

Road

Becaria Township

In the Court of Quarter Sessions Of Clearfield CountyVPenna

In re Public Road No 3 Feb Sessions 1913

in

Beccaria Township

Depositions of witnesses produced sworn and examined at the Merchants Hotel in Coalport Pa by virtue of agreement between council for the taking of testimony without rule, on the 6th day of June 1913

L.Z. Nevling

~~Adam Pevoda~~ being duly sworn doth depose and say:

I am one of the supervisors of Beccaria Township. I Adam Pevoda when I see him. I served the notice of Review in the above case on Adam Pevoda. I tried to explain it to him and then took him to Mrs. Heil who speaks German, rather he took me to Mr. Heil's Store and as Mr. Heil was not there Mrs Heil did the talking and she wrote the name of Adam Pevoda on the notice that appears filed in the case, as served October 24, 1911. I do not remember the date of service but I know that I served it on Gorman, and all of the others named on the same date. I explained the paper to him and had Mrs. Heil explain it to him. Wm. Gates, another Supervisor was with me at the time I served this paper. Gates was present while we were talking to Mrs. Heil. Mrs. Heil did not talk German to Pevoda and talked very little to him. I only served one notice on Pevoda.

Cross Examined by Mr. Bell. Pevoda did not speak very much English at that time. I could not carry on very much conversation.

R.C. Westover sworn and examined deposes and says:

I live on the road laid out under above proceedings and two properties removed from the Pevoda property through which this road runs. I served a notice of the Re-review on Adam Pevoda. Paper marked Exhibit 'A' June 6 / 25 shown witness and identified as the paper which he served. I served that paper January 18, 1912. I read the paper to him and he said there is some of it I understand and some of it that I do not. He asked me to have Wm. Heil explain it and I met him that evening at Mr. Heil's store and Christ. Heil read the paper and Wm. Heil explained it to Pevoda in German. I know the land of Pevoda through which this road runs. I travel the road frequently. It is my only outlet. I would consider this road a benefit to Mr. Pevoda. If the land were mine I would consider it a great benefit. The land taken by the road through Pevoda is rocky and rough. I would not give anything for the land. I might have some value for the stone but the best of them were quarried out before the road went through. I think the damages paid, \$6.00, was plenty. There is no spring on Pevoda's land near this road. There is a spring on the other side of the hill but not in sight of this road. There is a run there which is dry during the dry months of the summer but this road did not change its course.

No cross examination.

Dr. W.H. Craft sworn and examined:

I am acquainted with this road and the land through which it runs. I own land near it, separated by the right of way of the railroad. The land taken by this road through Pevoda has no value and the land cut off by it is absolutely worthless. It is a narrow strip and stands almost perpendicular, the borough quarried stone on this right of way. I would consider this road a decided benefit to Pevoda and if there were any assessments it should have been for benefits instead of damage. (Photographs marked Exhibits 'B' and 'C' shown witness) These photographs are a fair representation of the conditions there.

Cross examined by Mr. Bell; All of the land that is immediately shown in the photographs is the Pevoda land.

Re-direct by Mr. Bilger: I never saw any spring near this road on the Pevoda land and there is no evidence of any spring ever having been there and the road does not change the course of the run. There is no convenient building site taken by this road. It would be the last place on the property that any one would think of building.

Jud. Westover sworn and examined:

I am familiar with this road and the Pevoda land. I own land next to it. I have just heard Dr. Crafts testimony as to the character of this land and my opinion of it is the same. I consider the road a big benefit to Pevoda. There is no building site taken by the road. There is no spring along the road and it did not change the course of the run.

R.C. Westover re-called: I was at the review of this road and cannot say whether I saw Pevoda there or not on his own land but I saw him right at the end of the road at the tipple just as they finished up the review, this was just a few rods from his land.

Elijah Conrad sworn and examined: I am acquainted with this road and the Pevoda land and own land near it, separated by a private road. I have just heard Dr. Crafts testimony as to the character of this land and my opinion is the same. I consider it a benefit to Pevoda instead of a damage. I lumbered all over that territory and know all about it. This road is steep and rocky and rough.

P.C. Gates sworn and examined: I am acquainted with this road and the Pevoda land and as Secretary of the borough Council hauled stone off of it. I have heard the testimony of Dr. Craft and the witnesses following him and my opinion as to the character of this land and the road is the same as theirs. I would think it was a benefit to Pevoda to have this road and if I owned the land I would ask no damage. I have no knowledge of any spring near this road and no knowledge of any change in the course of the run by the same.

Geo. Peacock called and examined --

I have been street Commissioner of Coalport borough and have traveled all over this land in search of water. I do not think there is a man in Coalport who knows it better than I do. There has never been a spring near this road. The road did not change the course of that run. Before the mines started there was a fair stream there but it is now dry three fourths of the time in the summer. and it was the same before the road went through. I have heard the testimony of the other witnesses with references to the road and land and my opinion is the same. I would consider the road a benefit to Pevoda instead of a Damage. the site of the road is no place for building purposes,  
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T V Byers Produced Sworn and examined.

I am the express agent in Coalport. I am acquainted with this road and the Pevoda land. I am a member of the Town Council. The borough owns land along side of Pevoda's land through which this road runs. I consider the borough has been benefitted by this road and also that Pevoda has been benefitted by it instead of damaged. The land taken by the road and cut off by it from Pevoda is rocky and of practically no value. I don't know of any spring there. I don't think the road changed the course of the run.

W.P. McNaul sworn and examined: I am acquainted with this road and the land through which it passes. I have heard the testimony of the other witnesses and my opinion is practically the same. I think that Pevoda's property was advanced three fold in value by this road and that he sustained no damage. I never saw any spring there and I think there is none there. There is no building site where the road is cut through.

James W. Spangle sworn and examined: I have lived in Becaria township all of my life and near this road for 32 years. I have been all over the land and am acquainted with its character. I have heard the testimony of the other witnesses with reference to the character of the land and the road and my opinion is the same, I consider the road a big benefit to Pevoda and if I owned the land I would give it without damage. There never was a spring near the right of way of this road. It did not change the course of the run. There was no desirable building site there but one could build there and would have no water. I have known Pevoda for seven or eight years and I have talked with him frequently and had no difficulty in understanding him or in making him understand me. He talks pretty fair English and did at the time of these proceedings.

John K. Gorman sworn and examined: I am the petitioner for this road and the one who paid the damages. I know Pevoda and tried to negotiate a private way through his land before these proceedings were begun. I had no difficulty in carrying on conversations with him but he understood English better than he could express it. He was willing to grant a right of way if I would exclude others from the use of the road which I could not do and the first proceeding was instituted. I served the first paper for the view by leaving a copy at his dwelling house with his wife and at the Review Pevoda was present and I saw him standing on a log shown at the top of exhibit 'B' on his own land along the right of way of this road. I have just marked an 'X' on the picture of this log on exhibit 'B'. He then came down along the right of way to the tippie, the lower end of the road on the spot marked with an 'X' by me on Exhibit 'C'. I had a conversation with him after he filed his petition for an appeal in which he admitted that he was present at the review but said that that was a view for a public road and not for a private road.

The land taken by this road is wholly worthless for any purpose and the land cut off is of the same character, has never been cleared and not fit for farming and has no stone of any commercial value. I would not give him a dollar an acre for this land for any purpose and I would not pay the taxes on it. There is no spring there and the road does not change the course of the run. There is no desirable building site there and if a person did build he would have no water he would have no water excepting from the run and that goes dry most of the summer. I was present when Pevoda's testimony was taken in this case and he was sworn and examined without an interpreter. I have given Mr. Pevoda the right to use this road and permitted him to change the fence and I consider it a benefit to him.

It is his only outlet and he makes use of the road. If I thought he was entitled to any more damage I would gladly give it to him. I have paid the damages for this road and I give the general public to use it and they do use it. The Pevoda land begins on exhibit 'C' at about the post marked by me as 'E' and ends on exhibit 'B' at the stump marked by me as 'W'. being the western terminus of the road. The post marked 'E' being the eastern terminus of the road.

Cross examined by Mr. Bell: Pevoda has driven up and down this road and has crossed the road to put his cattle in the field. The right to the public generally to use the road is a permissive right.

We agree to waive all irregularities and the signing of the testimony by witnesses is waived, reserving the right to raise objections to the competency of the testimony upon the argument.

*Bell & Harbouch atty for Petitioner*

KNOW ALL MEN BY THESE PRESENTS, that We, the undersigned all of whom are citizens of the county of Clearfield, and state of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, for the use of the county of Clearfield, in the sum of One Hundred Dollars, lawful money of the United States, to be paid to the said Commonwealth for the use aforesaid, her certain attorney or assigns, to which payment well and truly to be made, we do bind ourselves, our heirs, executors, etc., firmly by these presents. Sealed with our seals and dated this 15<sup>th</sup> day of December, A.D. 1910.

WHEREAS, a petition has been presented at February Sessions of the Court of Quarter Sessions of Clearfield County, praying for a road for public use, running from a point near Matthews School House, in Beccaria Township to the intersection of Union Street and a proposed road in Rosebud.

NOW THEREFORE the condition of this obligation is such that if the petitioners for said road shall promptly pay or cause to be paid all costs that may legally be directed to be paid by them in said proceeding, then this obligation to be void otherwise to be and remain of full force and virtue.

Signed and sealed and  
Delivered in the pres-  
ence of us,

John F. Gorman (seals)

R. E. Westover (seal)

Sam. Blinn (SEAL)

\_\_\_\_ (SEAL)

\_\_\_\_ (SEAL)

\_\_\_\_ (SEAL)

June Dec 1971 1910  
written and approved  
By the Court  
William Smith P.S.

Bulger

Measurements taken from points on the Lyleville Road to opposite points on the proposed paralleled road leading from proposed new Bridge at Coalport to Matthews School House.

First measurement; From point on Lyleville Road at Blooms' Field to point on survey of new road 236 ft.

2d Measurement: From point on Lyleville Road at Jess Wallace's house to point on survey of New Road directly opposite 1527 ft.

3d Measurement: From point in Lyleville Road to corner of J. K. Gorman's lands 1226 feet.

4th Measurement: From point on Rosebud Road at Watering Trough near John Matthews to proposed new road 1853 ft.

5th Measurement: From points on Rosebud Road at Brady's Store to point on proposed new road at Moonshine Tipple 1926ft.

Done and sub-verified  
the 21- Dec 1901  
J. H. Gorman

Jerome Thomas

In re Public road

No 3 Feb Term 191~~6~~

in

Baccaria Township

Whereas the petition for a re-re-view was presented to Court on Dec 14th for the appointment of viewers for a re-re-view in above case and it appears that no notice was given to the Supervisors or Commissioners and the matter of the appointment was held up by the Court until notice be given.

Now Dec 18th, 1911, notice is hereby accepted for the parties in interest

Dec 18 "1911

L. L. Porris

Clerk for County Commissioners.

Baccaria Twp Supervisors  
by their attys

Bill Haulmark



Commissioners' Office

2654

\$ 117<sup>00</sup>

Clearfield, Pa.,

June 7<sup>th</sup> 1912

Received of

John H. Moore

the sum of

One hundred twenty

and no/100

100

DOLLARS

J. H. Moore

Clear

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 9<sup>th</sup> day of October, A. D. 1901, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Beccaria, in said county, setting forth that

a petition was presented for a public road beginning at a point on the public road leading from Coalport to Patton, at or near Matthews School house and ending at a point on Union Street in the village of Rosebud at the intersection of said Union St. and the proposed road leading from Mill St. in Coalport Borough to the Township road by way of Union St. that a report has been filed and confirmed re. St. that this road will be expensive to build and an unnecessary burden upon the township and

and therefore praying the Court to appoint proper persons to <sup>re.</sup>view the same according to law, and make report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint J. S. McCreery, J. E. Kratzer & David Johnson who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to <sup>re.</sup>view the grounds proposed for said road, and if they <sup>re.</sup>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.

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 enrolling 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..... the sum of.....*

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

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

*Witness our hands this..... day of..... A. D. 190 ..*

## Reviewers Report

To the Honorable William O. Smith  
President: Judge of the Court of Quarter Sessions  
of Charfield County, Pa.

We the undersigned persons appointed by your  
Honorable Court to review Road laid out in  
Beccana Township under Order # 3 Feby, 1911.  
Met as per notice legally posted and served,  
and having been affirmed according to law,  
proceeded to view same, and having heard  
testimony for and against the opening of same,  
find - first, that the road is not necessary  
for the travelling public, there being two other  
roads nearly parallel to proposed road from  
Coalport to Matthews School House. Second - that  
the proposed road for over 1500 feet exceeds a  
5° grade, in places over 6½°. That the opening  
of same would benefit, materially only the  
property owners along same, only one of whom  
lives on the proposed road. We therefore re-  
commend that the report of original viewers be  
not confirmed, grades as taken, marked on original draft.  
(See note on same)

Respectfully submitted  
this 3rd day of Nov 1911

J. M. Henry  
J. C. Kratz  
David Johnston } Viewers

*Pe View*

No 3 Fly Sessions, 1901.

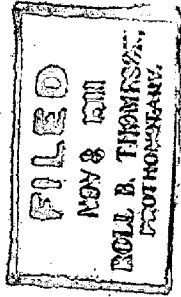
ORDER

Township of *Beccaria*,  
Clearfield County

*At* Sessions, 1901,

read and confirmed N. S.  
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.

*By the Court*  
*Alfred C. Smith*



Filed 190  
Fees \$1.25 paid by *B. H.*

Oct. 9, 1911 Service of notice accepted for  
Superior of Beccaria Township

*W. H. Hartman*

Atty for Beccaria Twp. Super.

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.

		AMOUNT.
<i>DSM</i>	Days 2	1 0.00
	Miles 1.6	1.60
<i>DE Kooten</i>	Days 3	9.00
	Miles 4.8	4.80
<i>Daniel Johnston</i>	Days 1	3.00
	Miles 1.0	1.00
	Days	
	Miles	
	Days	
	Miles	

In the Court of Common Pleas of Clearfield County, Penna.

In re petition of Adam Pevoda  
for appeal, nunc pro tunc,  
from assessment of damages

To the Honorable Allison O. Smith, President Judge of the said  
Court:-

John K. Gorman, the person against whom the damages awarded to Adam Pevoda was assessed, and from which he now seeks an appeal, nunc pro tunc, makes answer to the petition of the said Adam Pevoda, as follows:-

First:- the allegations contained in the first clause of the petition ~~are~~not denied.

Second. The allegations contained in the second paragraph of the petition are not denied excepting as to the ability of the petitioner to speak and understand the English language, which he speaks sufficiently to make himself understood to any one, and understands the same sufficiently to carry on an ordinary conversation.

Third:- The allegations contained in the third paragraph of the petition are not denied.

Fourth:- The allegations contained in the fourth paragraph of the petition are not denied.

Fifth:- The allegations contained in the fifth paragraph of the petition are denied. Due and legal notice was given to the said Adam Pevoda and notice served personally upon him, and he was present at the time of the review mentioned and went over the ground with the viewers. He frequently discussed the matter with various persons who endeavored to have him agree that the road go through. No knowledge is had of whether he signed any acceptance of service or not.

Sixth:- The allegations contained in the sixth paragraph of petition are denied in so far as he alleges lack of notice. The notice was given in the usual legal way and served personally upon the said Adam Pevoda by R.C. Westover, who informed him of the contents thereof and, when he claimed that he did not

fully understand it, took him to a man who spoke German and who was competent to act as interpreter and who did so act, and the matter of the re-review was fully made known to him and discussed with him, and he then said that he wanted no road, and this statement was made in English.

Seventh:- The allegations contained in the seventh paragraph of the petition are absolutely denied. The land is not occupied by the said Adam Pevoda or his family or any one else, and there is no spring upon the land, either near or within sight of the road in question. That none of the land is cleared through which the road runs, and the road passes through the land along a hill side and through a ravine that is rocky, rough, uncleared and unfit for cultivation, and the benefit of the road far exceeds any damage that results. That the said Adam Pevoda bought the land in 1908, paying \$250 dollars for over eighteen acres, which is a fair price for the land today, that is Less than \$14 per acre, and that that part taken by the road is of far less value in proportion than the balance of the piece. That the road occupies less than 3/4ths of an acre of said land.

Eighth:- The allegations contained in the eighth paragraph of the petition are denied. The said Adam Pevoda had due and legal notice of every step of the proceedings, and told parties that he guessed that the road was going through.

Ninth:- The allegations contained in the ninth paragraph of the petition are denied. The said Adam Pevoda had full knowledge and due and legal notice of every step taken in the various proceedings, and slumbered on his rights and is not now entitled to any relief.

Tenth:- That the allegations contained in the tenth paragraph are denied. The said Adam Pevoda is not damaged to the extent of the damages assessed, and which has been paid into court, the road opened and now in use and is being used by the petitioner. That the damages do not equal one hundred dollars or

any part thereof over and above the damages assessed. That the said Adam Pevoda, after the confirmation absolute, notified the deponent to keep off the land and not to open said road and posted notices to that effect along the line of said road, and in many ways, showed full knowledge of the proceedings at its various stages, and is not now entitled to any appeal.

Your affiant, further alleging that he had no knowledge of this petition until Sep 11th, 1912, asks that the rule for appeal, nunc pro tunc, be dismissed at the costs of the petitioner, and he will ever pray &c.

John K. Gorman

State of Pennsylvania }  
County of Clearfield } S.S.

John K. Gorman, being duly sworn according to law, doth depose and say that the facts set forth in the above petition are true, to the best of his knowledge and belief.

Sworn and subscribed  
before me Sep. 11th 1912.

John K. Gorman

John H. Moore  
Pro Thy



In re petition of  
EDAM PEVOLA FOR APPEAL  
nunc. pro tunc.

ANSWER.

GEO. M. BILGER  
ATTORNEY AT LAW  
CLEARFIELD, PA.

To the Honorable A. O. Smith, President Judge of the Court of  
Common Pleas of Clearfield County, Penna.

The Petition of Adam Pevoda, respectfully represents:-

First:- That your petitioner is a resident of Beccaria Township, Clearfield County, Pennsylvania, a coal miner by occupation, and the owner of a piece of land in Beccaria Township, containing 18 acres, and 6 perches, title to which was obtained from H. A. Wagner, by deed dated 5th May 1908, recorded in Clearfield, Pennsylvania, deed book 187 page 29.

Second:- That your petitioner was born in Germany and that he came to this country on the 28th of July 1902. That your petitioner does not understand the English language, and can neither read nor write the English language.

Third:- That at December Sessions 1910, a petition was presented to the Court of Quarter Sessions of Clearfield County, asking for the appointment of viewers to view and lay out a public road from the point on the public road leading from Coalport to Patton, at or near Matthews School House, to a point on Union Street in the village of Rosebud; that at said sessions viewers were appointed who made report to the February Sessions 1911, and a review of said road was presented and on the 5th day of May 1911, viewers were appointed, said view as laid out passing through the land of your petitioner and said viewers in assessment of damages in said report awarded your petitioner the sum of six dollars, which proceedings appear of record to no. 3, February Sessions 1911, road docket.

Fourth:- That on the 5th day of May 1911, a petition for a review of said road was presented to the Court signed by citizens of Beccaria Township, and the Court on said day appointed reviewers; that said reviewers at December Sessions 1911, made report, recommending that the report of original viewers be not confirmed which report was confirmed Ni. Si., at said December Sessions.

X Fifth:- That your petitioner never received any notice of the original view or review, although the report of the review shows an acceptance of service of notice of review to which your petitioner's name is attached, which acceptance is not in your petitioner's own hand writing, nor was it ever placed thereon by authority from any one so to do.

7 Sixth:- That at the December Sessions 1911, a petition for a re-review was presented to your Honorable Court, upon which viewers were appointed and upon which said re-reviewers made report to February Sessions 1912, to which report is attached a draft, showing that said road as recommended passes through the lands of your petitioner for a distance of 867 feet; that said re-reviewers certified that said road was not in their opinion necessary as a public road but as a private road, damages assessed by former viewers to be paid by John K. Gorman, R. C. Westover, J. Westover and Coalport Borough. That your petitioner never received any notice of the proposed re-review of said road.

u Seventh:- That the said road as laid out by the re-reviewers cuts the land of your petitioner in such a way as to render useless to your petitioner and his family a fine spring of water, and divides the land of your petitioner in such away as to cause great damage to your petitioner.

7 Eighth:- That your petitioner never had any knowledge whatever of any of the proceedings had in connection with the road filed to No. 3 February Sessions 1911, until Saturday June 22, 1912.

4  
Ninth:- That your petitioner as soon as possible after knowledge came to Clearfield consulted counsel, and is informed that the time in which an appeal can be taken from the award of damages has expired as the final confirmation of said private road was made at May Sessions 1912, and your petitioner is informed that said order of confirmation absolutely was made 22nd of May.

7  
Tenth:- Your petitioner further represents that his property, in the opinion of your petitioner far exceeds the sum of One hundred dollars, and that he today, learned his legal rights in the matter from counsel, and that he desires to take an appeal from the award of the viewers and that said appeal is not taken for the purpose of delay but because he firmly believes that injustice has been done.

He, therefore, prays the Court that a rule may be granted to show cause why an appeal should not be granted nunc. pro. tunc.

And he will ever pray.

*Adam Pevoda*

Clearfield County, SS

Adam Pevoda, being duly 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 24th  
day of June A. D.  
1912.

*Adam Pevoda*

*John H. Moore*  
*Prothy*

No. 3 Feb. Sess. 1912 (Road)	Petition of Adam Pevoda for leave to appeal nunc. pro. tunc. from assessment of damages by viewers.		Now July 1st 1912, petition presented, and rule granted to show cause why appeal should not be allowed nunc. pro. tunc. Returnable next argument Court. By the Court, <i>Wm. D. Smith</i>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <i>John Korman</i> </div>	
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KURTZ PROB. CLERK, PA.

Now Sept 11- 1912 by direction of John K. Korman,  
 Service accepted & issue of rule & personal service  
 waived  
*Geo. M. Belger*  
 atty for J. K. Korman

In Re. Petition of Adam Povoda ) In the Court of Quarter Sessions  
for leave to enter Appeal from ) of Clearfield County.  
Assessment of damages by View- ) No. 3 February Sessions, 1911.  
ers nunc pro tunc. )

OPINION.

The road in question in this case was originally granted as a public road. On review the report was against the petitioners and the road was refused as a public road. On a re-review a private road was granted instead of a public road. The view, as well as the re-review, reported damages in favor of Adam Povoda in the sum of Six Dollars, which sum was paid into Court on final confirmation, and the road is now open.

This Rule was granted on petition of Povoda, reciting the facts above stated and alleging in addition that he had no notice of the proposed re-review of said road and claims to be greatly injured, claiming damages of over One Hundred Dollars. This claim was not made nor the petition presented until July 1st, 1912, the re-review having been confirmed absolutely at May Sessions of that year. On the Rule granted to show cause why the appeal should not be allowed nunc pro tunc considerable testimony was taken on both sides, both as to the question of notice and as to the question of the amount of injury sustained. The testimony on both sides is convincing that Mr. Povoda had full knowledge and notice of the proceedings, of the time of view and of the presence of the Viewers on the ground. He acknowledges in his own testimony that when the notice was served on him he asked that his

friend Heil, who talked German, be allowed to explain it to him and that Heil did explain it to him. It seems safe, therefore, to conclude that he had notice of the re-review and is in default in not filing exceptions or taking his appeal before final confirmation.

On the question of whether he is injured the evidence would seem to be overwhelming against him. Not only do six Viewers report his damages as being only Six Dollars, but ten other reputable witnesses of that vicinity, by their depositions taken, say that he was not injured at all and that the damages allowed him was amply sufficient to cover the injury sustained. Some of them go to the extent of saying that the benefits derived by the opening of this road for access to his own property was greater than any injury sustained. However this may be, we are of opinion that there is no such case presented by the depositions as would justify the Court in allowing an appeal to be taken now.

DECREE.

Now, December 22nd, 1913, the rule granted in this case to show cause why an appeal should not be allowed nunc pro tunc is hereby discharged at the costs of the petitioner.

By the Court,

*Allison O. Smith* P. J.

No. 3 February Session, 1911.

In Re. Petition of Adam Povoda for  
leave to enter Appeal from Assess-  
ment of damages by Viewers nunc  
pro tunc.

OPINION and DECREE.



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 19

day of December, A. D. 1900, before the

Judge of said Court, upon a petition of sundry inhabitants of the township of Beccaria

....., in said county, setting forth that

*They labor under great inconvenience for want of a public road beginning at a point on the public road leading from Coalport to Patton, or or near Mathews School House, and ending at a point on Union St, in the village of Rosbud at the intersection of said Union Street and the proposed road leading from Mill St in Coalport Borough to the Tomlinson road by way of Union Street.*

and therefore praying the Court to appoint proper persons to view & ~~Lay out~~

the same according to law,

whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Reese, Wm P Harpster & Leander Hemming 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

& ~~Lay out~~ 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 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 <i>Jno L. Evans</i>	<i>the sum of ten dollars</i>	<i>( \$10.00 )</i>
To <i>Lavinia Bloom</i>	<i>the sum of thirty dollars</i>	<i>( 30.00 )</i>
To <i>Andrew Hickman</i>	<i>the sum of four dollars</i>	<i>( 4.00 )</i>
To <i>Jno. H. Gorman</i>	<i>the sum of one dollar</i>	<i>( 1.00 )</i>
To <i>R. C. Westover</i>	<i>the sum of one dollar</i>	<i>( 1.00 )</i>
To <i>J. Westover</i>	<i>the sum of one dollar</i>	<i>( 1.00 )</i>
To <i>Coalbrook Borough</i>	<i>the sum of one dollar</i>	<i>( 1.00 )</i>
To <i>Adam Perodd</i>	<i>the sum of six dollars</i>	<i>( 6.00 )</i>

*Witness our hands this 7<sup>th</sup> day of Feb. A. D. 1901.*

*A. Reese*

*H. P. Harper*

*L. R. Manning*

the ~~pro~~ ~~vision~~ ~~street~~ in the village of Rosebud intersects the public road running to Mill Street in the Borough of Coalport.

Which said road so as aforesaid laid out by us we are of opinion is necessary for a public road.

Respectfully submitted

X O. A. Reese  
W. H. [unclear] [unclear]  
[unclear] [unclear]

To the Honorable  
The Judge of the Court of Quarter Sessions  
of Clearfield County Pa.  
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 public notice 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 lay  
out the same and having also given  
due notice to the County Commissioners  
of Clearfield County and the Supervisors  
of Beccaria Township of the said time and  
place of meeting we met at a point in  
Union Street in the village of Rosebud  
at the intersection of the said Union Street  
with the public road running to Mill  
Street in Coalport Borough said point of  
meeting being in Beccaria Township,  
on Thursday the Ninth day of February  
A.D. 1911 and after having been duly  
sworn in pursuance of the within order  
we proceeded to view and lay out and do  
return for public use the following  
road to wit. Beginning at a point in  
the public road running from

[illegible][illegible]

No 3 Feb'y Sessions, 1911

ORDER

To view & lay out a  
road for Public use in the  
township of Becard,  
Clearfield County Pa

February Sessions, 1911,  
read and confirmed N. 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.

By the Court  
William J. Smith

Filed Feb'y 10 1911  
Rec'd 13th March  
Fees \$1.25 paid by Bieger

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 origi-  
nal 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 dam-  
ages, taking into consideration the advantages as well as the  
disadvantages of the road, they will report to that effect.

		AMOUNT.
<u>W. A. Reese</u>	Days 3	15.00
	Miles 7.0	7.00
		<u>22.00</u>
<u>W. P. Koepster</u>	Days 3	9.00
	Miles 2.6	2.60
		<u>11.60</u>
<u>L. Denning</u>	Days 3	9.00
	Miles 4.5	4.50
		<u>13.50</u>
	Days	
	Miles	
	Days	
	Miles	

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

The undersigned Citizens of the Township of Beccaria, in said County, respectfully represents:-

That a petition was presented to #3 February Term, 1911 for a public road in Coalport Borough, in Beccaria Township, upon which petition viewers were appointed and a report duly filed and confirmed in laying out a public road.

Your petitioners represent that almost all of said road is within the Township of Beccaria and leads from said borough through said Township a distance of eighty five hundred and forty (8540) feet. That this road runs almost parallel between two public roads, one from the end of Blain City bridge to Matthews School House and the other leading from the Lyleville bridge to the same place where all merge into the road leading to Patton.

That these two roads are about one mile apart at the bridges where they begin and the proposed new road is laid out between them. That there is one present resident on the proposed road and that there is no travel beyond the line of said road which concerns citizens of Clearfield county.

That the proposed road skirts the neighborhood of a run crossing it eleven times, which crossing must be made by culverts or bridges and nothing is indicated in the report as to the grade of said road, which has nineteen (19) courses and fifteen hundred thirty one (1531) feet and is for that portion of its distance a mere zig zag.

Your petitioners represent that this road will be expensive to build and put a wholly unnecessary burden upon a Township now having a great number of roads, and it is

useless, burdensome and unnecessary, and pray the Court  
to order a review of the said road to the end that your  
petitioners may be able to presents the facts fully before  
viewers.

And they will ever pray.

L. Z. Newling	Supervisor
J. P. O'Shell	Supervisor
William Gates	Supervisor
J. E. Matthew	former
James Thomas	Farmer
J. W. Lyle	Merchant
Frank Eckert	Farmer
J. A. Adams	.....
J. F. McFarlane	J. P.
George H. Herdman	
A. L. Key, Jr.	
D. H. Dillon	
F. M. Dunlap	Farmer
T. J. Williams	
A. L. Shoff	
J. W. Smith	
J. C. Hegarty	
A. L. Hegarty	

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned all of whom are citizens of the county of Clearfield and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, for the use of the County of Clearfield, in the sum of One hundred dollars, lawful money of the United States, to be paid to the said Commonwealth for the use aforesaid, her certain attorney or assigns, to which payment well and truly to be made, we do bind ourselves, our heirs, executors, etc., firmly by these presents. Sealed with our seals and dated this *9th* day of *March* A. D. 1911.

WHEREAS, a petition has been presented at February Sessions of the Court of Quarter Sessions of Clearfield County, praying for a review of a road for public use, running from a point near Matthews School House, in Beccaria Township to the intersection of Union Street and a proposed road in Rosebud.

NOW THEREFORE the condition of this obligation is such that if the petitioners for said review of said road shall promptly pay or cause to be paid all costs that may legally be directed to be paid by them in said proceeding, then this obligation to be void, otherwise to be and remain of full force and virtue.

Signed and Sealed and  
Delivered in the  
presence of us.

*A. L. Hegarty* (SEAL)

*J. E. Matthew* (SEAL)

*Jerome Thomas* (SEAL)

\_\_\_\_\_ (SEAL)



No.

Petition for Review  
of No 3 Dec. 28 1911  
Hudson River and Ship

Now 5th May AD 1911. The  
Petition granted and Com-  
pound and J. J. M. Henry  
of E. Kenton and District  
Attorney of present  
Hon. of Hon. L. H. Brown as  
Magistrate, to find to the Court  
at next term. Further proceeding  
in regard to the original hearing  
his proceeding. By the Court  
William O. Smith

De Witt Paulsen  
Dubois Couper Print.

Now 9th Dec AD 1911. Petition of Thomas an  
Henry enlarged and continued to next term.

By the Court  
William O. Smith  
C.

Clearfield, Pa. January 30, 1911.

To the County Commissioners,  
of Clearfield County:-

You hereby have notice that a petition has been presented and viewers appointed to view a proposed public road from a point on the public road leading from Coalport to Patton at or near Matthews School House, in the Township of Beccaria, to a point on Union Street in the Village of Rose Bud, at the intersection of said Street, with a proposed road connecting with Mill Street, in Coalport Borough; and that the said Viewers will attend to the duties of their appointment on Thursday, the 9th day of February, 1911 at 9 A.M., of said date, when they will meet at one end of said proposed road in Rosebud, at the hour named, when and where you may attend.

Sam M. Moyer  
Attorney for Petitioners.

NOW date of above, service accepted for the Commissioners.

L. C. Shuman  
Clerk.

For Deputy Clerk

10, 3 Feb 191

"<sup>Swy</sup>  
Bernard, Rachel -

TO THE HON. ADEN O. SMITH,

WE, THE UNDERSIGNED CITIZENS AND TAX PAYERS OF BECCARIA TOWNSHIP, ARE NOT IN FAVOR OF THE PROPOSED PUBLIC ROAD, LEADING FROM COALPORT BOROUGH TO MATHEWS SCHOOL HOUSE, BEING BUILT. WE DEEM IT UNNECESSARY TO BUILD AND MAINTAIN AN OTHER ROAD TO THIS POINT AS THERE ARE NOW TWO PUBLIC ROADS LEADING FROM COALPORT TO MATHEWS SCHOOL HOUSE, AND IF BUILT IT WOULD ONLY BENEFIT A SMALL PERCENTAGE OF THE CITIZENS OF THIS TOWNSHIP. WE THEREFORE PRAY YOU NOT TO GRANT THE OPENING OF THIS ROAD.

NAME	ADDRESS	OCCUPATION
J. E. Matthews	Utahville	Farmer
Joseph Edwards	Utahville	Farmer
W. B. Kuhn	Coalport	Farmer
L. C. Harky	Ida	Farmer
Arthur Mathews	Utahville	Farmer
James Thomas	Coalport	Farmer
Yaddan	Coalport	Farmer
Orsel Williams	Utahville	Farmer
O. B. Jr. Smith	Coalport	Farmer
A. P. Davis	Beccaria	Farmer
W. F. Tozer	Rosbush	
R. P. Root	Utahville	Farmer
W. E. Bulmington	Rosbush	Physician
A. J. Karkner	Rosbush	Merchant
Frank Brown	Ida	Farmer
Gregory W. K.	Utahville	Farmer
James B. B.		Farmer
John Young	Coalport	
W. F. Foster	Ida	
L. H. Brewer		
W. A. Kyle	Utahville	
W. B. B.		
James Dill		
L. J. Harding		Farmer
W. A. B. B.		
J. B. Kellie	Rosbush	Manufacturer
Thomas G. B.	Rosbush	Farmer
Webb Kumble	Rosbush	Merchant
George Berger		Mill man
Thomas B. Sigler		J. P.
W. B. B.	Rosbush	Laborer

BECCARIA TOWNSHIP. CLEARFIELD COUNTY, PA.

TO THE HON. ALLEN O. SMITH.

WE, THE UNDERSIGNED CITIZENS AND TAX PAYERS OF BECCARIA TOWNSHIP, ARE NOT IN FAVOR OF THE PROPOSED PUBLIC ROAD, LEADING FROM COALPORT BOROUGH TO MATHEWS SCHOOL HOUSE, BEING BUILT. WE DEEM IT UNNECESSARY TO BUILD AND MAINTAIN AN OTHER ROAD TO THIS POINT AS THERE ARE NOW TWO PUBLIC ROADS LEADING FROM COALPORT TO MATHEWS SCHOOL HOUSE, AND IF BUILT IT WOULD ONLY BENEFIT A SMALL PERCENTAGE OF THE CITIZENS OF THIS TOWNSHIP. WE THEREFORE PRAY YOU NOT TO GRANT THE OPENING OF THIS ROAD.

NAMES	ADDRESS	OCCUPATION
J. E. Matthew	Utahville	Farmer
Joseph Eckart	Utahville	Farmer
J. B. Kuhns	Coalport	Farmer
J. C. Henry	Utahville	Postman
Austin Halden	Utahville	Farmer
John Thoma	Coalport	Farmer
John M.	Coalport	Farmer
Jose Williams	Utahville	Farmer
B. F. Smith	Coalport	Farmer
A. P. Davis	Beccaria	Farmer
W. F. Tozer	Rosebud	Farmer
R. P. Root	Utahville	Farmer
W. A. Holmquist	Rosebud	Physician
A. J. Harber	Rosebud	Mercant
Robert Brown	Utahville	Farmer
J. Grubbs	Utahville	Farmer
Geo. Beers	"	Carpenter
John Youngman	Coalport	"
W. H. Fisher	Heil	
L. H. Beeper		
W. Kyle	Utahville	
W. A. Hill		
L. Z. Newell		Farmer
W. M. Remington		
J. B. Kuhn	Rosebud	Miner
Thos. Galt	Rosebud	Miner
Webb Kimble	Rosebud	Mercant
George Berger		Mill man
Thos. B. Lyman		
A. L. Weakland	Rosebud Pa	Laborer
C. C. Shively		

Henry Brauer	Rosebud	Meiner
Fred Tilinski	Rosebud	Meiner
Mike Chmielewski	Blantvit	"
John Pettigrew	Rosebud	Meiner
Philip Conrad	"	"
John Fedora	Rosebud	Meiner
Carl Bort	Rosebud	Meiner
Gottlieb Saty	Rosebud	Meiner
Harmon Broadbent	Rosebud	Meiner
Alfred Bort	Rosebud	Meiner
Carl Hinesing	Rosebud	Meiner
Fred Kudnik	Rosebud	Meiner
Fred Wiche	Rosebud	Meiner
Crist. Wiche	Rosebud	Farmer
Aug Dombrowski	Rosebud	Meiner
Friedrich Linka	Rosebud	Meiner
John Worgul	Rosebud	Meiner
A. Splanward	Rosebud	Labor
John Splanward	Rosebud	Labor
Clark Freeman	Rosebud	Meiner
Math Robinson	Rosebud	Meiner
Mike Garbuski	Rosebud	Meiner
William Rudnik	Rosebud	Meiner
Fred Goss Tadas	Rosebud	Meiner
Aug Wadler	Rosebud	Meiner
W. Grabowski	Rosebud	Farmer
Geo. Thompson	Rosebud	Carpenter
Henry Pearson	Coalport	Laborer
W. G. Gill	"	Meiner
John G. Gill	"	Meiner
James Gill	"	Meiner
A. L. Hegarty	Coalport	Laborer
D. H. Wilson	Utahville	"
J. O. R. ...	"	"

W. A. Evans	Rosebud	Miner
Diana Miller	Rosebud	Miner
George Sinala	Rosebud	Miner
Benjamin	Rosebud	Miner
Morris Campbell	Rosebud	Miner
Sam. Spang	Rosebud	Miner
Robert Simlar	Rosebud	Miner
Edwin Prineas	Rosebud	Miner
W. R. Thompson	Rosebud	Miner
Frederick	Rosebud	Miner
Th. Stanger	Rosebud	Miner
Ed. Stanger	Rosebud	Miner
J. Stanger	Rosebud	Miner
Mike Hadrick	Rosebud	Miner
Fred Thomas	Rosebud	Miner
J. H. Wilcox	Wahville	Farmer

Ernest Wells	Wahville	Farmer
John F. Scott	Wahville	Farmer
Esty Withrow	Wahville	Farmer
John H. Ball	Glen Hope	Farmer
Frank Mc Coy	Wahville	Farmer
J. C. McCoy	Wahville	Farmer
Ashley Weld	Wahville	Farmer
J. D. Knight	Wahville	Farmer
J. C. Dallen	Wahville	Farmer
Harry Matthews	Wahville	Farmer
Frank E. Fry	Wahville	Farmer
T. J. Williams	Wahville	Farmer
Stanley Keys	Wahville	Farmer
A. R. Beckett	Wahville	Farmer
J. E. Brady	Wahville	Farmer
J. R. Trapp	Wahville	Farmer
J. R. Ferguson	Wahville	Farmer
J. M. Garland	Wahville	Farmer
George A. Hardman	Wahville	Farmer

Debt

425-

Int 6/8/1964



No.

Sup. Pl. for Record  
Beaumont Road

Beaumont Road

# ROAD *RE* VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of ~~Beccaria~~ *Beccaria* county, Pennsylvania, to <sup>re-</sup>view

Road leading from *a point on the road leading from Coalport to Patton, near the Matthews Schoolhouse*

in *Beccaria* Township, to *a point on Union Street in the village of Rosebud, when said Street intersects the new road laid out from Mill St Coalport, to a public road by way of said Union St.*

in *Beccaria* Township, in the county aforesaid, will meet at the ~~house of~~ *Matthews Schoolhouse*, in *Beccaria* Township, on *Friday*, the *3<sup>rd</sup>* day of *November* A. D. 190<sup>0</sup>, at *1* o'clock *P* M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

*JS M. Truitt*  
*JA Kratzer*  
*David Johnston*  
VIEWERS.

*Oct 23*, 190<sup>0</sup>.

Service of within notice accepted this 24.  
day of October 1911

L. C. Morris  
Clerk

} For the  
County  
Commissioners

RE  
**ROAD VIEWERS' NOTICE**

**NOTICE IS HEREBY GIVEN** that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to <sup>Re</sup> view \_\_\_\_\_

Road leading from a point on Public road  
leading from Coalfork to Patton, near  
Matthew's School-house

in Beccaria Township to a point on Union  
Street, Rosebud at intersection of said St  
with new road from Mill St Coalfork.

in Beccaria Township, in the county aforesaid, will  
meet at the ~~house of~~ Matthews School House,  
in Beccaria Township, on Friday,  
the 3<sup>rd</sup> day of November A. D. 1911, at 1  
o'clock P M., to attend to the duty assigned them, of  
which time and place aforesaid all parties interested  
will take notice.

J S M Treney  
J E Kratzer  
David Johnston  
VIEWERS

October 23, 1911.

Service of within notice accepted this  
24<sup>th</sup> day of October 1911

John K. Gorman

John P. Gorman  
John P. Gorman

John P. Gorman

John P. Gorman

J. F. Williams Pres. Local Post Box Council

Adam Perada

Jud Westerville

} Property owners  
through whose  
lands road is  
being cut.

400  
467  
579  
1446  
446  
1996

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view <sup>22-12</sup> Public Road leading from a point on The Public road leading from Coalport to Patton at or near The Matthews School House

in Beccaria Township to end at a point on Union Street in the village of Rosebud at The intersection of said Union Street and The proposed road leading from Mill Street in Coalport Borough in Beccaria Township, in the county aforesaid, will meet at the ~~house of~~ Central Hotel in Coalport Borough Township, on Tuesday, the 23rd day of January A. D. 1912, at 9 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

Harry Byers  
H. J. Flegal  
Jacob Burge  
VIEWERS

Clearfield Pa Jan 11, 1912.

Now Jan 17 1912 we hereby  
accept service of within notice }

Supervisors  
Becaria Trop.

L3 moulting

*Ms. A.*

E. A.  
June 6/13

Now Jan 18 1912 we hereby  
accept service of within notice

Land owners

Chlorophyll content

Nov. - This 10<sup>th</sup> day of Jan'y  
Sailed the within vessel on  
Serving Broomfield a long  
Re. why in  
making her in the  
contents there.

2000

R. C. Weston

To Mr. [unclear]  
London. Wm. [unclear]

To The Honorable.

The Judge of The Court of Quarter Sessions of Clearfield County, Pa.,  
We, The undersigned, viewers appointed by The within order of Court to re-review The road therein mentioned, respectfully report, That we gave legal notice of The said road view, and met at the time and place mentioned in notices and having been sworn or affirmed we heard the testimony of Thirty-five of The citizens of Beecaria Township and Coalport Borough, who appeared at place of meeting, and we viewed The road laid out by The former viewers and The premises between the points mentioned as termini thereof. We examined also two public roads now open and in use leading from Matthews School house to points about 1000 feet from other end of road mentioned in within order, and find That when The bridge across Clearfield Creek, The contract for building which is now let, is built, and when The roads now partly opened leading to said bridge are completed, There will be two good roads between The two points named in within order of re-review; we are Therefore of opinion That there is no necessity for a public road between The points



named in within order. It is true that  
aforesaid two roads now in use have grades  
of six degrees in parts of roads and exceeding  
7 degrees in one short stretch. They can be readily  
reduced to fair grades and steps have been  
taken by Supervisors to reduce gradient of  
steepest grade. The road named in within order  
is shorter than the two roads now in use  
but is down a rugged draft in part and too  
steep to get a good grade except at heavy cost.  
The road laid out by former view in these proceed-  
ings having several stretches equalling or exceed-  
ing six degree gradient for a total length of about  
1000 feet which exceeds grade allowable for  
a public road when it is practicable at small  
expense to have a low grade road between  
points called for in within order by making  
slight changes in existing roads. However  
since there are several properties and  
one dwelling house along the line of road  
named in within order which have no out-  
let to public road except over the top of high  
ridges, and are in need of an outlet down  
the valley toward Coalport and up toward Patton  
etc. We have laid out and do return for  
private use of J.K. Gorman, R.C. Weston, J. West-  
over and Coalport Borough the following pri-

rate road, being located on former view  
to wit: Beginning at a point in the public  
road running from Coalport to Patton  
ninety feet East of Matthews School house  
Thence running N73°E 261 ft, N81°E 206 ft, N88½°E  
372 ft, S85½°E 303 ft, N60°E 442 ft, N49½°E 402  
ft N71°E 217 ft, N51°E 249 ft, N30°E 143 ft, N19°E  
253 ft, N4½°W 361 ft, N11°E 300 ft, N33°E 154 ft  
N21½°E 155 ft, N5½°W 271 ft, N9°E 170 ft, N28°E 185  
ft, N41½°E 278 ft, N36°E 309 ft, N67°E 1349 ft, N74°E  
797 ft, N71°E 336 ft, N58½°E 827 ft, N67°E 579 ft,  
N75°E 467 ft, N81½°E 400 ft, N28°E 82 ft to the  
point where Union Street in the village of  
Rosebud intersects the public road running  
to Mill Street in the Borough of Coalport.  
A plot or draft of the road aforesaid is heren-  
to annexed, which road as aforesaid laid  
out in our opinion is necessary for the  
private use of the parties aforesaid, dam-  
age assessed by former viewers to be paid  
by said, John H. Gorman, R.C. Westover, J Westover  
and Coalport Borough.

In witness whereof we have hereto set  
our hands this Third day of February AD 1912.

Harry Byers  
H. J. J. Legal  
Jacob Burge

Now May Sessions 1912, it is further hereby ordered and decreed that the several parties interested in said private road as herein reported by the Viewers shall pay the costs of this proceeding, as also the assessment of damages to property owners through which the said road passes, which damages shall be fully paid before the said road shall be opened. All costs of view and review heretofore made to be paid by the County of Clearfield, if such payment has not already been made.

By the Court  
 Allison C. Smith Jf

No. 3 Feb Sessions, 1912

**ORDER**

To view a  
 road for public use in the  
 township of Buccaria,  
 Clearfield County Pa.

February Sessions, 1912,  
 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. By the Court.  
Allison C. Smith Jf

**FILED**  
 FEB 5 1912  
 JOHN H. MOORE,  
 CLERK.

*May 25 1912 confirmed above.*  
*By the Court.*  
*Allison C. Smith Jf*  
 Filed 190  
 Fees \$1.25 paid by Bilger

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.

		AMOUNT.
<u>Harry Byers</u>	Days <u>5</u>	
	Miles <u>40</u>	
<u>Jacob Burge</u>	Days <u>4</u>	
	Miles <u>40</u>	
<u>H. J. Fliegel</u>	Days <u>4</u>	
	Miles <u>40</u>	
<u>Philip D. Datta</u>	Days <u>2</u>	
	Miles <u>300</u>	
<u>John Land</u>	Days <u>2</u>	
	Miles <u>300</u>	
<u>Chairman</u>		

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 30  
day of December, A. D. 1901, before the  
Judge of said Court, upon a petition of sundry  
inhabitants of the township of Beccaria*

*....., in said county, setting forth that  
That they labor under great inconvenience for want of a public road  
beginning at a point on the public road leading from Coalport to Patt-  
on at or near the Matthews School House and ending at a point on  
Union Street in the village of Rosebud, at the inter section of said  
Union Street and the proposed road leading from Mill Street in  
Coalport Borough to the township road, by way of Union Street*

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. 190.....*

.....  
*Seal*

.....  
*Seal*

.....  
*Seal*

.....  
*Seal*

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view <sup>re-re</sup> public Road leading from a point on the public road leading from Coalport to Patton at or near The Matthews School house

in Becaria Township to end at a point on Union Street in The Village of Rosebud at the intersection of said Union Street ~~at the intersection~~ and the proposed road leading from Mill Street in Coalport Borough in Becaria Township, in the county aforesaid, will meet at the ~~house of~~ Central Hotel, in Coalport Borough Township, on Tuesday, the 23rd day of January A. D. 1912, at 9 o'clock A M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

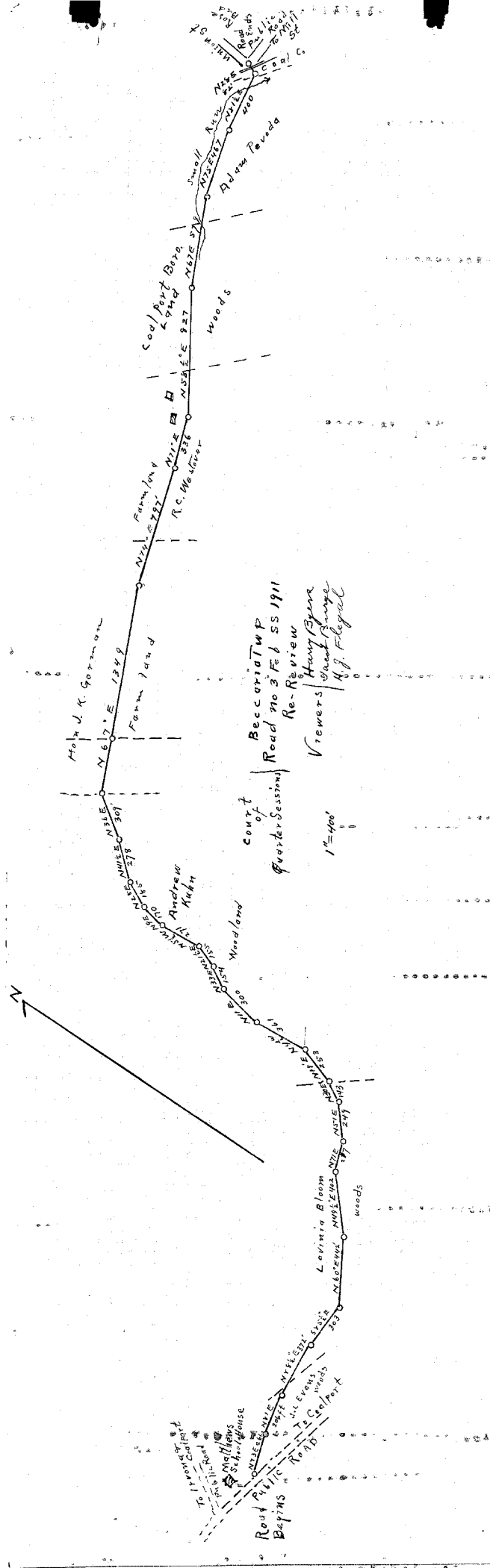
Harry Byers  
H. J. Flegal  
Jacob Burge  
VIEWERS

Clearfield Pa. Jan. 11, 1912.

Service Receipts  
This 13th Jan 1912,

L. C. Morris, Clerk

for Co. Commr.





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

In re-public road

in

Beccaria Township

To the Supervisors of said Township:-

You and each of you hereby have notice that a petition will be presented to the court of quarter session of Clearfield County, on Monday, the 28th day of December, 1910, for the appointment of viewers, to lay out a public road in said Township, leading from a point at or near Matthews School House in said Township, to the Intersection of Union Street, in the Village of Rosebud, and a proposed road to proposed bridge, connecting with Mill Street in Coalport Borough, and that said petition will be presented at ten A.M. on said date when and where you may attend if you so desire.

*Wm. M. Beigan*  
Attorney for petitioners.

November 22<sup>nd</sup> 1910. Served the  
with my notice on L. J. Neolins  
and J. Porter O'Sullivan leaving them  
and attested copy at their residence  
with all adult members of their  
family As Atty

Sworn and subscribed  
to before me this 23<sup>rd</sup>  
day of December A.D. 1910

*J. H. Spauld.*  
J.P.

*R. C. Westover*



Received of

Charlesfield, Pa June 7 1912

John H Moore

Four \$100

Dollars

Sum as follows Phil 100 R G Watson 100 J Watson 100

Cash paid 100

\$400

John H. O. Sinner

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

In re-Public Road :  
in : No. \_\_\_\_\_ February Sessions, 1911.  
Beccaria Township. :

To the Honorable Allison O. Smith, President Judge of the said Court:-

The Petition of the undersigned citizens of the Township of Beccaria, and the Borough of Coalport, in said County, respectfully represents:

That they labor under great inconvenience for want of a public road, beginning at a point on the public road leading from Coalport to Patton, at or near Mathews School-house, and ending at a point on Union Street in the Village of Rosebud at the intersection of said Union Street and the proposed road leading from Mill Street in Coalport Borough to the Township road by way of Union Street.

They would therefore pray the Court to appoint proper viewers to view the premises and make report according to law

And they will ever pray, etc.

NAME	ADDRESS.
R. C. Westover,	Coalport, Pa.
Howard Keith	Coalport
William Harris	Coalport
J. H. Lamborn	Coalport - Pa
Jos McHenry	"
John McHenry	"
Jim B. Bloom	"
R. C. Bloom	"
Mrs L. M. Bloom	"

In The Court of Quarter Sessions of Clearfield Cpunty, Pa.

In re-Public Road

in

Beccaria Township.

No. \_\_\_\_\_ February Sessions, 1911.

To the Honorable Allison O. Smith, President Judge of the said Court:-

The Petition of the undersigned citizens of the Township of Beccaria, and the Borough of Coalport, in said County, respectfully represents:

That they labor under great inconvenience for want of a public road, beginning at a point on the public road leading from Coalport to Patton, at or near Mathews School-house, and ending at a point on Union Street in the Village of Rosebud at the intersection of said Union Street and the proposed road leading from Mill Street in Coalport Borough to the Township road by way of Union Street.

They would therefore pray the Court to appoint proper viewers to view the premises and make report according to law

And they will ever pray, etc.

NAME

ADDRESS.

R. C. Westover, Coalport, Pa.

Howard Keith Coalport Pa

William Harris Coalport

J. H. Lamborn

Jas M. Kelly

Coalport Pa

John Anthony

John B. Bloom

R. C. Bloom

Mrs L. M. Bloom

" " "  
" " "  
" " "

E. H. Gordon Coalport

J. V. Myers "

~~A. J. Myers~~ "

Wm. C. Stright

J. F. Williams

Louis Yarnall

R. L. McTavish

P. P. Young

Harry Harling

G. B. Gheen

E. W. Kline

James McGary

S. R. Williams

Geo. P. Lauer

W. M. Abraham

D. F. Edelblute

P. J. White

E. L. Feigh

W. F. Wagner

E. C. Westover

W. D. Keith

R. H. Stevens

V. Stevens

A. Brumise

E. C. Westover

J W Miles Utahville Pa R 11

William Roll Coalport

Abe Hale

J. A. Lill

H S Emerson

P. H. Beers Utahville

L R Beers

Dan Oshell Coalport

Hussa Gill Coalport

Judson Heston Coalport

Silas Heston Coalport

J W Gales Coalport

L S Gallahan Coalport

J E Winter Rosebud

Wm. Spangle Rosebud

John Cavaner Utahville

D. M. Spangle Rosebud

David Myer Rosebud

Brinsby Stigers Rosebud

John Smith

Wm. R. Thompson, Rosebud

P. H. Conrad

Thos Smith Coalport

S J Swanger Coalport Pa

A J. Mclutt

Rev W. D. Lord Coalport Pa

L. W. Gyle "

B. F. Byers

Rev. J. B. Bishop, Rosebud Pa  
Wm Lyde Coalport Pa

H. S. Miller

R. R. Rile

A. F. Snyder

Wm Anthony

Geo D. Biers

Coalport Pa

B. C. Schaffer

George Gyle

W. S. Brady

Rosebud Pa

H. M. Bragg

J. C. Tachelries

James W. Spangle

Court of Quarter Sess.  
of Clearfield Co.

No. 3 Feb'y. Sess. 1911.

In re-Public road

in

Boccaria Township

Petition for Public Road

in Boccaria Township.

at Dec 17<sup>th</sup> 1910  
2002 13, Humphrey  
-dick

Yours also becomes 1910  
the within petition pre-  
sented and therefor

Henry Mace James P

Stephen and Leander Hummer

are appointed viewers to  
view the premises and  
report according to law  
made to be filed in our  
of our H. Mace docket  
to secure costs

By the Court  
William H. Mace J.

15 2104 Atty  
Bulgar



In re petition for  
appeal by Adam  
Pevoda  
Versus  
In re Private Road

No.....

## Bill of Costs

At.....Term, 190....

CLEARFIELD COUNTY, SS:

Personally appeared before me..... *Geo R. Roman*....., who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me this

6 day of Jan A. D. 1901  
John H. Moore Prothonotary

No. 103 File Term 1901

James Pelletier  
Adam Nevada

for  
VERSUS  
appeal, nunc pro  
nunc

Frank D. Brown Bill of Costs

For.....Term 190

Date.....190

Amount - - - \$ 24.28

FILED  
JAN 6 - 1914  
JOHN H. MCCORMACK  
CLERK

B. B. B.

ed Viewe

Clearfield county, Pennsylvania, to view

Road leading from a point in the public road  
running from Coalbrook to Patton or  
near Matthews School house

in Beechville Township, to a point within  
the

Now Jan. 31" 1910 at road the witness notes  
one L. Q. Shell by giving a bird and a letter  
copy and making Brown to him the con-  
cepts thereof and by leaving a copy at  
the residence of L. Q. Harding with  
an adult member of his family

- upon and subscribed to it } R. L. Weston  
before }  
Jan. 31" 1910

# ROAD VIEWERS' NOTICE



NOTICE IS HEREBY GIVEN that the undersign-

\_\_\_\_\_s, appointed by the Court of Quarter Sessions of

\_\_\_\_\_ *Doel*

Service Accepted on  
this Notice

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Superior  
Beccaria Corp.

# 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 *a point in the public road running from Coalbrook to Patton Ak* or *New Matthew's School house*.

in *Beccaria* Township, to a point on Union  
at *Union Mills* N E

Jan. 30<sup>th</sup> 1911  
Service accept  
County Commission



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

In re Public road

No 3 Feb Sessions 1911

In

Beccaria Township

To the Honorable Allison O. Smith

President Judge of the said Court:-

The petition of the undersigned citizens of Beccaria Township and Coalport Borough respectfully represents:-

That a petition was presented to your Honorable Court to above number and term praying for a road for public use beginning at a point in the Village of Rosebud, at the intersection of Union Street and the road to the proposed bridge over Clearfield Creek and extending to the Patton Road at or near Mathews School House; That a report in favor of the laying out of said road was filed by the viewers appointed for the purpose of viewing the same and the said report was confirmed Nisi. Whereupon a re-view was asked for and the re-viewers filed their report on the 8th day of Nov 1911 reporting against said road and that its purpose was already supplied by two other roads when, in fact, the said re-viewers never examined the other roads and did not go over the route of this proposed road, but condemned it on account of grade, when the grade is far lower than that of the other two roads intended to be supplanted in use by this proposed road.

Your petitioners thinking that a great injustice has been done the public by this last report, and believing that this road should be opened for public use, pray the Court to appoint re-reviewers to examine the said route and make a further report and they will ever pray &c.

R. C. Weston	C. J. Shanks
J. M. Spangle	W. P. Menaul
J. R. Winter	Miss Anthony
E. J. Conrad	John Greinader
A. Krus	S. M. Spangle
F. J. Ford	N. W. Holman
D. F. Edelblute	Loyd M. Maul
Sebastian A. Rouse	Wm. F. Woodruff Sr.
C. S. Brady	M. M. Cartney
John Crowell	J. C. Myers
H. S. Miller	W. H. Griffith & S. B.
	J. W. Lamy

John Crook	Harry Karcher
Geo Crook	J A Evans
George Freeman	J Gallah
F. B. Fortin	Lamence Trowell
Adam Pelt	John Gaulton
David Myers	E W Gordon
Sam Spangle	J. F. Williams
Robert Oshell	G. H. Rickinger
J. H. Magrath	P. P. Young
Wm Sinclair	Geo. T. Rees
A. H. Hobbs	S. H. Spangle
P. L. Sater	B. C. Staffer
Harry Hartman	James Clarkson
A. Byers	E. L. Feigh
Geo. Astor	Geo. C. Branton
W. M. Harris	R. L. Spangle
Jackson Westover	Le B. Bottom
Edward Keith	E. L. Hopper
John McCreary	H. F. Wagner
W. Stevens	H. F. Wagner
Joseph Fister	W. M. Wright
Frank Corbett	J. L. Mulholland
P. C. Siler	G. B. G. G.
J. C. Rupp	John T. Forman

Know all men by these presents, that we, the undersigned Citizens of Coalport and Beccaria Township, in said County of Clearfield, Pennsylvania, are held and formly bound unto the Commonwealth of Pennsylvania for the use of the County of Clearfield, in the sum of One hundred dollars, to be paid to the said Commonwealth, for the use aforesaid, its certain attorney or assigns, To which payment well and truly to be made we do bind ourselves, our and each of our heirs, executors &c jointly and severally, formly by these presents.

Sealed with our seals and dated the \_\_\_\_\_ day of Dec. A.D. 1911.

Whereas a petition has been presented for a re-re-view on a proposed road in Beccaria Township to No 3 Feb Sessions 1911

Now the conditions of this obligation is such that if the said petitioners shall pay or cause to be paid, all cosrs that may be charged against rhem by the Court by reason of said re-re-view, then this obligation to be void, otherwise to be and remain of full force and virtue.

J. M. Hangle Seal

R. C. Chestner Seal.

Paul K. Gorman

\_\_\_\_\_  
Seal

\_\_\_\_\_  
Seal.

112 120 View

Mr. S. July 2nd, 1911

Public Road in Beaver  
Creek Township

Now are 30. 1911. The  
presented at and are  
ordered, thereupon  
being signed, N.D.  
Legal and passed  
George are approved  
persons, it was said  
persons and ordered  
in case to and they  
By the Court  
Alverson C. Smith  
CJ.

GEO. M. BILGER  
ATTORNEY AT LAW  
CLEVELAND, PA.

120 120 1911

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

In Re- ) No. 3 February Sessions 1912.  
Road in Beccaria Township.)

Deposition of witnesses produced, sworn and examined before me, this 10th day of October 1912, at the office of Bell & Hartswick, on the part of Adam Pevoda, petitioner, by virtue of the attached rule issued on the 3rd of October 1912.

Appearances; Bell & Hartswick appear for Adam Pevoda, petitioner, and George M. Bilger, Esquire, appears for John K. Gorman, Esquire.

Adam Pevoda being called, produced and sworn, testifies as follows;

It is admitted by attorneys of record that the title to the land through which said road passes is in Adam Pevoda by deed from H. A. Wagner, dated 5th of May 1908, recorded at Clearfield, Pa., in Deed Book 187, page 29.

Q. Where do you live?

A. Rosebud.

Q. In Clearfield County?

A. Yes.

Q. Where were you born and when?

A. In Germany 23rd May 1877.

Q. When did you come to this country?

A. 1902.

Q. How long have you lived in Clearfield County?

A. All the time.

Q. When did you purchase this tract of land in Beccaria Township containing 18 acres.

A. in 1908

Q. Since the purchase of this land what have you been doing with it?

A. Clearing and farming it.

Q. Have you been raising crops on the land?

A. Yes-sir.

Q. For about how many years have you been raising crops?

A. Since the first year I bought.

Q. Is the land in a fair state of cultivation?

A. Yes.

Q. Did you ever receive any notice of a view for a road to pass through this land.

A. Not to me.

Q. Did Mr. <sup>Urstern</sup> ~~Weaver~~ bring you a notice.

A. Yes.

Q. What did he say?

A. He came at 2 o'clock in the afternoon and wanted to me sign my name and I told him that I did not understand the word that he reads to me and I told him "if I go to you in my language and ask you to sign ~~xxxx~~ you would say "no" and he said "yes" he would. And I asked him to come to Mr. Heil's and let him explain it.

Q. When was that?

A. I don't know for sure what day.

Q. What did he do?

A. He came at about 7 o'clock in the evening and we went to Mr. Heil and Mr. Heil explained that and I said "no I don't want road at all down there", and he went away.

Q. Did he give you any paper?

A. No.

Q. Did you ever sign your name to any notice.

A. Yes, I sign that one paper for the two supervisors, Mr. Neveling and Mr. Gates.

Paper shown witness, being return of viewers to review of this road, being the road viewers notice signed by

J. S. McCreery et al., dated October 3rd, 1911 and marked Exhibit "A".

Q. Did you ever sign an acceptance of notice dated 24 Oct. 1911?

A. No.

Q. Is that your signature?

A. That is my name.

Q. Is that the way you write your name in English?

A. Yes.

Q. Did you write that?

A. No.

Q. Who wrote that?

A. I don't know.

Q. Did you attend a meeting of the viewers?

A. No.

Q. Were you present on the 23rd of January 1912 when the viewers went over this land?

A. No.

Q. Were you notified of this view?

A. No.

Q. How much land have you?

A. 18 acres 6 perches.

Q. Is it all level?

A. No it is not.

Q. What part is level?

A. That part is level where Mr. Gorman took the road.

Q. How much is level.

A. About one acre.

Q. What is the character of the rest of your land, is it hilly?

A. It slopes up the hill and then level again.

Q. Was there a spring of water on your land?

A. Yes.

Q. Where is that spring?

A. On the other side from where Mr. Gorman took the road.

Q. Do you mean a spring or a run.

A. It is a run, I use it for the cows to go down in the summer time, so now I have to work as the water is turned the other way.

Q. How wide is this road that is laid out?

A. 33 feet.

Q. How long is it?

A. 525 feet.

Q. How much ground is there of yours below the road.

A. About one and one-half acre.

Q. Can you get to that  $1\frac{1}{2}$  acre from the other land.

A. No, it is split.

Q. Did this road go through the best part of your land.

A. Yes.

Q. Are there any buildings on this land.

A. No.

Q. Where would be the proper place to put a building on this land?

A. Down on the level place.

Q. Would the road interfere with the location of a building on this land?

A. It would.

Q. Were you ever told as to the amount of damages awarded to you for this land by the other viewers.

A. No.

Q. How many views were there on this road.

A. I don't know.

Q. When did you learn that a private road had been given to  
Gorman  
Mr. ~~Ches~~/to come through your land.

A. The first notice I had was when Mr. Gorman crossed the fence instead of going through the bars.

Q. What did you do then?

A. I go to the Squire.

Q. And then what did you do?

A. He tells me I will have to put a notice on.



Q. Did you put a notice on.

A. Yes.

Q. What happened then?

A. I put the notice on at half past six and at maybe seven o'clock the notice was taken down.

Q. As soon as you found this out, then what did you do?

A. I came to Clearfield.

Gross examination by Mr. Bilger.

Q. Did Mr. Neveling, the supervisor, ever give you any notice of any view.

A. No/

Q. Did Mr. Neveling and Mr. Gates, the supervisors of the Township, ever serve any paper on you about this view.

A. Yes, they were in my place and he wanted me to sign my name.

Q. What was the paper?

A. The paper was against the township road.

Q. Did Mr. Neveling take you down to Mrs. Heil's to explain a paper.

A. Yes.

Q. What paper was that.

A. That was the same paper he wanted me to sign against the township road.

Q. Did you sign the protest against the township road.

A. Yes.

Q. Paper shown witness, marked exhibit "B"

Q. That is the paper that he had down at Mrs. Heil's.

A. I guess so, I don't know for sure..

Q. Did he have any notice there which Mrs. Heil explained to you telling you of this view that was going to be had through your land?

A. No.

Q. Mrs. Heil explained all papers that he showed there.

A. Yes Mrs. Heil explained that the paper was against the township road.

Q. Is that the paper, the one you signed.

A. Yes, that is..

Q. Were you on the ground at any time when the viewers were there laying out any road.

A. No.

Re-direct by Mr. Hartswick:

Q. What is this land worth in your opinion that this road is one.

A. It is worth two hundred and fifty dollars.

Q. You mean the land that the road is on and the  $1\frac{1}{2}$  acre that is cut off.

A. Yes.

Re-cross examination by Mr. Bilger.

Q. Do you use this road that goes up through there.

A. I use part of the road, and Mr. Gorman says that he doesn't give a damn what I use.

Mike Rodnick, being called, produced and sworn, testified as follows;

Q. Where do you live?

A. Rosebud.

Q. How long have you lived there?

A. About 16 years.

Q. Do you know this land of Adam Pevoda's.

A. Yes.

Q. Have you been on that land.

A. Yes.

Q. Do you know where this private road is located.

A. Yes.

Q. What part of the Pevoda land does this road go over.

A. Level.

Q. Has Pevoda been farming this land.

A. It was not farmed yet; he might farm it.

Q. Do you own any land near his.

A. Yes, not very far, 30 acres.

Q. What is that land of Adam Pevoda worth where the road is?

A. About \$250.

Q. Is there a part of the land cut off by this road.

A. Yes.

Q. How big a piece

A. I did not measure, over an acre, maybe an acre and a half.

Q. Is that the best of Pevoda's land.

A. That is the piece where he would naturally locate a building or buildings.

Q. Does this road cut off the water.

A. Yes.

Cross examination by Mr. Bilger.

Q. Is there any spring of water in that hollow.

A. I don't know whether there is a spring there or not but there is a run.

Q. Isn't the run still there.

A. Yes.

Q. How often does it go through under the road.

A. Once.

Q. Where, on the land?

A. Not in the matter, just where the roads start in.

Q. How far from the upper end of the land does the run come until it passes under the road.

A. Twenty ~~years~~ <sup>yards</sup>, maybe more.

Fred Linka, being called, sworn and examined;

Q. Where do you live?

A. Rosebud.

Q. How old are you

A. 46 years old.

Q. How long have you lived there?

A. Over ten years.

Q. Do you know Adam Pevoda.

A. Yes.

Q. Do you know his land.

A. Yes-sir.

Q. Have you ever worked for Adam Pevoda on this land?

A. Yes, I pulled stump for him and plowed.

Q. Do you know where this private road is located?

A. Yes.

Q. Have you measured it?

A. Yes.

Q. How wide is it at the top of this land

A. 33 feet 4 inches.

Q. How wide at the bottom?

A. 32 feet 4 inches.

Q. Where the road enters this land how far is it from the corner of his land to the side of the road.

A. Maybe 6 inches.

Q. What part of his land does this road run through?

A. Nice level land.

Q. How much land is cut off on the lower side.

A. I think about  $1\frac{1}{2}$  acre.

Q. How long is the road.

A. About 525 feet.

Q. Could Pevoda use this  $1\frac{1}{2}$  acre.

A. It is no use.

Q. Where would be the best place for Pevoda to locate buildings on the place.

A. Where the road is.

Q. Does the road take the best part of Pevod's land for building purposes.

A. Yes at the lower end.

Q. What in your opinion is the land worth that was taken by the road?

A. I would not sell it at all. I would not take \$150 if I owned it.

Q. Has Pevoda farmed the land.

A. Yes.

Q. Do you know that Pevoda has sold his property in Rosebud?

A. Yes, his house, and told me he was going to build on this land next spring.

Q. That was before Gorman built his road.

A. Yes.

Q. What is the character of the rest of the land of Pevoda.

A. Right from the road it is a steep hill and then level again.

Q. Does this road cut off the run of water from Pevoda's cattle?

A. Yes.

Q. Is that run sufficient for use all the year.

A. Yes, in the dry summer there was always some water there.

Q. Can Pevoda use the road now.

A? No.

Q. Is Pevoda's land taken by the road in your opinion worth more than \$6.

A. Such damages are foolish, like a school boy.

Q. How much land is taken by the road.

A. I don't know for sure, pretty near an acre.

Q. You know this land.

A. I do.

Q. How many times did you work on it.

A. May be four or five times.

Q. Where do you work.

A. I work in Pine Run mine.

Q. Does Pevoda work with you.

A. Yes for over two years.

Q. Has he been working steady all the time.

A. Yes.

I, L. W. Edwards, Notary Public, do certify that the foregoing is a true and correct transcript of testimony taken before me by virtue of the attached rule on the 10th day of October 1912.

Witness my hand and Notarial seal.

*L. W. Edwards*  
Notary Public

# Rule to Take Depositions.

Clearfield County, ss:

In re

VERSUS

Road in *Beauregard*

*Quarter Sessions*  
In The Court of ~~Common Pleas~~ of  
Clearfield County Penn'a.

*Road*  
No. *3 Feby 12* Term, 191*2*

AND NOW, to wit, the *3rd* day of *October* in the year  
of our Lord one thousand nine hundred and *twelve*  
the *Petitioner* enter a Rule to  
take the Depositions of ancient, infirm and going wit-  
nesses, to be read in evidence on the

*argument* of this case. Ex parte  
rule of *Petitioner* on *five*  
days notice.

*John A. Morris*  
Prothonotary.

To *Geo M. Dieger* Esq.:

*Atty for Road*

You will please take notice, that in pursuance of the foregoing Rule depositions will  
be taken before *W. Edwards Esq. N.P.*, or some other person authorized to admin-  
ister an oath or affirmation in Pennsylvania, in and for the county of *Clearfield*  
at the office of *Will Hartsman* in the *borough*  
of *Clearfield*, in the county of *Clearfield*  
and State of Pennsylvania, on the *10th* day of *October* A. D. 191*2*  
between the hours of *11* o'clock *A*. M. and *5* o'clock *P*. M., when and where you  
may attend and cross-examine.

Clearfield, Pa.,

*Oct 3*

, 191*2*

*Will Hartsman*

*Atty for Petitioner*

*Service of Rule accepted and personal  
service waived. Geo M. Dieger  
Oct 3/1912*

Book  
No. 3 July 28<sup>th</sup>, 1911

Are  
Road in  
Recess in Jk

Rule to Take Depositions.

\*  
Appointments of  
Adams Nevada. Potloman