

No. 3, Sept Term, 1887

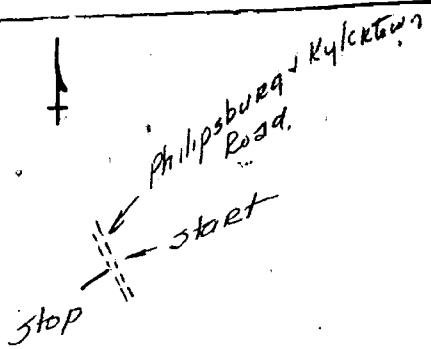
Public Road

versus

Morris Brush

Contents:

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Morris trap  
Road from west side  
of Kyllertown & Philipstown  
Road to a point on land  
of A. N. Elston  
Aug 7th 1887

33-16

(Can't locate)

1 To the Honorable the Judges of the Court of  
 2 Quarteressions of the Peace in and for the County of  
 3 Clearfield, Pa.

4 The petition of the undersigned  
 5 inhabitants of the Township of Morris in the said  
 6 County, Respectfully sheweth, That your Peti-  
 7 tioners labour under great inconveniance  
 8 for the want of a Road or Highway to lead  
 9 from a Point on the Phillipsburg Road in the  
 10 Village of All Port in the Township of ~~Upper~~<sup>Morris</sup>  
 11 at or near the Corner of Land of Charles  
 12 Levy to a Land to the Land of A. D. Elston  
 13 in said ~~Upper~~<sup>Morris</sup> Township, and about <sup>about</sup> 100 yds from house of said Elston  
 14 Your Petitioners  
 15 Humbly Pray, the Court to appoint Proper  
 16 Persons to View and Lay out the same  
 17 according to law, and they will ever  
 18 Pray, <sup>for the</sup>

17 Names	18 Names
18 Chas. L. Levy	19 D. G. Merrell
19 John Farmer	20 John Levy
20 James Ardery	21 A. D. Elston
21 E. J. Brumford	22 Saml. Spangler
22 Charles Johnson	23 D. W. Roop
23	24 G. B. Merrell
24	25 Lewis Bogner
25	
26	
27	
28	
29	
30	
31	

26 Mrs. J. Brown  
 27 Jacob Bogner  
 28 James Alvin  
 29 N. G. Morrow

Box 3 Seph 1877

Letter from Elton

Petition for public road  
in Morris Street from Point  
on Philadelph. Road at a near  
corner of lands of Charles Levy  
to a point on lands of Mr.  
Elston about 40 rods from  
corner of said Elston

July 4th 1877

30th Aug 1877 Petition read  
and E. C. Reed, B. S. Schoonover  
and James Stogler, appointed  
deputy commissioners to  
investigate by the County

Recd

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 14<sup>th</sup> day of September, A. D. 1887, before Judges of said Court, upon a petition of sundry inhabitants of the township of Morris, in said county, setting forth that they labor under

great inconvenience for want of a public road from a point on Philistony road at or near corner of land of Charles Keay to a point on land of A. D. Elston about 40 rods from house of said Elston

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, make return to the Court whereupon the Court, upon due consideration had of the premises, do order and appoint E. L. Read, B. D. Schorr and James Hughes 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 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.



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 ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release 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 .



## 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 Hon D'Krebs Precious Judge of the Court  
of Quarter Sess. of Clearfield Co. Pa.

We the undersigned Surveyors appointed to view  
the Road within named, respectfully report  
that after giving good and Law full notice of the  
time & place of meeting for said view, we met in person  
owners of said notice and all being present and  
all being first severally sworn de affirmed according  
to Law we received this Commission and are of the  
opinion that the Road between the points within  
named is necessary and we have laid out  
a road for Public use the following  
Road to wit Beginning at a Post Corner of Lot 5  
of Enrich & John's Lots on the West side of the Ry between  
& Philip Adams Road thus along the division line of  
said Lots to Gust Leuhart A 58<sup>1/2</sup> West 165 Rods  
to a Post Corner of Jonathan Kramers Lot on  
line of Leuhart Lot then A 56<sup>1/2</sup> W along Lots of Kramer  
Jas Arday & Good Merrill on the North and Lots of  
Gust Leuhart & Land of Chas Levy on the South  
468 Rods to Post Cor of Merrill & Levy on line of  
Adelton, a Plot or plot of which is here annexed  
We are further of the opinion that no damages  
will be sustained by any of the owners of Land over  
which said Road is laid except Mrs Henrietta Foot  
and we have assessed damages to her Land at two dollars  
Witness our hands this 22<sup>nd</sup> day of November 1887

E. C. Read

B. D. Schoonover  
James H. Kugler

NOTE.—In case of a private road, the release must be executed in presence of the notitior for such road.  
Also, all persons will conveniently note the number of days on which an order will be sent to the notitior for the return of their return, and the number of days on which the notitior will return the documents received by the notitior, except so far as the location may be changed by X. H.—If the viewer 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.

Jas. H. Fisher Days ~~Amount~~  
O. H. Dillman } Miles 4. 100  
Days 1. 100  
O. P. Chase } Miles 16. 100  
Days 2. 100  
Miles 16. 100  
Days 1. 100  
Miles 1. 100  
Days 1. 100  
Miles 1. 100  
Days 1. 100  
Miles 1. 100

Exceptions withdrawn Road to be confirmed for 1888

No. 3 Depth Sessions, 1887

ORDER

To view and lay out a Road  
For Settlement in the township  
of Morris Clearfield Co.

Now 15<sup>th</sup> June 1887 Report  
concerning the said road  
in Morris Township and  
object which are cutting  
a braggong is required before  
a path made  
by the said

Exposition Park

Filed 2<sup>nd</sup> June, 1887  
Fees \$1, paid by S. Reed

Reed

Now this 3<sup>rd</sup> July 1888 Mrs. C. Huston by her Atty. M. P. Dillman  
files the following Exceptions to the confirmation of the said  
Report. First. Because he fails to make report that the said  
Road crosses her lot of ground and because they are silent as  
to damages done her by said road crossing her lot.  
Second. Because the division lines between the various tracts  
of land are not properly shown on the Plat.

Now this 3<sup>rd</sup> July 1888 Mrs. Juliet Dutt by her Atty. for the C. Huston  
files the following Exceptions to the confirmation of the said Report. First Because  
the said Report fails to take into consideration the amount of damages  
to her land the said ground being land out the Road over her lot of ground  
Second. Because the division lines between the land owners are  
not correctly given in the Report.

M. P. Dillman  
Atty. of Juliet Dutt.

Now this 3<sup>rd</sup> July 1888 Mrs. Dutt & Mrs. C. Huston move that  
this Report be quashed for the reason that no notice as required  
by the Rule of Court was served personally on Exemptants nor on the  
persons through whom land the Road passes. And for the further  
reason that this written Report was sent off for Confirmation  
at the time of Court preceding the appearance of the said

Exemptants by the Court  
number of bushels is larger than any  
inches worn off the roads for every  
one hundred yards less one mile

