

No. 10, Sept Term, 1885

Vine & Vacate
Public Road

versus in
Burnside Twp.

Contents:

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 1st day of Oct —, A. D. 1885,

before Judges of said Court, upon a petition of sundry inhabitants of the township of Chest & Burnside, in said county, setting forth that at the Sept. Term

of Court 1880, a road leading from Chest Creek in Chest Twp. beginning on land of Wm. Westover, to Grant Ind. Co., was confirmed to be absolute on Nov. 3, 1881, that said road was opened in part and so much of it as seemed necessary for the public use, that about One Hundred & thirty rods, running through lands of Mrs. A. Sylvis was never opened & from Petitioners, that so much of said road as before mentioned may be vacated & annulled, the same if now opened would be a useless expenditure of the public money as there is no necessity whatever

and therefore praying the Court to appoint proper persons to view and lay out 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

James Hewitt, Fred Zimmerman & Robt Mahaffy 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 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 .

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 .

NOTE.—In case of a Private Road, the referee 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
have no effect.

Analyst

At *Rehfeld* Days 1 Amount
{ Miles 2 \$112

At *Dimmick* Days 1
{ Miles 9 154

Days
{ Miles

At *Mulhaffy* Days 1
{ Miles 14 \$1,64

Days
{ Miles

No. 10 Sept Sessions, 1883
A. ORDER
To view and lay out Road
For *Oakhouse* in the township
of *Bassside* Clearfield county.

Now see report,
Report now confirmed
2d Sess. *Bassside* Court
4th March 86 confirmed
absolute By the Court

Filed

, 188

Fees \$1²⁵ paid by *McLean*

To the honorable judges within
named.

We, the subscribers, appointed
by the within order of court, to view
the road within therein mentioned,
having first been duly sworn ac-
cording to law, do Report, That,
in pursuance of the said order, we
have viewed the said road, and that
the same is, in our opinion,
useless and burdensome to the tax
payer.

Witness our hands the 8th
day of Oct. A.D. 1885.

Robert McFayffe *Seal*
Fred Zimmerman *Seal*
H. P. Hennib *Seal*

To the Honorable the Judges of the Court
of Quarter Sessions of the Peace of
the County of Clearfield,
The Petition of the Undersigned
Respectfully represents,
That at the Sept: term of Court 1880
a road leading from Chest Creek
in Chest Township beginning on land
of Am: Westover to Grand Island &
was confirmed N. & S. and
confirmed absolutely at W. &
term 1881 that said road
was opened in part, and as
much of it as seemed necessary
for the public use, that about
One hundred and thirty rods
running through lands of John
A. Sylvis was never opened and
your Petitioners represent to the
Court that they are a majority
of the original petitioners for
said road Resident in the
County of Clearfield, pray the
Court that so much of said road
as before mentioned, may be
vacated and annulled as there
has been a great change of Circumstances
and by lapse of time and the

Same if now opened will be
at unless expenditure of the public
Money as there is no necessity
whatever for the opening of said
road.

And they will ever pray to
Signature

Signature

1	H. G. Gerrity	11
2	Elliott Scott	12
3	William Roland	13
4	Sacramento Roland	14
5	C. J. Moore	15
6	Joseph Westover	16
7	John C. Westover	17
8	Jacob Roland	18
9	James C. Brown	19

10	Alfred King	20
----	-------------	----

John Westover
Blairtonsville
Ligonier
John C. Brown
James C. Brown
Robert H. Scott
Nathan Moore

William Scott
George C. Wilson
W. B. Rutherford
D. B. Roddy
Emmanuel McPhee

Pittsburgh
Public Works
Department
of Pennsyl-
vania
Commonwealth
of Pennsylvania

By the Undersigned Petitious Citizens
of Burnside township Concur in
the Petition of a Majority of
the Original Petitioners And pray
the Court to Vacate so much
of said road as has never been
opened and they will ever pray
etc.

David Threlkeld
John Vining
William Vining
James Etchell
Joseph Vining
C. J. Brattin
I. H. S. Vining
A. P. Pitts
John Vining
John Lee
Joseph H. Vining
John Vining
C. Wells
Alfred King
Wilson King
William Vining
James H. Vining
John Vining
John Vining
George Vining
E. Vining
Alfred Oaks
James Vining
Robert Vining
William Vining
Robert Vining
J. B. Vining

Ms. A. 9. 7. June 83

Petition of Mathew
et al original petitioners
of habeas corpus
against Batzel
Goldschmid
and
Lachman of Bremen

and Nor Oct 1/83
Petition filed and
conceded and

Mathew
et al
original petitioners
of habeas

and affirmed to
Mathew & Coe
the same and
make return by next
term

See Oct 1883
J. A. Butterfield

McCormick