

No. 13, Sixth Term, 1884

Review of Road
in Sandy Twp

versus

Contents:

To the Honourable the Judges of the Court
of Quarter Sessions of Berks 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 Delaneys, to the Frontville road near
Simon Stand, 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 Honour 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 peti-
tion are a majority of the signers of the
original petition.

Signed

Simon Stand

John Brauer

Daniel Heige

W. H. Kiehl

Jameson McElli

S. R. Slocum

S. M. Heberling

Henry Heberling

John Heberling

Signed

Isaac R. Kneff

John Kiehl

John Lankard

R. E. Gilligan

J. Heberling

J. C. Kiehl

Mon Sept 23, 1912

Reithiere für Reiter
of Morocco and Senegal
Ruf.

8th Sept 1884. Cotton and
such constituents, and
David's Review
Speed R. Hunter
David's Postmaster
are apportioned to review and
read & make report at present
Sessions next. (By the County
of L. W. H.)

Wm. 8th Sept^{er} 1884
D. W. New
C. E.

1959. 11. 25. 111
Morning 8:00 AM
Cloudy & overcast
Wind SW 10-15
Dust blowing
Clouds moving
Cloudy & overcast

2018.8.5
Mr. Paul Miller
George C. Miller

1871. H.
same
day
of
July
1871
from
the
same
place
as
before
-

2nd

Nov 13 Sept. 28, 1888

Public road in Sny
Mtn - leading over
Eric Lake near Laramie
cliffs near fan to
road to canyon where
men live. Heard
here


reject the argument

Steel 14 open 1883

Rocky Mtn

Br

Post

with the powers granted in the petition & order to swear 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 assure the authority to defend 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 no report was made until Feb 22 1885 - one term of court thereby intervening and said petition was not returned at all as appears from record therefore should be stricken off as well as for other matters appearing on record

W. C. Rutt
atty for J. R. Shaffer

In the matter of the
road now turnpike }
near mills reliance } No 13 Sept. Term 1884
from to Public road
leading to Birtles Mill }
near Union Mills farm

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 view
the road and the viewers were appointed as
asked for but the viewers had no power
to ~~vacate~~ 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 apering order was
issued and a part of the road was
opened before the petition to review was
granted, Therefore the report of the
viewers 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 inhabitants of the township of Dandy, in said county, setting forth that a road hath lately been laid out from the Turnpike at or near miles De Lamer to the Troutville road near Simon Hanks 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 ~~do~~ ^{review} 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 David Ream Frederick Kohler ^{and} Daniel 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 ^{review} 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 sealing 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. B. Shaffer L.S.
L.S.
L.S.
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 _____ 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

It is 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. Do. 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 Erie Turnpike 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

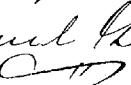


Reviewers

Fred. Kohlert



Daniel Goodlander



NOTE.—In case of a private road, the trustees must be
exempted in favor of the proprietor of said road.
Also—Viewers will carefully note the number of hours
employed and set the amount out at the cost of their return.
Viewers cannot interfere with damages assessed by
the original viewers, except so far as the location may be
changed by the new viewers.
X. B.—If the viewers believe the parties are not entitled
to damages, failing to consider the actual damages
which may be, the trustees of the road, they will report to
that effect.

<i>Hand. Review</i>	{ Days 2 \$ 2.00	Amount
	{ Miles 5 .50	8.50
<i>A. Kohler</i>	{ Days 1 2.00	"
	{ Miles 5 .50	2.50
<i>A. Goedelam</i>	{ Days 1 2.00	"
	{ Miles 5 .50	2.50

Exceptions to confirmation filed 14 April 1885

No. 13 *Sept. Sessions, 1884*

① ORDER
To view and lay out a road
For ~~public~~
For ~~public~~ use in the township
of Sandy Clearfield county.

28 Relators—Conformed
to the *Si* *Reps* *Comt*

29 May 1885 ordered
to argument
B. M. Comt
D. L. Kuehle

Filed , 188

Fees \$ ~~10~~ paid by ~~as~~ *levee*

Order