

No. 7, Feb. Term, 1886

Vacale & Supp^{ey}
Public road

versus in

Lawrence Sup^{ey}

Contents:

2 files

Public Road

↗

Lawrence Gap

↙

Belonging to John Fletcher, the report
says will stand beyond the terminus mentioned
in the petition.

N° 7 July 20th 1886

Mo 7 Meloy 1889

~~S. F. Melchers~~
~~C. H. Wood~~
~~John W. Davis~~ } ~~Witnesses~~

Letter from public
Road from Nichols
Street Hill to Chardill
to a point on public
Road leading from
Clearfield to Hollidale
at the foot of the hill
Smithville Hill via
Lawrence Gap and
Cascade public road
from Smithville Hill to
mouth of Moose Creek
Run to town gap
25 miles. Relation road
and therefore, S. 3 miles
C. H. Wood of the mountain
appointed receiver which
I think is now to term

By Mr. Condit
Dr. R. M. Smith
of

Klarines

J. O. Lewis
W. Litz
S. G. Sultan
John C. Dale
Thomas J. Duckett
J. H. Thompson
Thomas Peacock
John Brown
J. S. Baker
William Horner
John McGlaughlin
Wm Mayes
D. B. McMurtry
Rufus Thompson
H. C. Lankford
P. L. Thompson
E. W. Sperren
P. H. T. Ingall
A. B. Davis
H. J. Steiner

John Johnson
Austin Ham
A. B. Washburn
Alfred Graham

To the Honorable the Judges of the
Court of Quarter Sessions of the Peace
in and for the County of Clearfield

The petition of the undersigned
inhabitants of the Township of
Lawrence in the said County
respectfully sheweth. That your
petitioners labor under great
inconveniences for want of a
public road or highway to lead
from a point on the road leading
from Clearfield to Wolf Run at or
near the foot of John Smiths hill
to Nichols Street in the Borough
of West Clearfield your petition
ers therefore pray the Court to
appoint proper persons to view
and lay out the same according
to law and also to inquire of and
vacate the public road now opened
from the mouth of Moose Creek
to John Smiths hill aforesaid on
the line of the proposed road in
the Township of Lawrence which
last mentioned road will by
reason of the laying out of the
proposed road become useless

and make report of their proceedings to the next Court.

And they will ever pray
God's favors: Geo D Welch
Henry S. Head Jacob Burge
William Brown B. Phillips
A. G. Lawhead Jacob Amor
John McRae Lewis
W. H. Frazee Lewis G. G. Glickie
Peter Heath Parker Gardner
George Glickie A. M. Gillies
W. W. Coffey J. B. Sharer
H. Brown M. P. O'Conor
W. B. Owens T. J. Shaw
W. G. Kline R. H. Green
Paine Kerr W. H. Beaumont
Thomas M. Jones J. C. Harris
Gas. H. Daniels Danielson
T. V. Fletcher W. D. McCorkle Jr
Fred Dennis J. Blair Read
G. B. Johnson Jas. Stickman
G. D. Fitzgerald S. W. Watson
J. H. Yannas Robert Wallace
Gas. J. Read W. W. Owens
G. W. Roberts M. A. Nichols
John Whiting J. D. H. G. G. G.
J. C. Johnson R. Boyce
J. G. Lyons J. S. Parks
S. C. Read J. C. Parks
W. R. Dornick J. C. Shaffer
J. M. Reid M. G. Carter

To The Honorable Judges of
the Court of Clearfield County.

We, the Undersigned Viewers, appointed
by the annexed Order of Court, to view,
and lay out the road therein mentioned,
Respectfully Report:

That having given notice, of the time
and place of Meeting, according to the acts
of Assembly. And being all present, at
the view of the ground proposed for
the said road. And having all been
Sworn, or Affirmed in pursuance of the
said Order. We have viewed, and laid
out, and do set down the following Road.
To wit, Beginning at a Post in the Town-
ship road near the foot of John Smith's hill
by a marked Crab apple tree. Thence through
land of John Smith, and land of Joseph
Shaw. North Seventy nine and Three quarter de-
grees West, Twenty nine and two tenths perches,
to a Post. Thence through land of Joseph Shaw.
North Seventy five, and a half degrees West. Nine-
teen perches to a Post. Thence North eighty seven
and a half degrees West, Fifteen perches to a
Post. Thence South eighty six degrees West. Seventy
perches to a Post in the Lane near Joseph Shaw's
Barn. Thence along said Lane South Thirty
seven and a half degrees West. Thirty nine
and two tenths perches. the Township Road

leading to Mount Joy. Thence crossing said Road, and crossing Moose Creek and running through land of Richard Shaw's estate, South Thirty degrees West, Thirty four and seven tenths perches to a Street in the Borough of West Clearfield. Thence along said Street, South four degrees West, forty four and four tenths perches to the Centre of "Nichols" Street.

Which said Road, as aforesaid laid out.

We are of opinion is necessary for Public use.

And not being able to obtain a release from the Partis through whose land the said Road is laid out; we have assessed to each Joseph Shaw, and "Em", or Richard Shaw's estate the amounts to which in our opinion they are entitled. (See printed form in the Amended Order) a Plot or draft of the road is hereto annexed.

Witness Our Hands the 12th day of

April A.D. 1886.

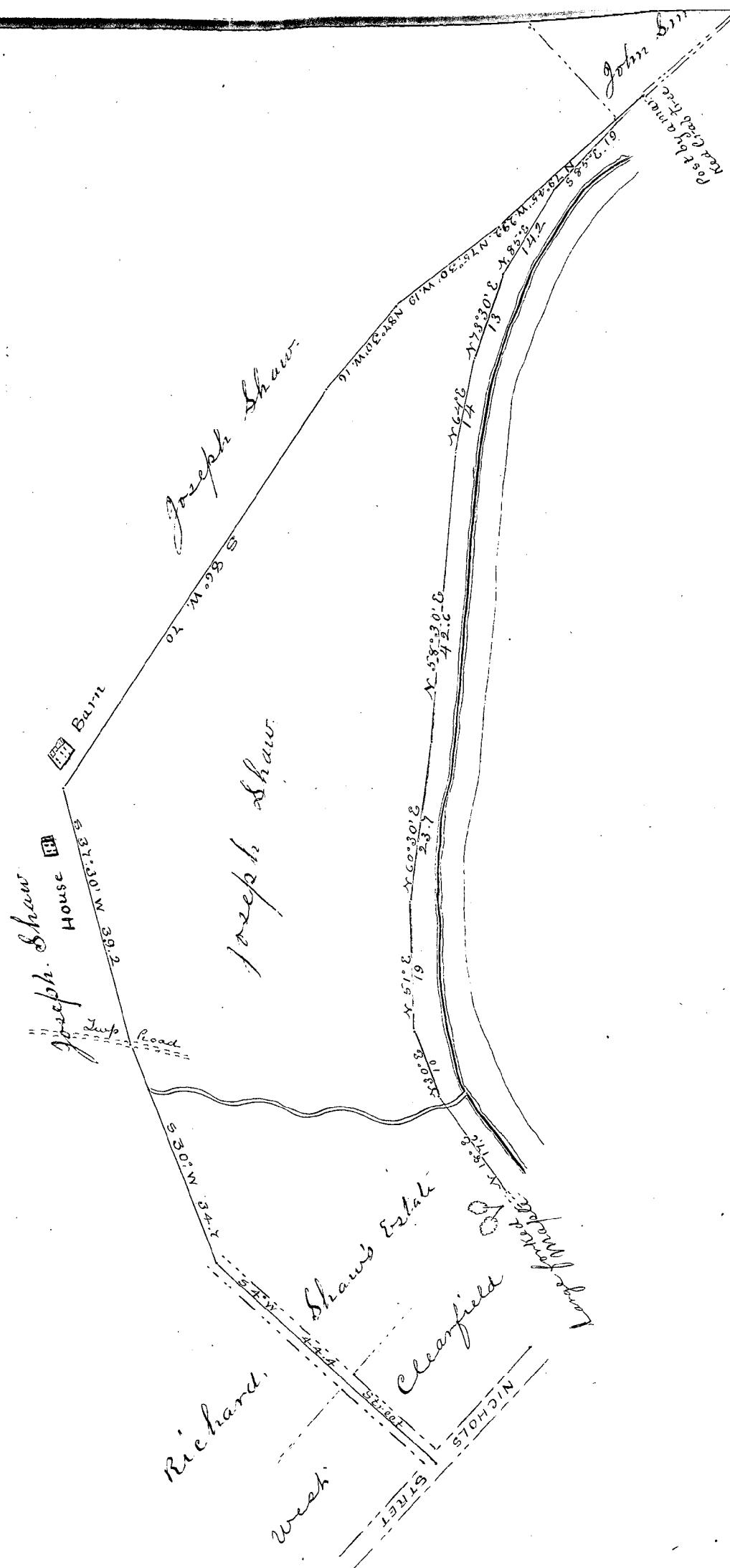
S. J. McClosky
John W. Howe
C. H. Wood } Viewers

And we further report, that having been directed by the same order of Court to "inquire of, and vacate the road now open from the mouth of Moose Creek to John Smith's Hill." that we have attended

to that duty also. And finding the said
Road in very bad condition, having been
Carried away by the floods. we have Sur-
veyed the following Road, and do declare
it vacated, as soon as this report is confirm-
ed. to wit. Beginning at a Point in the
Township Road. by a large forked Maple
tree, near the Mouth of Moose Creek. Thence
Along the old Township Road. North eighteen
degrees East. Seventeen and six tenths perches.
thence North thirty degrees East. Ten perches.
North fifty one degrees East. nineteen perches.
North Sixty and a half degrees East. twenty three
and seven tenths perches. North fifty eight
and a half degrees East. forty two and six
tenths perches. North Sixty four degrees
East. fourteen perches. North Seventy three
and a half degrees East. Thirteen perches.
North eighty five degrees East. Fourteen
and two tenths perches. North eighty three
degrees East. Nineteen perches. to a Post by a
Marked Crab apple tree where the new
Road Begins. as shown by the red lines on the annexed draft.

Witness our hands the 12th day of April 1886.

S. J. M. Closky
Jno. W. L. Fowles
C. H. Wood
Viewers



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

25th day of Feby, A. D. 1886,

before Judges of said Court, upon a petition of sundry inhabitants of the township of Lawrence, in

said county, setting forth that they labor under

great inconvenience for want of a public road to lead from a point on the road leading from Clearfield to Wolf run at or near the foot of John Smiths Hill to Nichols street in the Borough of West Clearfield. Also to inquire of ew Vacate the public road now opened from the mouth of Moose Creek to John Smiths Hill aforesaid.

and therefore praying the Court to appoint proper persons to 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

S. J. McCloskey, C. H. Wood and J. W. Howe

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.

In case of a Private Road, the release must be
in favor of the petitioner for said road.
Viewers will carefully note the number of days
and set the amount out at the foot of their return.
If the viewers cannot interfere with damages assessed by
the viewers, except so far as the location may be
if the viewers believe the parties are not entitled
to the same, taking into consideration the advantages as
the disadvantages of the road, they will report to

1st/35 Days 3 Amount.
rod. Miles 2
2nd. { Days 2
Miles 15
3rd. { Days 3
Miles 7
4th. { Days 1
Miles Chasney
5th. { Days 1
Miles

No. 7 Kelly Sessions, 1886
① TRADE
To Vacate, Survey
and Lay out a Road
For Public use in the township
of Lawrence, Clearfield county.

Filed 12 May, 1886
Fees \$1²⁵ paid by Esch Sherry

Sherry

In the matter of the petition for a road, leading from Nicholas's street in West Clearfield, to John Smith's hill, in Lawrence Township, etc.

Now September 13th, A.D. 1886, Frank Fielding, attorney for Joseph Shaw and W.E. Shaw, ~~through whose~~ property the road passes, and others, files exceptions to any action or ~~order~~ being taken or made by the Court, in the report of the viewers filed in this case, for the following reasons:

1st. That the order to view was issued and returnable to May Term, A.D. 1886; that said view appears to have been made on the 12th day of April, 1886, and filed in said Court May 12th, 1886, but that the said report was not brought to the attention of the Court, nor was any action taken thereon at that term, nor was any order asked for or made in relation thereto! Consequently, the proceedings became legally ended and determined, by reason of no action having been taken and no order having been asked for or made in said proceeding.

2nd. The record is fatally defective, in that it fails to show or allege that any notice of the proceedings was served upon or given to the property owners through whose lands the proposed road ~~the~~ passes.

3rd. That the viewers failed to report damages, or to report as to damages, or to obtain any release from John Smith, one of the owners of land through which the proposed road passes.

4th. Because the viewers failed to note or mention the improvements upon the lands of Joseph Shaw, through which this road passes for a long distance; the said land being improved and the road passing in very close proximity to buildings upon his farm.

5th. Because the viewers have laid out a road, as is shown

by the report, which passes through the borough of West Clearfield, an incorporated borough, and as appears by the report, was laid upon a street already laid out and dedicated to public use, and the viewers had no authority to change the width of said public high-way by laying out a public road upon it.

6th. Because the road vacated has not the same termini as that mentioned in the petition, and the viewers have vacated a portion of a public road for which there was no petition to vacate.

Attorney for Exceptants.

Frank Fulling

A

My July 1 Map

Road in

Lawrence Lwp

Report of viewers

Expectations &c

Meade, Sum. 1886

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