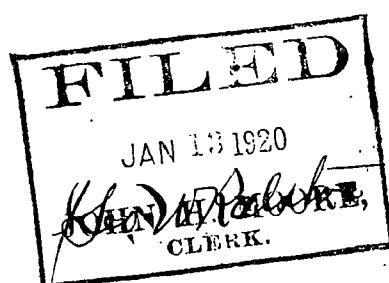


No. 3 September Sessions, 1919.

In Re. Application of Amos H.
Westover for private road.

OPINION.



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

In Re. Application of Amos H.) No. 3 September Sessions, 1919.
Westover for Private Road.)

Amos H. Westover presented his petition to this Court on July 3rd, 1919, whereupon Viewers were appointed and proceeded to lay out a private road across certain lands of David Lloyd, who, on October 19th, 1919, filed six exceptions, which may be classified as follows: That the petition and report do not sufficiently designate the termini of the proposed road.

The petition asks for a road "from his coal mine, in Chest Township, to ~~the~~ corner of said Rodkey and the line of Westover Borough and Chest Township." It seems to us that the corner of Rodkey on the line between the Borough and Township is a positive designation of one terminus and the existing coal mine is a fixed monument, and that this exception cannot be sustained. The Report lays out the road "beginning in the Township road leading from Westover to Ansonville at a point near the residence of S. J. Rodkey, in Chest Township, to the tipple of the coal bank of Amos H. Westover". It does not appear from the Report that the terminus first referred to corresponds with the terminus stated in the petition. This point may or may not be the corner of Rodkey on the line of Westover Borough and Chest Township, and the Court has no evidence bearing upon this subject. This lies at the foundation of this proceeding and must be rendered certain.

Now, January 13th, 1920, this ^{Report} is referred back to the Viewers, with direction to specify definitely, by their Report or supplement thereto, the location so that it may be ascertained thereby whether or not it corresponds with the terminus stated in the petition. The exceptions now filed to stand as exceptions to the amended Report to be hereafter returned, with right to file

such additional or further exceptions as may be desired by any party in interest. Exception noted and bill sealed to the Petitioner and to Exceptant.

By the Court,

Singleton Bell

P. J.

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