

No. 5 Dept. of T. & T.

Private R. v.

Wilkinson, Esq.

versus

Leather Powers, Esq.

~ ~ ~ ~ ~  
Road  
~ ~ ~ ~ ~

X

TO THE HONORABLE ALLISON O. SMITH, PRESIDENT JUDGE OF THE  
COURT OF QUARTER SIESSIONS OF THE PLACE OF CLEARFIELD COUNTY, PENNA.

The petitioners of the subscribers, the Executors and heirs  
of Joseph Wilkinson, late of Decatur Township, deceased, respectfully repre-  
sents:

That they labor under great inconvenience for want of a  
private road to lead from the Mansion House of the said Joseph Wilkinson  
Estate in the Township of Decatur, said County, to the Northern Terminus  
of Pruner Street in the Borough of Osceola, said County.

Your petitioners therefore pray the Court to view and lay out  
the same according to law, they having filed their bond with sufficient  
sureties to secure payment of such sums as may be due the viewers for  
services. And they will ever pray etc.

Samuel Wilkinson Executor  
Eliza Bratton Executor  
Joseph H. Wilkinson  
Edgar M. Thompson  
William H. Wilkinson  
John Remigio  
J. T. Herrington

State of Pennsylvania      }  
County of Clearfield      }      SS:

Joseph H. Wilkinson and Samuel Wilkinson, two of the above named  
petitioners, being duly sworn according to law doth depose and say that  
the facts contained in the above petition are true, to the best of their  
knowledge and belief.

Joseph Wilkinson  
Samuel Wilkinson

Sworn and subscribed to before me this 10 day of May, 1911.

John McLean N.P.  
COMMISSION EXPIRES  
February 27th, 1917.

KNOW ALL MEN BY THESE PRESENTS: That we, the subscribers, heirs  
of Joseph Wilkinson, deceased, and

are held and firmly bound unto the Commonwealth of Pennsylvania, in the sum of Fifty (\$50.00) dollars, lawful money of the United States to be paid to the Commonwealth of Pennsylvania, its certain attorneys, executors, administrators or assigns, to which payment well and truly to be made and done, we do bind ourselves, and each of us, our and each of our heirs, executors and administrators, and every of them, jointly and severally, firmly by these presents. Sealed with our seals and dated this 5th day of May A.D. 1911.

WHEREAS, the said heirs of Joseph Wilkinson, deceased, have petitioned the Court of Quarter Sessions for the appointment of viewers, to view and lay out a private road in Coseela Borough and Decatur Township, and are required by law to file their bond to secure payment to the said viewers for their services.

HOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound  
en, heirs of Joseph Wilkinson, shall pay or cause to be paid such sum or  
sums as shall become due to the said viewers for their services and such  
other sum or sums as shall be required of them, by order or decree of Court  
in this proceeding, then this obligation shall be void; otherwise to be and  
remain in full force and virtue.

Samuel Wilkinson (S.S) Executor  
Eliza Bratton Everett (S.S)  
Joseph H. Wilkinson (S.S)  
Ida M. Thompson (S.S)  
William H. Wilkinson (S.S)  
John Remigio (S.S)  
G.T. Ferris, Jr. (S.S)  
J. (S.S)

In Court of Quarter  
Sessions, fifth  
No 5 ~~1911~~ 1911

Petition for right  
of review & view  
and lay out a  
Private Road  
in  
Decatur Sub

Now May Sessions 1911  
within petition presented,  
read and considered, and  
thereupon Harry A. Reese,  
W. P. Carpenter and F. Frank  
Gose are appointed referees  
to review said premises and  
make report at next  
Session.

By the Court:  
Allison A. Church

Now Feby 29/1912  
Time Extended on the  
within report to May  
9, 1912

By the Court,  
Allison A. Church

John Moore  
Recorder

Mar 29/1912

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

IN RE----

Private Road in Decatur Township, No. 5, September Sessions, 1911.

The White-Dugan Coal Company the party interested files the following exceptions, viz:-

First. That the view was had without the notice to the ~~exceptant~~ who was therefore unable to appear before the viewers.

Second. That the road is located upon a road now in use by the ~~exceptant~~ for its own purposes and no provision is made in the report defining the rights and privileges of the petitioners.

Third. That the proceeding is irregular and not sustainable as appears of record.

F. K. White ~~and White-Dugan Co.~~

Court  
Clearfield County; SS:

Before me, a NOTARY PUBLIC in and for said County personally appeared F. K. White, an officer of the above named White-Dugan Coal Company and being sworn according to law doth depose and say that the facts set forth are true and correct to the best of his knowledge and belief.

Sworn and subscribed before me ;  
this 4<sup>th</sup> day of June, ;  
A. D., 1912. ;

MY COMMISSION EXPIRES  
FEBV. 1ST, 1915,

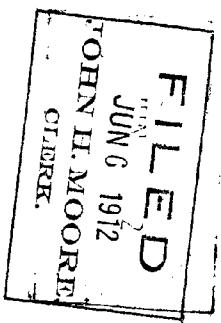
N. C. Tracy, Jr.  
NOTARY PUBLIC

105 Dennis 1911

In re  
Print Prod  
Indemnity



Examination



John H. Moore

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 29 day of February, A. D. 1902, before the Judge of said Court, upon a petition of <sup>part of</sup> sundry inhabitants of the township of Decatur

, in said county, setting forth that

That they labor under great inconvenience for want of a private road to lead from the Mansion House of the said Joseph Wilkinson Estate in the Township of Decatur said County, to the Northern terminus of River Street in the Borough of Decatur, same County

and therefore praying the Court to appoint proper persons to view and by law the same according to law, whereupon the Court, upon due consideration had of the premises, do order and appoint W. P. Harper, H. G. Reese & Frank Goss 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 particular 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.

John F. Moore

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. 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 Dugan White Coal Co. the sum of One Dollar.

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

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

Witness our hands this 25<sup>th</sup> day of April A. D. 1902.

H. A. Reese

H. P. Harpster

G. Frank Goss

**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 amounton 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. 5 Sept. Sessions, 1901  
ORDER  
To view Private road ~~to~~ use in the township of Dreater Clearfield County

~~100 feet~~ By the Court.  
John Smith Jr.

FILED  
MAY 1 1912  
JOHN H. MOORE  
CLERK

Filed 150 190  
Fees \$~~150~~ paid by John M. Galt

2. S. afi  
occ  
the

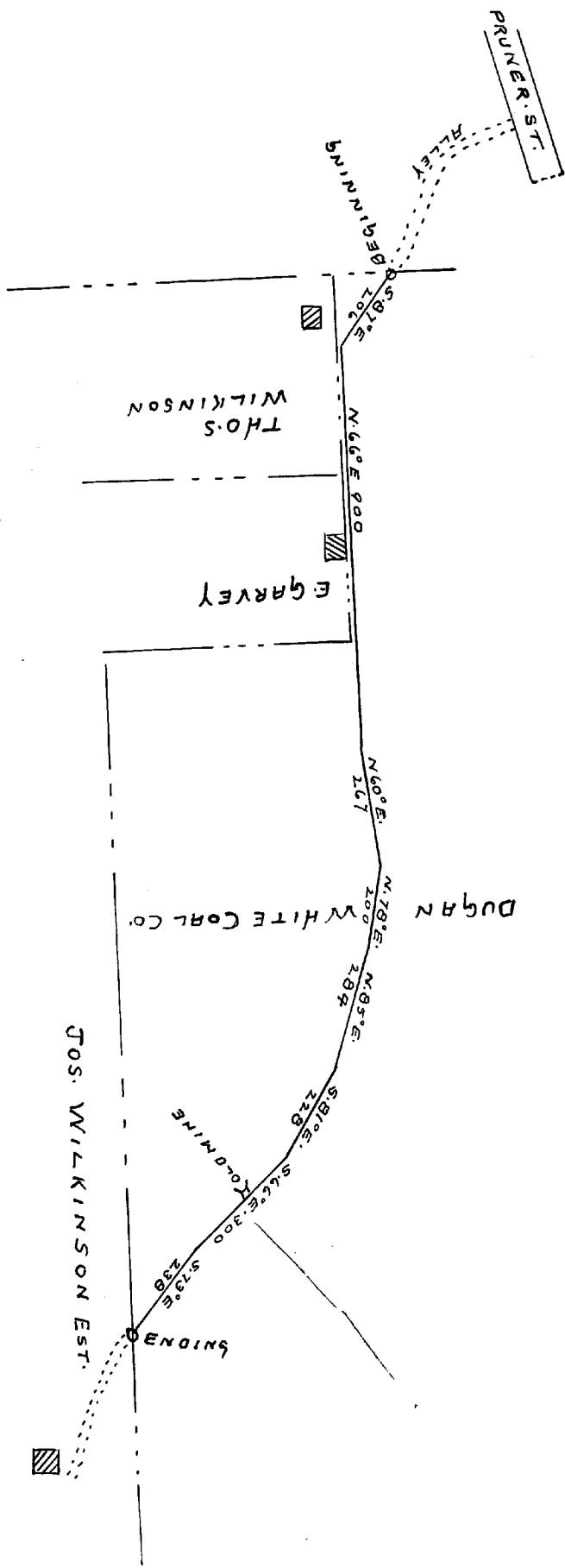
East Nine hundred feet. Thence North  
Sixty degrees East Two hundred and Sixty seven  
feet. Thence North Seventy eight degrees East  
two hundred feet. Thence North Eighty five  
degrees East. Two hundred and Eighty four  
feet. Thence South Eighty one degrees East  
two hundred and Twenty eight feet.  
Thence South Sixty six degrees East three  
hundred feet. Thence South Seventy three  
degrees East two hundred and thirty eight  
feet to a point on the line between lands  
of the Dugan White Coal Company and lands  
of the Joseph Wilkinson Estate three hundred  
and ten feet North west from the dwelling  
house located on the said Joseph Wilkinson  
Estate. Which said road so as aforesaid  
laid out by us we are of opinion is  
necessary for a private road.

Respectfully Submitted.

A. A. Reese }  
H. R. Carpenter } Testimony

To the Honorable  
The Judge of the  
Court of Quarter Sessions of Clearfield  
County Penna.

We the undersigned  
persons appointed by the within order of  
Court to view and lay out the road therein  
mentioned respectfully report that after  
having given due notice to the owners  
of land through which the said road  
runs by three written and printed  
notices put up near the location of the  
said road of the time and place of  
Meeting to view and layout the same  
we met at the Mansion house on the  
Joseph Wilkinson Estate in Decatur  
Township on Thursday the 20th day of April  
A.D. 1912 And after having been duly  
affirmed in pursuance of the within order  
of Court we proceeded to view and lay out  
and do return for private use the follow-  
ing road to wit. Beginning at a point  
on line of the borough of Oceola three  
hundred and six, five feet south east from  
the Northern end of Prince Street Thence  
through lands the Dugan White Coal Company  
South Eighty Seven degrees East Two hundred  
and six feet Thence North Sixty Six degrees



To the Honorable Allison O. Smith, President Judge of the  
Court of Quarter Sessions of Clearfield County:

The petition of the undersigned citizens, residents  
and tax payers of Bigler Township, said County, respectfully  
represents:

That a public road in Bigler Township running from  
the village of Madera to Petina R.R. Depot is crossed by  
a creek known as Alexander Run, that it is necessary  
to construct a brigge across said creek, and the expense thereof  
is more than it is reasonable for said Township to bear:

Wherefore your petitioners pray that viewers be appointed  
to view the site of said proposed bridge and report as to the  
necessity of said bridge and the bearing of the expense of its  
erection by the County of Clearfield, and they will ever pray.

Joseph A. Shoff  
James Ch. Brown  
John A. Neal  
J. N. Alexander  
Ed Cook  
Leroy Boon  
H. W. Hawkins  
Millard Shoff  
E. P. Morris  
John Stevenson

H. S. Wood  
Wm S. Moore  
W. R. Connelly  
G. J. Mose  
R. W. Alexander  
G. W. Moore  
E. B. Manger  
W. V. Moore  
H. C. Stoddart  
G. W. Garrison  
J. F. Pinehart  
C. Greene

J H Miller  
P. W. Beyer

a c - shopp  
W. S. Blythe  
H. G. Scott  
J. D. Miller

Boyz Whitedick

Now, May, 19, 1911. The undersigned are  
held and firmly bound unto the Commonwealth  
of Pennsylvania, in the sum of one hundred  
dollars, conditioned for the payment  
of costs, in this Bridge View proceeding,  
in event same are imposed upon  
petitioners

W. B. Troxler *Seal*  
John Stevenson *Seal*  
Oliver F. Bell *Seal*

May, 16 " 1911

Accepted Service for County Commissioners  
of Clearfield County.

L. C. Morris  
Clerk

No. 4. Superior Rep.

(This is)

In re-

Petition for  
Bridge - Alexandria  
Run. & Dugler & Myf.

Now Many Reasons 1911  
within petition presented  
and was considered, and  
thereupon of the County  
J. C. Kratzer and G. M. Bell  
are appointed Commissioners to  
view the said premises  
and make report at  
next Sessions

By the Court  
John G. Muir Jr.

W.M. 21

In the Court of Quarter Sessions of Clearfield County, Penna.  
Public Bridge in Bigler Township, ) No. 4 September Ss. 1911.  
over Alexander Run. )

Now, December Sessions, 1911 the within Report of Viewers and approval of the Grand Jury as to the necessity of the bridge herein mentioned, and also of the fact that said bridge would be too expensive for Bigler Township to bear alone, is hereby confirmed absolutely on the following terms and conditions:

1. That said bridge shall not be entered of record as a County bridge but as an appropriation bridge, under the Act of 1887, as amended by the Act of 1895.
2. That in order to determine the amount of appropriation which should be made by Clearfield County Commissioners towards the erection of said bridge, the said County Commissioners shall first employ an engineer who shall make plans and specifications for the same, to be reported back to the said Commissioners and to the Court, together with a careful estimate of the cost thereof, just as though the said bridge were to be built wholly by the County.
3. That after the said plans, specifications and estimates have been made, the proper amount shall be agreed upon by the County Commissioners in conjunction with the Supervisors of said Bigler Township and that agreement submitted to the Court for final approval.
4. That thereafter the said bridge shall be built only after a public letting, to be joined in by the said County Commissioners and Supervisors of Bigler Township, which bids shall also be submitted for the approval of the Court.

By the Court,

*Alvin D. Smith*  
P. J.

In the court of Quarter Session  
of Clearfield County

of ~~July~~ - Session 1911

To the Honorable Judge of said Court  
after reading & Considering the  
Petition in the above case and  
having and Examining the evi-  
dence in the case and County  
Commissioners of Clearfield County  
do respectfully <sup>that we</sup> command them  
to contribute what they think  
proper of erecting a bridge  
in Blyler Township  
as petition for

*H. A. Daly Forman*

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.  
1777, before Judge of said Court, upon a petition of sundry inhabitants of the township of Bigler in said County, setting forth that

A public road in Bigler Township running from the village of Madera to Penna R.R. Depot is crossed by a Creek known as Alexander Run, that it is necessary to construct a bridge across said Creek, and the expense thereof is more than it is reasonable for said Township to bear, wherefore your petitioners pray that viewers be appointed to view the site of said proposed bridge, and report as to the necessity of said bridge, and the bearing of the expense of its erection by the County of Clearfield

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

whereupon the Court upon due consideration had of the premises, do order and appoint

J. S. McBreary, J. E. Stratzer, J. W. Bell

who after being respectively sworn or affirmed to perform their duties impartially and to the best of their judgment, are to view the place proposed for the said bridge, and if they or any ~~two~~ of them, view the same, and any ~~two~~ of the actual viewers agree that there is occasion for such a bridge, and that the erecting of the said bridge would require more expense than it would be reasonable the said townships should bear, they are to make report accordingly;

and a map or plot thereof to be made, which shall accompany said report; the report aforesaid to be made to the next term of the Court of Quarter Sessions to be held for the said county of Clearfield.

BY THE COURT.

John B. Thompson,  
CLERK.

## RELEASE OF DAMAGES.

Know All Men by These Presents, That we, the undersigned owners of lands upon which the bridge is 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 or building of said bridge, 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 or building of said bridge.

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 building of said bridge 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\_\_\_\_\_.

At Sept 5 1911

# BRIDGE VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view a Bridge at *Madesa Pa in Bigler Twp. where Public Road crosses Alexander Run*

in *Said* Township, in the county aforesaid, will meet at said place on *Wednesday*, the *18<sup>th</sup>* day of *July*, A. D. 190<sup>1</sup>, at / o'clock P M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

*J.S. McGuire*  
*Joe Kratzes*  
*GW Bell*

Viewers.

*July 3, 1901.*

Service of written notice accepted this 5<sup>th</sup>  
day of July 1911.

L. W. Morris } for the  
Clerk } County Commiss.

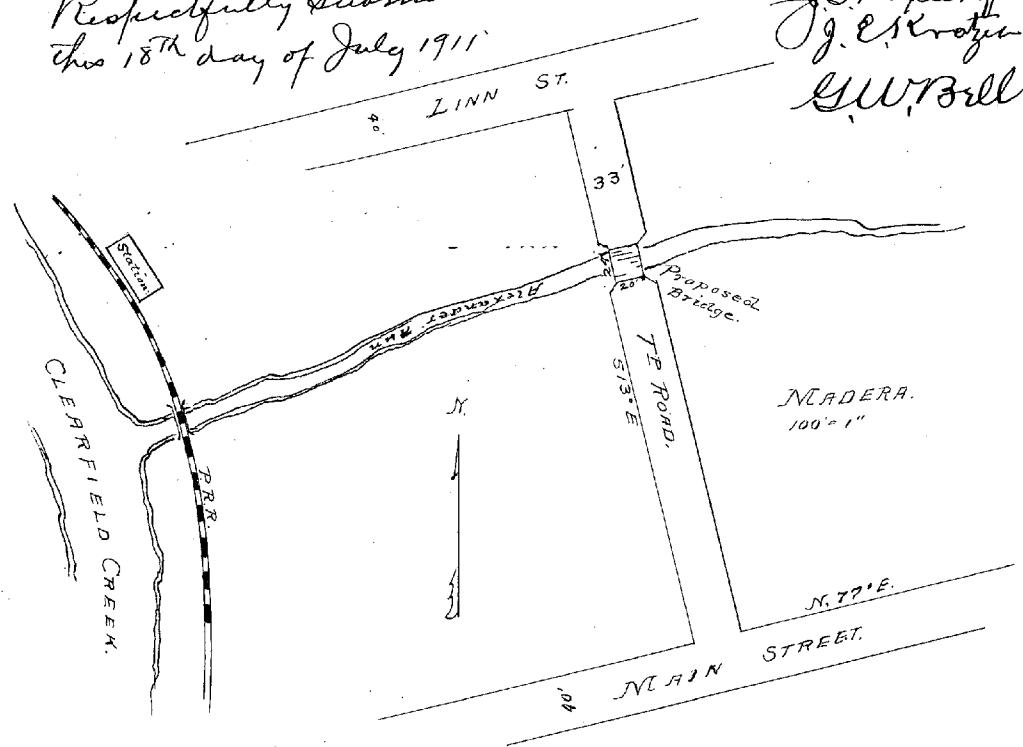
Barry Boulton  
atty for Supervision of  
Bigler Grp.

To the Honorable Court of Quarter Sessions of Charfield  
County, Clerks appointed by you

County.  
We the undersigned Viewers appointed by your  
Honorable Court to view the place for proposed bridge  
in Bigler Township as per attached order. Met this  
18th day of July 1911 in pursuance of notices legally  
posted and served, and having afforomed according to  
law did view the same, and find the bridge  
at this point, viz where the public road from Main  
Street, to Penna R R Station crosses Alexander Run,  
in a very delapidated and unsafe condition, and  
should be replaced by a modern monolithic con-  
crete structure. That a bridge at this point is a  
necessity, and should be built at the expense of  
Clearfield County. That the same should have a  
span of not less than 24 feet in the clear, between  
abutments, and we would recommend a roadway of  
20 feet, or sidewalk in addition to 16 ft roadway to ac-  
commodate pedestrians. Draft attached.

Respectfully submitted  
this 18<sup>th</sup> day of July 1911

J. M. Purdy Engt  
J. E. Kratz  
G. W. Bell } Newcom



(Boulton)

NOTE.—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 original viewers, except so far as the location may be changed by review. No bridge can be built in the state of New Jersey unless the engineers are not satisfied to dam up the river. In this case, the dam must be built as well as the disadvantages of the bridge, they will report to that effect.

AMOUNT.	Days 2	1.00
<i>John Murray</i>	Days 2	1.00
<i>Miles 47</i>	Miles 47	47.0
<i>John B. Bell</i>	Days 2	1.00
<i>Miles 47</i>	Miles 47	47.0
<i>J. E. Knott</i>	Days 1	3.00
<i>Miles 35</i>	Miles 35	35.0

# Bigland-Powarship (Alexander New)

$\left\{ \begin{array}{l} Days \\ Miles \end{array} \right.$	$\left\{ \begin{array}{l} Days \\ Miles \end{array} \right.$
$\left\{ \begin{array}{l} Days \\ Miles \end{array} \right.$	$\left\{ \begin{array}{l} Days \\ Miles \end{array} \right.$

ORDER TO VIEW  
Non-September Sessions 1911  
within Report of Kenner's read  
and confirmed M. S. Sand  
Report to be referred to the  
December Grand Jury for  
action. *Concluded*

Filed..... *1789*  
Fees \$1.25, paid by.....  
*J.S. McHenry*

Attorney.  
now January 1<sup>st</sup> 18  
approved. by the Court

In the Court of Quarter Sessions of Clearfield County, Penna.  
Public Bridge in Bigler Township, ) No 4 September Ss. 1911.  
over Alexander Run. )

Whereas, question has been raised whether the within confirmation absolute on terms and conditions is a proper confirmation; and

Whereas further, in case the within mentioned bridge is determined by the County Commissioners not to be a proper case for the erection of a County bridge but of an appropriation bridge, then the Act of Assembly passed the 5th day of March, 1906, requiring the approval by the Court of the contract and bind, does not in terms apply.

Now, therefore, this 22nd day of March, 1912, the terms and conditions of the within confirmation absolute are hereby withdrawn and the said bridge is confirmed absolutely.

By the Court,

*Alvin J. Smith* P. J.

