one hundred and twenty one perches to line of Philip Arnold, thence through the same north four degrees east, fifty nine perches to a post. thence through the same north eighty six degrees west, twenty three and two tenths perches to a post in Arnolds lane. Thence along the same, North forty three degrees west, eleven and one half perches to intersection with road leading from Perry Drackers to the Erie Turnpike.. A Draft of which we hereunto annex..

In witness whereof we have hereunto set our hands
this seventeenth day of July, A. D. 1834..

E. M. Davis
A. M. Dracker

Viewers..

G. A. Marshall

U. B. \in $W_G \subset \mathcal{A}^{1/2}$.

*U. B. ENGLAND's
LAW*

2020.01.22 14:21:41

Charlotte Marshall
Chestnut Grove
91 M. 888 N.
To Pennville

Action to Report 5th August 1895

- 1 The report is defective in that the viewers did not obtain a release of damages from the owners of property through which the same is laid out.
- 2 The report is defective in that the viewers do not report as a part of their proceeding that they either tried to obtain release of damages or that having tried and failed that they find that no damages were done to the land owners.
- 3^o That the notice given by the viewers which they say is in accordance with law was (redacted) not the notice the law and the rule of court require.
- 4 That no notice was given to the County Court as required by Rule of Court

Jacob Patterson
for Remonstrants,

250
125
50
3.85

No. 3 May Sessions, 1894

ORDER

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 advantages as well as the disadvantages of the road, they will report to that effect.

Apview and lay out a road for

Use in the township of

May 4th, 1894

read and confirmed M. S.

Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

By the Court
J. C. Clegg
10

VIEWERS	Days	Miles	AMOUNT.
W. A. Morris	Days 1	Miles 10	
J. C. Clegg	Days 8	Miles 8	
A. M. Drawyer	Days 1	Miles 5	

Filed 3 Aug., 1894
Fees \$1, paid by J. C. Clegg