

No.

Sept
#4

Term, 190

Public Road

VERSUS in

Bradford Twp

Road Docket 4 Page 499

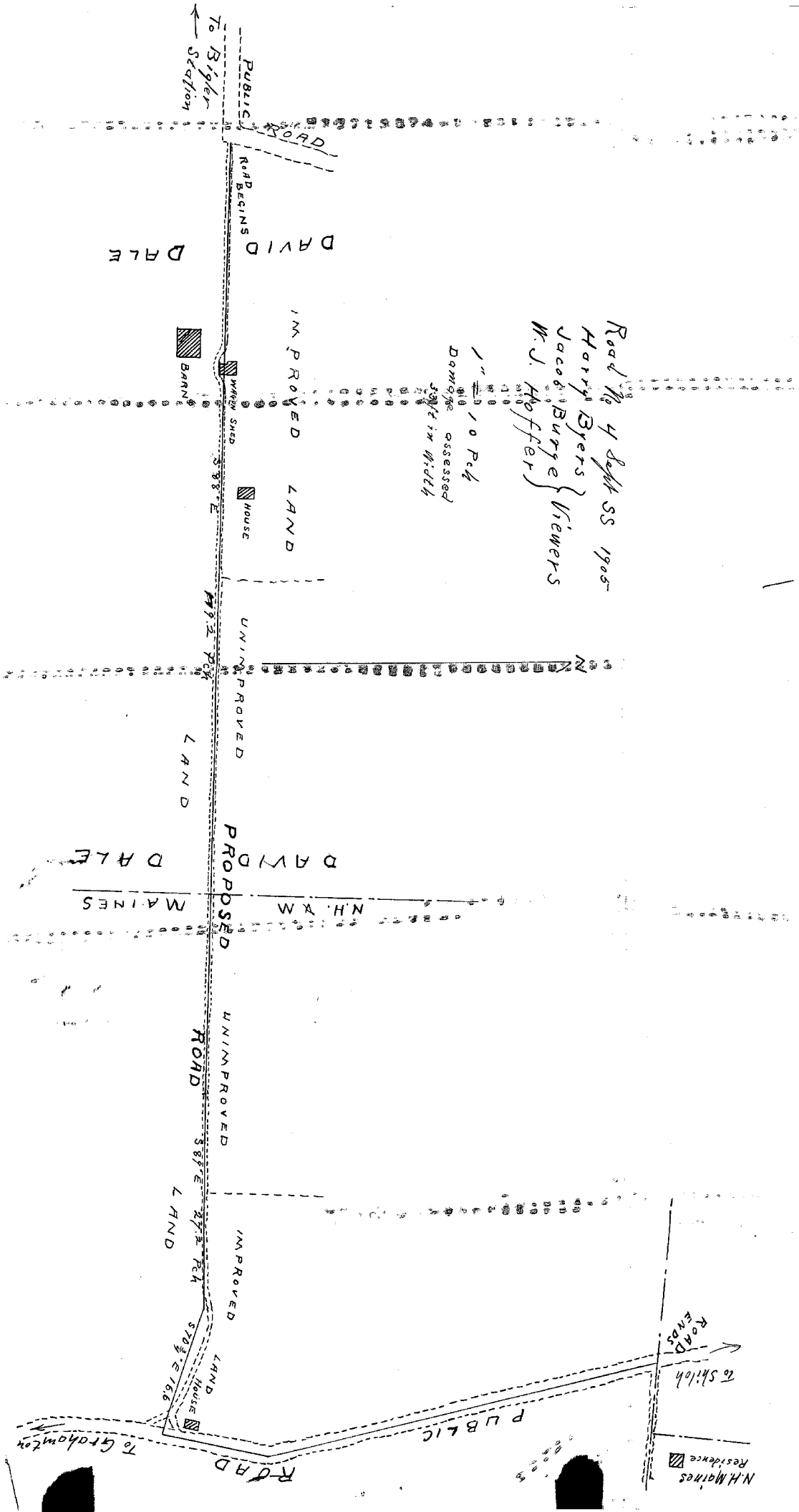
OK

CA

Part Rt 668 & 17055

Road No 4 Sept 25 1905
Harry Byers
Jacob Burge
W. J. Hoffer

1" = 10 Pch
Damage assessed
Sept in width



h the county

Lex Run-

anger in Bradford

Township, on Tuesday the 24th day of August, A. D 1905, at 10 o'clock

A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Harry Beyer

Geofft Bunge

W. J. Hofter
Viewers.

Chenfield Aug 12, 1905

Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view Public Road leading from Point on Public road from Williamsport on Bayler Station to Shiloh on The David Dale Place known as The Knapp farm

in Bradford Township, to Point on Public road leading from Shiloh to Grantchester at residence of M. H. Thomas

in Bradford Township, if Convened will meet at the house of C

Served on the Tuesday day of St. George's -
August 28 1905

Served on the Tuesday day of St. George's -
Aug 28 1905

Informing of
David Bradford Taylor
and Alex 16
the 16th of August
property owners through whose
land road is likely to pass

Service accepted
Aug 12. 1905
A. A. Adams

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 22

day of May, A. D. 1905, before the

Judge of said Court, upon a petition of sundry

inhabitants of the township of Bradford

in said county, setting forth that

they labor under great inconvenience for want of a public road or highway leading from a point on public road from Williams Grove or Bigler Station to Shiloh in said David Dales place known as the Knapp farm at a point on the public road leading from Shiloh to Grahampton at residence of M. H. Maines in said Township.

and therefore praying the Court to appoint proper persons to view ~~and lay out~~ *the same* according to law, *Report to next term* whereupon the Court, upon due consideration had of the premises, do order and appoint *Harry Byers, Jacob Burger, W. J. Hoffer* 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 view and 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.

Roll B Thompson

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 enseatling 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. 190.....

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 H. H. & M. Maimes..... the sum of Twenty-five dollars
To David Dale..... the sum of Twenty-five dollars
To..... the sum of.....

Witness our hands this 25th day of August A. D. 1905

Harry Byers

Jacob Burge

W. M. Dyer

To The Honorable Allison C. Smith President
Judge of the Court of Quarter Sessions of Clearfield County
Pa. we the undersigned, viewers appointed by the within order
of court to view and lay out the road therein mentioned
respectfully report; that we gave good and lawful notice of the
said view by posting three notices in most public places
in vicinity of road and with personal notice to County Commis-
sioner, Supervisors of Bradford Twp (one of whom was present
at the view) and to property owners which personal notices
are attached hereto, notices having been posted more than
five days before the view, Viewers all being present
and having been severally sworn or affirmed we have
viewed and laid out and do return for public use the
following road; to wit: beginning at a point marked by post
on public road or highway leading from Williams Grove or
Bigler Station to Shiloh in David Dale's place known as the
Knapp farm thence in old road now in use through improved
land of said David Dale and ^{except any way or field} unimproved land of said David Dale
and N. H. & M. Maines South ~~eighty~~ ^{eighty} eight degrees East
one hundred and nineteen and two tenth ^{South} perches to post thence in said
road and through unimproved land of said N. H. & M. Maines South eighty-nine
degrees East twenty-seven and two-tenth perches to a chestnut. Thence
through unimproved and improved land of the same South seventy-
and three-fourth degrees East sixteen and six tenth
perches to post at Township road leading from Shiloh to
Bohainton, thence by said public road North twelve and
one half degrees East fourteen perches and North twelve and
one half degrees West fifty one and three-tenth perches to
residence of N. H. Maines, within named, which road so as a-
foresaid laid out is necessary in our opinion for a pub-
lic road and a draft of the same is herewith annexed
showing courses distances and improvements.

Witness our hands This Twenty fifth day of August
A D 1905

Harry Byers
Jacob Bunge
W. J. Goffey } Viewers

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.

		Days	Miles	Amount
Harry Byer	}	3	14	\$ 13.40
Jacob Byer		3	14	\$ 13.40
W. J. Hoffer	}	1	14	\$ 3.40
David Bamberger		1	14	\$ 3.40
Chaimmader	}	1	14	\$ 3.40
		1	14	\$ 3.40

No. 4 Sept. Sessions, 1905

ORDER

To view and lay out a road for public use in the township of Bradford, Clearfield County

Sept. Sessions, 1905, read and confirmed. N. 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
 Allison P. Smith

Jan 11/06 confirmed structure by view fees

Filed 1905

Fees \$ 12.5 paid by David Dale
 AUG 28 1905

ROLL B. THOMPSON,
 CLERK.

To the Honorable Judge of the Quarter Sessions of
Clearfield County:

The petition of the undersigned inhabitants of Bradford township, county of Clearfield, Pennsylvania, respectfully represent: That they labor under great inconvenience for want of a public road or high-way leading from a point on public road from Williams Grove or Bigler Station to Shiloh in said township about twenty rods west of a barn on David Dales place, known as the Knepp farm where the road makes a short turn, and ending at a point on the public road leading from Shiloh to Grahampton at ~~residence~~ of N. H. Maines in said township. The petitioners therefore pray the Court to appoint three persons, qualified according to law, to view the proposed ground, for such road, and if they see occasion, to lay out the same and to make report of their proceedings to next term of this court.

David Dale
Jeremiah Maine
David Bumbarger
Jos. A. Smeal
G. L. Maines
W. L. Maines
Watson Graham
James Harrier
D. B. Williams
Isaac Knepp
M. C. Knapp

Matthew Knapp
A. Bumbarger
L. F. Houses
B. J. Maines
C. A. Forecy
James B. Graham
A. Whitcomb
R. E. Wake
J. A. Forecy
John Cowder

G. W. Candler
D. J. Mitchell
A. Dugan
S. M. Pass
S. K. Candler

Residents of
Graham Township
Frank English

in the count of
Quarto Sessions.
of the record in

Petition for public
Road in Bradford
Township.

Now 15 May 1905
the within petition
presented and the
Court of the
County of
Bradford
viewed the same and
advised that the
road is for the
benefit of the
people of the
County of Bradford.

By the Court
William J. Smith
Clerk

Amended.

FILED
MAY 22 1905
Roll B. Thompson,
Clerk

Bradford Twp Road,

$$\begin{array}{r}
 65 \\
 162 \\
 \hline
 500 \\
 65- \\
 32 \\
 \hline
 1072
 \end{array}$$

11/11

Boys ... 252

2 Wood ... 275

8

For Road - By ... 80 ... 167

91 ... 260

Williams gone
August 15 1906

To The County Carisk
near The New Road
leading from Bigler
thru David Dale
farm thru Mrs
Maine Now is Ready
for travelling.
yours

Jacob Zimmell
dect
of Red Superior

FILED
AUG 1 1906
CLERK

4 Sept. 7. 1906

In Re. Public Road in) In the Court of Quarter Sessions
) of Clearfield County.
Bradford Township.

No. 4 September Sessions, 1905.

Sur Exceptions to Report of Viewers.

OPINION.

The petition in this case alleges the want of a public road "leading from a point on public road from Williams Grove or Bigler Station to Shiloh, in Bradford Township, about twenty rods west of a barn on David Dale's place, known as the Knepp farm, where the road makes a short turn, and ending at a point on the public road leading from Shiloh to Grahamton at residence of N. H. Mains, in said Township." The viewers reported in favor of a road beginning at the point indicated in the petition, but running to a point on the public road 65 rods south of the N. H. Mains residence, the point of ending asked for in the petition, but running north along said public road to the said point at N. H. Mains residence. In other words, the report of viewers adopts 65 rods, more or less, of the present public road between Grahamton and Shiloh.

David Dale is the first petitioner named on the petition for this road and he files exceptions to the report of viewers, alleging the above stated fact as the first exception.

The second exception of Mr. Dale is to the effect that the said road as laid out runs over the barn bridge on his farm. It is urged on behalf of the exceptant that this report of viewers is illegal in that it does not use one of the termini named in the petition. It is claimed that this is fatal and can be the subject of an exception. We cannot agree with this contention. The viewers do use the termini mentioned, but in order to reach it run over a portion of a road already laid out. This does not violate the power of viewers, as we understand the

law.

In Reserved Township road, 80 Pa. St. 167, the viewers adopted an equal, if not greater, distance of an old established road, and while in that case the Supreme Court reversed for the reason that they widened the said old road without notice to the parties interested, they did establish the principle that viewers could adopt, for a portion of the distance at least, an old established road in order to reach one of the termini. This is also recognized in a later case in 91 Pa. St. 260.

Counsel for exceptant contends that the portion of road so adopted, sixty-five and three-tenth rods in this case, bears such a large ratio to the whole road laid out that it violates the spirit and intent of the law, and cites a case in 2nd Woodward 275 to sustain his contention. We are of opinion that the viewers are vested with power to adopt any reasonable proportion of an old established road in order to reach one of the termini named in the petition and that there is nothing in this case which appeals to us to regard this action of the viewers as violative of their legal rights and duties in the premises. We have been trying to establish the practice to fix viewers appointed by the Court with the sole responsibility of locating roads. The only matters which we think the Court should consider are those which raise distinctively legal questions. We do not regard either the first or second exceptions filed in this case as being such legal questions. If the exceptant, David Dale, who is also one of the original petitioners, is aggrieved by the action of the viewers and yet wants a road, as we believe he does, it should have been taken up by him in the way of review rather than by way of exception. At any rate what was done in this case by the viewers in adopting 65 rods of old road as a part of their location, in order to reach the termini named, and also their passing over the barn

(3)

bridge of the exceptant, to our mind presents no illegal action and is rather the subject of discretion in location than violative of a legal principle, as we view it.

Exceptions overruled and the Report of Viewers confirmed absolutely.

By the Court,

Allison P. Smith

P. J.

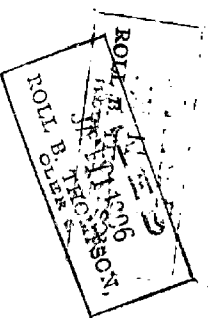
No. 4 September Sessions 1905.

In Re.

Public road in Bradford Town-
ship.

Sur Txeptions to Report of
Viewers.

OPINION.



In the Court of Quarter Sessions of Clearfield County.

In the Matter of public road in Bradford Township, said,
County, No. 4 Sept. Term, 1905.

EXCEPTIONS TO REPORT OF THE VIEWERS IN ABOVE CASE.

David Dale of Bradford Township aforesaid files the following exceptions to the report of the viewers in above case.

1. That the points fixed by the petition for said road was a public road or highway leading from a point on public road from Williams Grove or Bigler Station to Shiloh in said township about twenty rods west of barn of David Dale's place, known as the Kenpp farm where the road makes a short turn, and ending at a point on the public road leading from Shiloh to Grahamton at residence of N.H. Maines in said township, and that the viewers in fact did not lay out a road between said two points, but laid out a road from the first point above mentioned to the residence of William Maines on road leading from Grahamton to Shiloh, at a distance of sixty-five and three tenths rods from the residence of N.H. Maines, the point of ending of said road in petition, that the viewers after reaching said road at William Maines' followed the public road down to the residence of N.H. Maines, the one point of road in petition, and laid out a new road on a township road for said distance.

2. That said road as laid out runs over the barn bridge of David Dale's on his said farm.

David Dale

Clearfield County, ss:-

David Dale the above named exceptant being duly affirmed says that the facts set forth in the foregoing exceptions are true and correct and that the said road runs through his land.

Affirmed and subscribed #

before me this 1 day of #

December A.D. 1905.

#

David Dale

David Thompson

Clk. J.S.

In @ S. Brown
m. 4 Sept. 1900
Recd m. Broad
Fred Sharp

Receipting to
Report of Revenue

FILED
DEC 1 1900
ROLL B. THOMPSON
PROTHONOTARY
m. 4 Sept.