

Road

Beecher Township

In the Court of Quarter Sessions Of Clearfield County Penna

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 saw 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 / 1912 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.

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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 them 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 was 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,

T V Byers Preduced 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 had 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 dont know of any spring there. I dont think the road changed the course of the run.

W.P. McNaull 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 Beccaria 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 desireable 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 proceeding s 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 by 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 tipple, 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 desireable 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: Mr. 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 & Havlasek, *Atty for Relators*

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 15th 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 presence of us,

John R. Gorman (seals)
R. C. Shastacker (seal)

Tom Blawie (SEAL)

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

June 19, 1910
written and approved
By the Compt
of Mine & Smith C. P.

Bulwer

Measurements taken from points on the Lyleville Road to opposite points on the proposed parallelled 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-Witnessed

the 31- Decr. 1900

George Thomas

J. F. Johnson

In re Public road

No 3 Feb Term 1911

in

Baccaria Township

Whereas the petition for a re-re-review 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 appoint-
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. C. Morris

Clerk for County Commissioners

Beechwood Township
Supervisors
by Clerk accepted

Bill Hulme

Commissioners' Office 2654

\$ 117⁰⁰

Clearfield, Pa., June 7th 1912

Received of

John S. Moore

the sum of One Hundred Seventeen -

₁₀₀ DOLLARS

and no cents

J. S. Moore

Chas

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 9th day of October, A. D. 1901, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Buccaria, 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 Tattow, 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} 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 ^{re}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.C. Kratzer and David Johnson who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to ^{re}view the grounds proposed for said road, and if they ^{re}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 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 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 Clearfield County, Pa.

We the undersigned persons appointed by your
Honorable Court to review Road laid out in
Beccaria Township under Order # 3 Feby, 1911.
Not as per notices legally posted and served,
and having been offered 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^o grade, in places over 6^{1/2}. 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. Tracy
J. E. Kratzig } Viewers
David Johnston }

Be Wien

No. 37 Flying Sessions, 1901

ORDER

To view a road for public use in the township of Beccaria, Clearfield County

A2c Sessions, 1907,
read and confirmed N. Si.
~~Raised to be opened 33 feet~~
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide. 33 the long

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

Oct. 9, 1911 Service of notice accepted for
Sporus of Beccaria Township. *P.M. 11/1/11*

Wittgenstein

Atty for Plaintiff, Super.

NOTE:—In case of a private road, the referee must be executing the will of the petitioner for said road.

Also—Viewers must carefully note the number of days employees 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.

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 a-
warded 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 par-
agraph of the petition are not denied excepting as to the abili-
ty 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 ordi-
nary conversation.

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

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

Fifth:- The allegations contained in the fifth par-
agraph of the petition are denied. Due and legal notice was giv-
en 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 mat-
ter with various persons who endeavored to have him agree that the
road go through. No knowledge is had of whether he signed any ac-
ceptance of service or not.

Sixth:- The allegations contained in the sixth para-
graph of petition are denied in so far as he alleges lack of no-
tice. The notice was given in the usual legal way and served per-
sonally 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
Procty

In re petition of

ADAM 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 N. S. I., at said December Sessions.

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.

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.

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.

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.

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.

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
Prothon*

Y

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 12 1912, petition
on presented, and rule granted
to show cause why appeal should
not be allowed nunc. pro. tunc.
Returnable next argument Court.
By the Court,

John K. Norman
John K. Norman
J. K. Norman

Now Sep 11 1912 by direction of John K. Norman,
service accepted & issue of rule & personal service
waived

John M. Belger
Atts for J.K. Norman

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.

IN C. 2 February Session, 19--.

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 Paxton, at or near Mathews Shoe House, and ending at a point on Union St, in the village of Roseland at the intersection of said Union Street and the proposed road leading from Hill St, in Coalport Bounding to the Town line 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 Derning 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.

Roel 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.

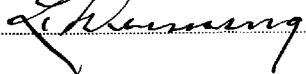
The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To	John L. Evans	the sum of ten dollars -	(\$10.00)
	Laurina Bloom	the sum of thirty dollars -	(\$30.00)
To	Andrew Kuhn	the sum of four dollars -	(\$4.00)
To	Geo. H. Gorman	the sum of one dollar -	(\$1.00)
To	P. C. Westover	the sum of one dollar -	(\$1.00)
To	J. Westover	the sum of one dollar -	(\$1.00)
To	Coalport Borough	the sum of one dollar -	(\$1.00)
	Adam Periodo	the sum of six dollars -	(\$6.00)

Witness our hands this 7th day of Feb. A. D. 1901.

A. Reese

H. P. Marster

J. H. Manning

the point in Union Street in the
Village of Rosebud intersects the pub-
lic 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. A. Reese
H. A. Cooper (Severn
L. H. Herring

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 them 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

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 charged 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 3 Debtors Sessions, 1900
ORDER
To view & lay out a road for public use in the township of Pleasant, Clearfield County

Felina 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 County of Jefferson
Wilson Smith*

AMOUNT.	Days	3	15.00
Wa. Recs.	Miles	7.0	20.0
W. P. Dauphin	Miles	3	9.00
L. Dauphin	Miles	2.6	7.60
Days	3	15.00	15.00
Miles	4.5	13.50	13.50
Days
Miles

*Filed Feb 13 1901
Fees \$1.25 paid by B. J. Green*

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 sil 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 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. Marling Supervisor

J. P. O'Shell Supervisor

William Gates Supervisor

J. C. Mathews former

George Thomas Farmer

J. W. Lyle Merchant

Frank Edwards Farmer

J. A. Adams " "

J. F. McFarlane J. P.

George A. Erdman

O. L. Key Soldier

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 Beccarie 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. Negley (SEAL)

J. E. Matthew (SEAL)

Jerome Thomas (SEAL)

(SEAL)

10.

Petition for Review
of No 3 Feb. 15 1911
Roadside Beacons by

Now 5th May 1911, the
petition presented and com-
mended by J. J. McNeely
of Coopersburg and District
of Philadelphia for the said
One of the said 22-wrecks as
described, brought to the Court
at High Stn. further proceeding
in original record being had in
the proceeding. As the said
William D. Wright

DuBois Courier Print.

Accurately

Now 9th Oct 1911, Board of Review an
enbly enlarged and continued to next term.

By the Court
Allison D. Smith
(S)

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 [REDACTED] 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.

John M. Bales
Attorney for Petitioners.

NOW date of above, service accepted for the Commissioners.

J. D. Chapman
Clerk.
John M. Bales

10, 3, February 1911

"Baccharis ^{Entyp} Rosell" -

BECCARIA TOWNSHIP CLEARFIELD COUNTY PA

TO THE HON. ALLEN O. SMITH

WE THE UNDERSIGNED CITIZENS AND TAX PAYERS OF BECCARTIA 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 ANOTHER 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.

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. Mathew	Utahville	Farmer
Joseph Eckart	Utahville	farmer
J. P. Kubis	Coalport	Farmer
C. Henry	Utahville	Postman
John H. Wagner	Utahville	Farmer
James Thome	Coalport	Farmer
Jack M.	Coalport	Farmer
Joseph Williams	Utahville	farmer
B. H. Smith	Coalport	Farmer
C. P. Davis	Beccaria	Farmer
W. A. Tozer	Rosebud	
R. P. Root	Utahville	Farmer
W. G. Palmer	Rosebud	Physician
A. J. Harbor	Rosebud	Merchant
John Brown	Utahville	farmer
J. Gibbons	Utahville	farmer
J. L. Beer	"	Carpenter
John Thompson	Coalport	
W. G. Palmer	Utahville	
L. H. Beer	Utahville	
W. G. Kyle	Utahville	
W. G. Smith	Utahville	
L. Z. Newell	Utahville	Farmer
W. M. Remminger	Rosebud	Brassfounder
J. B. Kitter	Rosebud	
James Galloway	Rosebud	Farmer
Webb Kimble	Rosebud	Merchant
George Burger	"	mill man
John G. Galloway	"	"
A. G. Weakland	Rosebud Pa	Labors
K. D. Shively	"	

Henry Bawen	Rosebud	Miner
Frank Filimski	Rosebud	Miner
Mike Chmielewski	Blanty	11
John Rettke	Blacktail	Miner
Philip Lourad	" "	"
John Tadlow	Rosebud	Miner
Carl Barti	Rosebud	Miner
Gottlieb Tally	Rosebud	Miner
Harmon Troutman	Rosebud	Miner
Albert Brooks	Rosebud	Miner
Carl Chwesky	Rosebud	Miner
Fred Kowalik	Rosebud	Miner
Fred Tadlow	Rosebud	Miner
Ernst Wiche	Rosebud	Farmer
Aug Dombrowski	Rosebud	Miner
Edward Panka	Rosebud	Miner
John Wogul	Rosebud	Miner
R. S. Gajewski	Rosebud	Miner
John Gajewski	Rosebud	Miner
Clark Freeman	Rosebud	Miner
Matt Robinson	Rosebud	Miner
Mike Gajewski	Rosebud	Miner
William Rudnick	Rosebud	Miner
Fred Gottle Tadlow	Rosebud	Miner
Aug. W. Gajewski	Rosebud	Miner
W. Gajewski	Rosebud	Farmer
Max Thompson	Rosebud	Carpenter
Memory of Eastern Coalport	" "	Miner
W. H. Gill	" "	Miner
J. H. Gill	" "	Teamster
James Gill	" "	Miner
A. L. Hegarty	Coalport	Miner
D. H. Gill	Utahville	Miner
J. E. R. Gill	" "	"

James Gillen	Utahville	Farmer
John L. Ford	Utahville	Farmer
Perry Mathewson		
John D. Ball	Glen Hope	
Frank M. Collett	Utahville	Farmer
J. B. McLean		
Ashley Weld		farmer
J. S. Young		
C. Dallas		
Harry Mathewson	Utahville	Jr.
Frank C. May		
J. J. Williams		
Stanley Keys		
A. B. Goodell		
J. B. Brady		
J. R. Trappell		
J. P. Tregoning		
J. F. M. Gardner		
George A. Herdmann		
		J. P.
		Farmer

Debt 425-

Int 6/8/1904

No.

Sup. Off. for Record
Bureau of Record

Department

ROAD RE VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of

[REDACTED] ^{Re}earfield county, Pennsylvania, to view

Road leading from a point on the road leading from Coalfork to Patton, near the Matthews School house

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 Coalfork, 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 3rd day of November A. D. 190¹¹, 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.

John McTigue
John Kratzel
David Johnston

VIEWERS.

(Oct 23, 190¹¹.)

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

H. Dennis
Dress

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 view _____

Road leading from a point on Public road
leading from Coalport 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 Coalport.

in Beccaria Township, in the county aforesaid, will
meet at the house of Matthews School House,
in Beccaria Township, on Friday,
the 3rd 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.

John McTee
DE Kratz
David Johnson

VIEWERS

October 23, 1911.

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

John K. Roman

8923 B 10000
11000 18

John. Ch. Et. 11. 28
In the middle

J F Williams ProCoalport Boro Council
Ed R

Adam Peroda

Jack Westfall

Property owned
through whose
lands road is
laid out,

400
425
450
475
500

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view re-re Public Road leading from a point on the Public road leading from Coalport to Patton at or near The Mathews 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 Trap.

L. G. Breeding

H. J. C.

Ex A
June 6/13

Now Jan 18 1912 we hereby
accept service of within notice

Land owners

City of St. Louis

200

St. Louis

Dec 12. 1912

Now this 18th day of Jan 1912
I served the within notice on
Levius Beccaria a/k/a
Reed Kelly in the
manner required by the
Court of this State.

R. C. Stevenson

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, respect-
fully 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 Beccaria 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 ne-
cessity 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 proceedings having several stretches exceeding 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 outlet 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. Westover J. Westover 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 Fenton
ninety feet East of Mathew's School house
Thence running $N73^{\circ}E$ 261 ft, $N81^{\circ}E$ 206 ft, $N88\frac{1}{2}^{\circ}E$
372 ft, $N85\frac{1}{2}^{\circ}E$ 303 ft, $N60^{\circ}E$ 442 ft, $N49\frac{1}{2}^{\circ}E$ 402
ft $N71^{\circ}E$ 217 ft, $N51^{\circ}E$ 249 ft, $N30^{\circ}E$ 143 ft, $N19^{\circ}E$
253 ft, $N4\frac{1}{2}^{\circ}W$ 361 ft, $N11^{\circ}E$ 300 ft, $N33^{\circ}E$ 154 ft
 $N21\frac{1}{2}^{\circ}E$ 155 ft, $N5\frac{1}{2}^{\circ}W$ 271 ft, $N9^{\circ}E$ 170 ft, $N28^{\circ}E$ 185
ft, $N41\frac{1}{2}^{\circ}E$ 278 ft, $N36^{\circ}E$ 309 ft, $N67^{\circ}E$ 1349 ft, $N74^{\circ}E$
797 ft, $N71^{\circ}E$ 336 ft, $N52\frac{1}{2}^{\circ}E$ 827 ft, $N67^{\circ}E$ 579 ft,
 $N75^{\circ}E$ 467 ft, $N81\frac{1}{2}^{\circ}E$ 400 ft, $N28^{\circ}E$ 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 hereto
annexed, which road so 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 K. Brown, R.C. Westover, J. Westover
and Coalport Borough.

In witness whereof we have hereunto set
our hands this third day of February A.D. 1912.

Harry Byers
H. J. Flegal
Jacob Burge

N O T E—In case of a private road, the release must be executed in favor of the petitioner for said road.
Also.—Viewers will carefully note the number of days employed, and set the amount out at the foot of their return.
Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	AMOUNT.
Harry Byers	Days 5 Miles 40
Jack Bringe	Days 4 Miles 40
W. F. Egeland	Days 4 Miles 40
Philip Otto	Days 2 Miles 3.00
John Lord	Days 2 Miles 3.00

No. 3 May Sessions, 1902.
ORDER

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

January Sessions, 1902, read and confirmed N. S. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide by the Court of the County of Clearfield.

FILED
FEB 5 1912
JOHN H. MOORE,
CLERK.
Matters 1912 confirmed above.
Entered By the Court
Allison Smith 1902
Filed
Fees \$1.25 paid by Belgis

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 A. Smith Bf

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 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 off a public road beginning at a point on the public road leading from Coalport to Patterson 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, ^{re-re} to view public Road leading from a point on the public road leading from Coalport to Patton at or near The Mathews School house

in Buccaria Township to end at a point on Union Street in the Village of Rosebud at the intersection of said Union Street and ~~the~~ and the proposed road leading from Mill Street in Coalport Borough

in Buccaria 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.

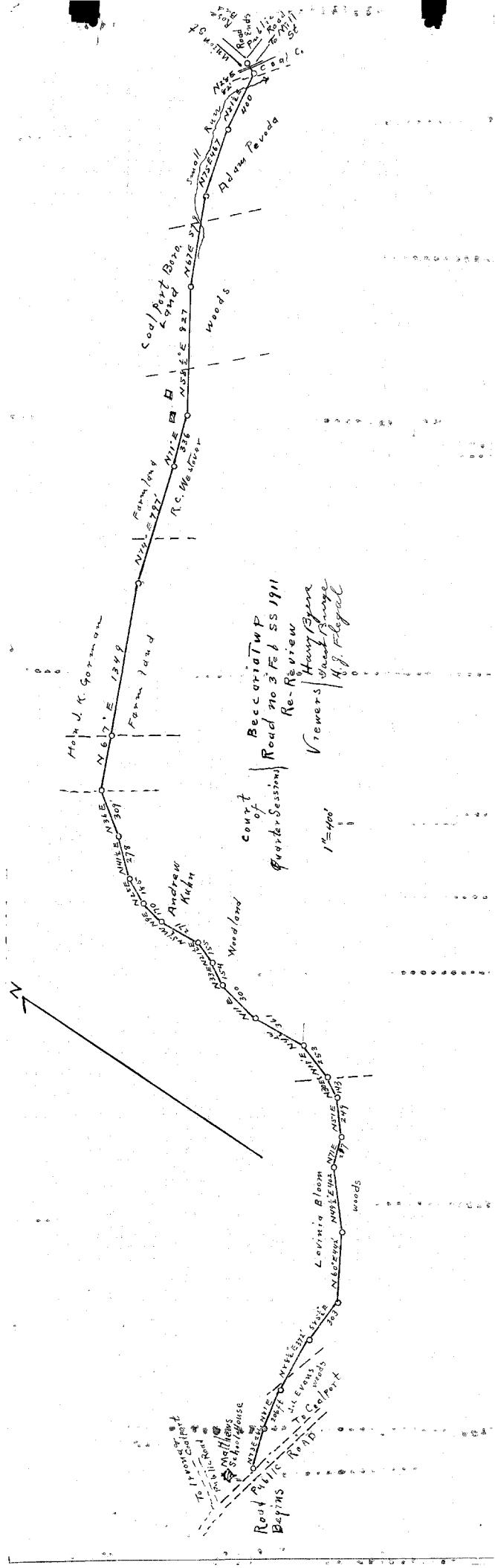
Harry Bunge
H. J. Flegel
Jacob Bunge

VIEWERS

Clearfield Pa. Jan. 11, 1912.

Service accepted
This 13th Jan 1912
F. C. Morris, Clerk

for Co Conv.



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

In re-public road

in

Beccaria Township

To the Supervisor of said Township:-

You and each of you hereby have no-
tice that a petition will be presented to the court of quarter
session of Clearfield County, on Monday, the 23rd day of De-
cember, 1910, for the appointment of viewers, to lay out a pub-
lic road in said Township, leading from a point at or near "At-
tucks School House" in said Township, to the intersection of
Union Street, in the Village of Rocaud, 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.

Mr. W. Beligan
Attorney for petitioners.

~~November 21st 1910~~ Served the
writings notice on L. J. Neolinc
and J. O'Conor O'Sullivan leaving the
and attested copy at their residence
with acc^odated for members of their
family As the

Sworn and subscribed
to before me this 23rd day of December A.D. 1910
J. P. Spangle, J.P.

R. G. Westover

Charfield, Pa June 7 1912

Received of

John H. Moore Esq.

From ~~100~~

Dollars

Change as follows John H. Moore $\frac{1}{2}$ 00 R. G. Weston $\frac{1}{2}$ 00 J. Weston $\frac{1}{2}$ 00

Colliers Bars $\frac{1}{2}$ 00

$\frac{1}{2}$ 00

John H. G. Moore

On Ac
Dated.

King Son, Williams & Son, Accountant.

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. G. Westover, Howard Keltin	Coalport, Pa. Coalport
William Horne J. H. Fairborn Jno McHugh	Coalport Coalport Pa
John Anthony	" " "
Mr B. Bloom	" " "
R. C. Bloom	" " "
Mrs L. M. Bloom	" " "

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NAME	ADDRESS.
R. G. Westover, Howard Keith	Coalport, Pa. Coalport Pa
William Harris J. H. Fairborn Joe Mc Null	Coalport Coalport Pa
John Anthony	" " "
Ann B. Bloom	" " "
R. C. Bloom	" " "
Mrs. L. M. Bloom	" " "

E. H. Gordon Coalport
J. C. Myers
J. C. Myers

Wm Estright
J. F. Williams

Louis Young
R. L. McTavish

P. P. Young

Harry Hardiss

G. B. Green

EW Cline

James McGarry
J. R. Williams

Geo P. Lauer

W. D. Sherman

D. F. Edelblute

P. J. White

E. L. Feigh

W. J. Wagner

EW Cline

P. J. Peilke

P. J. Stevens

V. Stevens

A. Brumle

F. C. Westover

J W Miles 2nd mile east of W

William Woll coal port

Abe Hale

J. A. Gill

H S Emmons

P. H. Beers Utahville

L R. Beers "

Dan O shell Coal port

Hausea Hill Coalport

Judson McStover Coal port

Sfad McStover Coalport

J W Gates Coalport

Ed Gallaher Coalport

J G Linter Rosebud

Wm. Spangler Rosebud

John G Cawner Utahville

D. M. Spangler Rosebud

David Meyer Rosebud

Bumsby Stigas Rosebud

John Knatz

Wm. R. Thompson, Rosebud

P. H. Conrad

Thos Smith Coalport

S. J. Swanger Coalport Pa
G. J. Mellott
Rev. D. D. Lord Coalport Pa
L. W. Gyle "
B. F. Byers
Rev. J. C. Bishop, Raselnd Pa
Wm. Brady Coalport Pa
H. S. Miller
R. Miller
A. F. Snyder "
Wm. Anthony
Geo. J. Beers Coalport Pa
B. C. Shaffer "
George Gyle "
D. S. Brady Raselnd Pa
H. H. Bratt "
J. & T. Acklesies
James M. Spangle

Court of Quarter Sess.
of Clearfield Co.

No. 3 Feb'y. Sess. 1911.

In re-Public road

Boccaria Township

Petition for Public Road

In Boccaria Township.

Dec 17th 1910

Dec 13, 1910

John H. Sessums 1910
the acting Justice Pres-
sented and witnessed

Harry West John P.

Appleton & Sander Sessums

are appointed trustees to
run the business and
refuse according to law
and to be filed in office
of Court House to close
to receive costs

By the County

of Clearfield Co.

John H. Sessums

IN THE COURT OF Quarter Session OF CLEARFIELD COUNTY,

In re petition for
appeal by Adoor
Perooda ^{versus} _____
In re Puthoor Road

Of Ad 3 Feb Term, 1901

No.....

.....Bill of Costs

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

			Dollars	Cents
L. J. Nevling	1	Days in attendance.....	4	74
R. E. Nevling	1	Days in attendance.....	1	56
Dr. W. H. Craft	1	Days in attendance.....	1	56
Jordan Wentworth	1	Days in attendance.....	1	56
Elijah Conrad	1	Days in attendance.....	1	56
J. C. Gates	1	Days in attendance.....	1	56
Lee Peacock	1	Days in attendance.....	1	56
J. V. Byers	1	Days in attendance.....	1	56
W. P. H. Ward	1	Days in attendance.....	1	56
Jas. W. Spangle	1	Days in attendance.....	1	56
		Days in attendance.....		
Jas. K. Gorman 10 Service of subpoena		Days in attendance.....		
		Days in attendance.....	500	80
		Days in attendance.....		
		Days in attendance.....		
		Days in attendance.....		
		Days in attendance.....		
		Days in attendance.....		
		Days in attendance.....		
		Days in attendance.....		
		Days in attendance.....		
		Days in attendance.....		
		Serving subpoenas.....	Witness	
		Miles distance.....		
Whole amount of bill.....				

CLEARFIELD COUNTY, SS:

Personally appeared before me..... *Geo. R. Domam*....., 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.

Scorn to and subscribed before me this

6 day of Jan, A. D. 190 John D. Gorman
John D. Moore, Prothonotary

No. 370 filed Jan 1901

In re petition of
Edmund L. Ladd

for

Appeal, name pro
curi

versus

Frank C. Cramer Bill of Costs

For Term 190

Date 190

Amount - - - \$24.28

FILED
JAN 6 1914
JOHN H. MCCORMAC
Clerk

Dugan

ed Viewe

Clearfield county, Pennsylvania, to view

Road leading from a branch in the public road

Leesburg to Coal Creek to pattern or

New Matthew School house

in Beccaria Township, to a point division

Dear Sam. 31 " 1910 I recd the without notice
one T. C. D. Hell by giving a brief and allusive
copy and making his known to him the con-
tacts thereof and by loaning a copy at
the request of T. C. Hell and with
and added success of his family
became and submitted to you
before his "blm" was . . . P. L. Weston

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned,
s, appointed by the Court of Quarter Sessions of
the County of *Wexford*,

Agreement Accepted on
This Notice

Supervision
Baccalaureate

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 fork in the public road
running from Baldford to Patton at
or Near Matthews School house

in Beccaria Township, to a brick or wood
house in the town of Patton

Jan. 30th 1911
Service accepted
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. Ni si. 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. G. Shanks.
J. M. Spangle	W. P. Merrell
J. R. Ginter	Miles Anthony
E. Conrad	John Greinader
R. Kruse	S. M. Spangle
J. G. Ford	W. W. Holman
D. S. Edelblute	J. G. Mann
Sebastian A. Rome	Wm. Wardell Jr.
M. S. Brady	M. McCarthey
John C. Crowell	J. C. Rogers
H. S. Miller	W. H. Hough Jr. & Co.
	J. W. Loring

John Brook	Harry Karcher
Geo. Brook	J. A. Evans
	J. G. Gallaher
Jonas Freeman	Lawrence Troxell
F. B. Fortin	John Gallouay
Adam Holt	E. H. Gordon
David Myers	J. F. Williams
Tom Opedale	J. H. Hickinger
Robert Oshill	P. P. Young
J. H. O'Grail	Geo. S. Bees
John Sinclair	B. H. Spangle
A. A. Tolson	B. C. Shaffer
P. L. Sates	James Leckarson
Harry Hartman	E. L. Feigh
A. Byrs	Geo. Bradford
John Westover	R. L. Spangle
W. M. Harris	John B. Ellsworth
Jackson Westover	E. H. Hopper
Howard Keith	N. J. Wagner
Johnine Crosson	W. H. Wagner
W. Stevens	John McCardle
Joseph Fister	J. J. Mulvihill
Frank Bassett	G. B. Gahan
P. R. Sibley	John G. Gorman
J. C. Rupp	

Know all men by these presents, that we, the undersigned
Citizens of Coalprt 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 at-
torney 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 Ses-
sions 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 them by the Court by reason
of said re-re-review, then this obligation to be void, other-
wise to be and remain of full force and virtue.

J. W. Shangle Seal

R. C. Westover Seal.

Frank K. Johnson

Seal

Seal.

1122000

Mr. S. Gandy, M.D. 1911

Pastor's Board in Bremen
Dir. Trusteeship

Dear Dr. G. W. Johnson,
I wanted to add and con-
 sidered, therefore,
 Henry Conrad, H. C.
 Conrad and F. C.
 Conrad are appointed
 to receive said
 premiums and expense
 in same to and along
 the Pacific.

John M. W. Morris
Albion, N.Y.

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

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. *Ustom* Did Mr. ~~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 ~~xxx~~ 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.

Q1 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. ~~Giffes~~ to come through your land.

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

Cross 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. Is'nt 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 yards, 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 Pevoda'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 Quarter Sessions
VERSUS
Road in Beaufort } In The Court of Common Pleas of
Road Clearfield County Penn'a.
No. 3 Feby 3d Term, 1912

AND NOW, to wit, the 3d 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 H. Moss
Prothonotary.

To George Biegger Esq.:

Atty for Road

You will please take notice, that in pursuance of the foregoing Rule depositions will
be taken before Dr. 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 Pell Hartman in the borough
of Clearfield, in the county of Clearfield
and State of Pennsylvania, on the 10th day of October A. D. 1912
between the hours of 11 o'clock A. M. and 5 o'clock P. M., when and where you
may attend and cross-examine.

Pell Hartman

Clearfield, Pa., Oct 3, 1912

Atty for Petitioner

Service of Rule accepted and personal
service waived. Mr. Biegger
Oct 3, 1912 and J. R. Hamm

road
No. 3 May 20th, 1911

In re
Road in
Reserva Th

Rule to Take Depositions.

Deposition of Petitioners
Adams & Sons.