

No. 13, *Sept* Term, 1884

*Review of Road
in Sandy Turf*

versus

Contents:

To the Honorable the Judges of the Court
of Quarter Sessions of Clearfield County.

The petition of the undersigned, inhabitants
of the Township of Sandy, respectfully sheweth:

That a road hath lately been laid out by
order of Court, from the Turnpike at or near
Miles Detwiler's, to the Troutville road near
Simon Hand's, which road will be very
injurious to some of your petitioners, especially
as no damage was assessed by the former
viewers. Your petitioners therefore pray
your Honors to appoint proper persons
to review the said road, and parts adjacent
and make report to the Court according to
Law; and they will ever pray.

Further showing that the signers of this pe-
tition are a majority of the signers of the
original petition.

Signed

Simon Hand
John Hoover
Daniel Heig,
W. H. Heberling
Governor H. H. H.
S. R. Lough
S. W. Heberling
Henry Heberling
John Tom Heberling

Signed

Isaac B. Kneiss
John J. J. J.
John L. L. L.
R. E. Gilman
J. Heberling
J. C. Kiel

No 13 Sept. 88. 1888

Public road in Aug
Town-acting one)
since Pitts near Chapman
celebrates for the
road to connect with
New-Linn road
here

Application to incorporate

Dec 14 April 1883
Dexter

Geo

Aug

with the powers granted in the petition & order to succeed as they had no power to rate said road

- 3d That said ~~reviewers~~ report that said road is necessary to accommodate some of the citizens and that they have no way to get out but they find certain facts that they have no authority to remedy but assume the authority to deprive said citizens of a public road
- 4th That the reviewers did not take into consideration the advantages and disadvantages of said road through whose property it passed as they could but considered merely the price asked by the people.
- 5th That said petition was filed at Sept 28 1884 but not report was made until Feb 28 1885 - one term of court thereby intervening and said petition was not taken up & ~~dec.~~ as appears from record therefore should be stricken off as well as per other matters appearing of record

W. C. Pugh
att'y for J. R. Shaffer

In the matter of the
road from turnpike
near Miller's claim
from to Public road
leading to Whites Mill
near Union Mills farm

No 13 Sept. Term 1884

Now April 14/1885 John R.
Shaffer by his attorney hereby files
exceptions to the confirmation of said
report for the following reasons
to wit:

1 That the petition set forth that the road was
injurious to some of the petitioners especially as no
damages had been assessed by the proper
viewers and asked to have proper persons to review
the road and the reviewers were appointed as
asked for but the reviewers had no power
to ~~relocate~~ said road under the petition
on which they were appointed but were
merely to assess damages

2 That said road has been laid out
and report of viewers was confirmed
prior to the filing of the aforementioned
petition and an opening order was
issued and a part of the road was
opened before the petition to review was
granted, Therefore the report of the
reviewers is not in accordance

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
8th day of *Sept*, A. D. 1884

before Judges of said Court, upon a petition of sundry inhab-
itants of the township of *Sandy*, in

said county, setting forth that a road hath
lately been laid out from the Turnpike at
or near miles De Larmer to the Troutville
road near Simon Hands which road
will be very injurious to some of your petitioners
especially as no damages was assessed by
the former Viewers

and therefore praying the Court to appoint proper persons to ^{review} ~~view~~ and lay out the same
according to law, *And make report to the Court*
whereupon the Court, upon due consideration had of the premises, do order and appoint
Daniel Ream Frederick Kohler & Paul Goodlander
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 ^{review} ~~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 ensembling 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 _____ day of _____

A. D. 188

J. R. Shaffer IL. S. I.
IL. S. I.
IL. S. I.
IL. S. I.

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. 188

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

We the undersigned reviewers appointed by the annexed
order of Court to review the road therein mentioned
respectfully report —

That having given due and public notice of the
time and place of said review by printed handbills as
required by the act of Assembly, we met at the
time and place appointed, and after being duly
sworn or affirmed according to law, and all the
reviewers being present, we went upon the ground
proposed for said review and having reviewed the same
we report, that on account of extravagant and useless
cutting up of private lands and the following down an
enormous gulch or hollow about 40 or fifty rods of a
grade of from six to nine degrees and then up a
steep hill on private lands of Messrs. of about the
same grade and the enormous expense for opening said
road and the amount of damages asked by landowners
and not having the power to vacate and supply we upon
due consideration as aforesaid report No Road

We would also further state that in our opinion John R.
Shaffer and Dunlap are entitled to a road from
their farms to the Eric Lumpkin's and that if we
would have had the power we could have given them
a road on other grounds with very little or no damage
to private property. Respectfully Submitted

David Reams }
Fried. Kohlent } Reviewers
Daniel Woodland }

NOTICE.—In case of a highway, should the referee must be
 excepted 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.
 If the road is not as 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.

David Pearce { Days 2 50 } Amount
 Miles 5 50 } 8.50

J. K. Kellum { Days 1 200 }
 Miles 5 50 } 2.50

D. Goodfellow { Days 1 200 }
 Miles 5 50 } 2.50

Days
 Miles

Days
 Miles

Exceptions to Confirmation Filed 14 April 1885

No. 13 Order Session, 1884

ORDER

To view and lay out a Road
 Public
 For use in the township
 of Sandy Clerfield county.

28 Highway Confirmed
 W. C. Nichols Court

29 May 1885 ordered
 a argument
 R. M. Court
 D. L. Ketch
 of

Filed 188

Fees \$ Paid by at & fees

note