

No.

6, May Term, 1884

Review Vacate
and Supply Public
Road ~~versus~~ in

Chest Twp

Contents:

Not confirmed

see # 6 Dec. 1884

th's not confirmed either

X

And now May 11th 1885 James H. Kelley attorney for citizens and taxpayers of Chest Township files exceptions to the report and proceedings in this case and moves the Court to quash the proceedings for the following reason

- 1 Because this road is intended to vacate and supply another road, which has been located but not opened, and the petition on which this view was granted was not signed by one half of the signers of the petition for the former road

No. 6 ~~Public Road~~ Term 1884

Public Road in
Chest Township

Exceptions to
Report

Filed 11 May 1885

Heller

CLEARFIELD COUNTY, SS:✱

At a Court of Quarter Sessions of the Peace of the county of Clearfield, held at Clearfield, in and for said county, on the 26th day of May, A. D. 1887, before Judges of said Court, upon a petition of sundry inhabitants of the township of Chest, in

said county, setting forth that a petition was presented to Court at Daily ss last praying the Court to appoint proper persons to review Vacate & supply a road leading from New Washington Roro. in said County to five points in Chest Twp, said Co, which was accordingly done and said Viewers did review Vacate & supply the return said road for Public use that the said road not yet having been opened and it appearing to your petitioners to be useless & if opened would become burdensome

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, ~~Thos H Moore Thos Hashburn & Thos Strong~~ whereupon the Court, upon due consideration had of the premises, do order and appoint Thos H Moore Thos Hashburn & Thos Strong who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity; are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do 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 lands 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 the 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 lands 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.

James Kerr
CLERK.

RELEASE OF DAMAGES.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes, for and in consideration of the sum of ONE DOLLAR to us respectively paid by the at and before the enseatling and delivery hereof, have remised, released and forever quit-claimed and do hereby remise, lease 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 14th day of Dec
A. D. 188 4

J. J. Smee [L. S.]

Samuel Strong [L. S.]

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 James Curry the sum of One Hundred Dollars

To the sum of

To the sum of

Witness our hands this 14th day of Dec A. D. 188 4

Chas. Brown

J. Strong

E. Hildbrand

NOTE.—In case of a Private Road, the expense must be
 expended 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 the assessment made by the
 township, but they may object 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.

Will Murren	Days 6	Amount
cut 7 day 1884	Miles 30	\$ 26.00
Geo Strong	Days 4	
	Miles 12	9.20
Ed Willstrand	Days 2	
#8 cut	Miles 48	4.40
Ed Lowry	Days 1	
	Miles -	1.50
James Ruffan	Days 3	
	Miles 2	4.50
Strong Lowry	1-Day	1.50
28 July 1885	Clerk directed	
Not locally more than 4		
days for viewers and so placed		
order be made		
by the Court		

and road 23rd May 1885. Captain
 head & deposition or road 15
 be taken that the Court may
 with understand the necessity for
 Street & change of road 1/2 by the Court

No 6 May Session, 1884

ORDER
 Vacate Supply
 To view and Lay out a Road

For Public use in the township
 of Cheek Cleverfield county

23rd September 1884. (And as large)
 and several adjoining the Court
 of the Court

Ed Willstrand is
 the of the Court
 23rd Sept 1884

15th Oct 1884 (And as large)
 with the Court pay the Court
 of the Court

28 July 1885. Report of viewers
 of the field and Confirmation
 of the Court is not true with
 out of damage be made
 the Court

Filed 188
 Fees \$ 1.00 paid by Henry
 A. J. M. Libb
 the Court

To the Honorable Judges of the Court of Quarter Sessions of Clearfield county

We the undersigned Viewers appointed by the foregoing Order of Court to Review Vacate and supply the void therein mentioned Do Report that first having given due notice of the time and place of meeting by Pointed advertisements put up according to law and having given notice to owners and occupants of land through which said road was intended to pass of the same we all met and being duly Affirmed have viewed laid out and do return for public use the following Road - to wit Commencing at a white oak on land of James Curry and designated on the annexed diagram by the letter C. Thence through land of James Curry North twenty seven & one half degrees East Sixty one perches to a Pine. Thence North nine degrees west. Eleven & one half Perches to a Sugar^{sap}. Thence North twenty three & three fourths degrees West Fourteen & four tenths perches to a Beech. Thence North Eight & one half degrees west. twenty one & four tenths perches to a Hemlock. Thence North twenty seven & one half degrees West twenty five perches to a Hemlock Thence North thirty seven degrees West. (at three perches cross line of Jas Curry & Mrs John Smeed) at Sixty eight perches to a Post. Thence through land of Mrs John Smeed and John Smeed. North seventy four degrees West. Eight & seven tenths perches to a Beech - Thence South eighty-two degrees west Ten perches to a Hemlock

Thence South. Seventy two degrees west Forty perches to a Post.
Thence North Eighty eight ~~and~~ half degrees west Forty
perches to a post. near barn of John Smeed. Thence North
Eighty one half degrees west. fourteen perches to a Pine.
Thence North fifty six degrees west seventeen perches to a
Small Black Oak.. Thence North sixty five degrees west
thirty two perches to a Chest Sapling.. Thence North Eighty
four west fourteen one half Perches to a Post.. Thence
South Seventy one west. Thirteen perches to a Pine. Thence
South fifty four west. Seven one half perches to a Post.
Thence. South seventeen west Eight one half Perches to
a Chestnut.. Thence South twenty eight one half west
five Perches to a R O. Sapling. Thence. South thirty nine
west. ten perches to a Hickory Sapling. Thence South forty
three degrees west. Twenty perches to a Post (at 12 perches
cross the line of Chest and Burnside Townships) Thence through
land of Armstrong Curry. South eighty nine one half
degrees west. Seventy three perches to a Post. at intersection
with Public road. near A. Currys. Barn indicated
on Diagram by the letter (A). We also Report for va-
cation all that portion of the old road leading from
New Washington to five points indicated on the accom-
panying diagram by broken red lines. from letter A
to B. being a distance of about 380 Rods - as the
heavy grade on said Vacated portion are of such
a character as to render it almost useless for
travel. whereas on the new route herein reported
grades are easy. Nowhere exceeding Five degrees
or $8\frac{1}{4}$ feet per hundred

And we further report that: the road returned
in pursuance of a former order of Court: issued
on petition of the Inhabitants of Chest & Burnside
townships at January Term. 1884. be and the same
is hereby vacated, as it utterly fails, in the benefit
sought by the petitioners, and which if confirmed
the old road which it was intended to supply could
not be vacated, as by so doing several inhabitants
of said townships would be deprived of any outlet
all of which we respectfully submit &c.

A Draft of which we herewith annex

In testimony whereof we have here-
unto set our hands this 16th day of Dec^r
AD 1884

Theo. W. Moore

{ a) Strong
E. Hildebrand
Viewers

