

No. 5, Feb'y S-8
Term, 1887

View Vacate &
Supply Public Road

versus in

Eligson Twp.

Contents:

Adverser report

No charge

To the Honorable the Judge of the Court of Quarter Sessions of
the Peace in and for Clearfield county, Pennsylvania.

The petition of the undersigned, respectfully represents: That a public road was long since laid out and opened, leading from a point near Broadway School House in Ferguson Township, to Gazzam and Marron, and usually known as the road: That a part of said road through the townships of Ferguson and Jordan in said county, beginning at a point in Ferguson township, about five rods above the bridge across Campbell's Run, and in line between land of Jeff Dillon and James Ferguson, in said Ansonville road; and ending at a point in Jordan township on said road leading from Broadway School House to Gazzam and Marron about 1320 feet ^{near} from House of Charles Lewis has become inconvenient and burdensome, and the said road would be much improved by a change of its route between said points.

Your petitioners therefore pray the court to appoint qualified persons to view the premises and to inquire into the expediency of making said change, and otherwise proceed as directed by the Act of Assembly in such case made and provided.

And they will ever pray, &c.,

Names	Names
<u>John Brown</u>	<u>James F. Lillen</u>
<u>John Strong</u>	<u>J. P. Reed</u>
<u>Samuel Bloom</u>	<u>Harrison Shaw</u>
<u>George Williams</u>	<u>J. C. Ferguson</u>
<u>William McRae</u>	<u>William Shaw</u>
<u>Orney Thustress</u>	<u>George Williams</u>
<u>Wm. M. Barrett</u>	<u>Lydia S. Shaw</u>
<u>John Strong</u>	<u>W. C. Green</u>
<u>Harry A. Owens</u>	<u>W. H. Byer</u>
<u>J. S. Lewis</u>	<u>Thomas P. Green</u>

Nov 5 1887

22

For change of fence
leading from Broadway
between Stevens &
Bergman on western

Side now. Test 16" 887
post line level & thinner
orange glass, chain
link and E.C. Reed
are appointed viewers
to view & examine said
fence & report same
up to said fence
of fence
By M. L. Cott
D. R. Kelly
Chairman

Approved
John C. Cott
Chairman

Public Road No 5 Hilby S^t 1884
on
Ferguson Turp

Now May 20 1884 Every C. Read
and Orange Thurston being desirous of being relieved
of their duty as receivers in above case, they are
discharged from further service as receivers and
Harry Byers, & John J. Shad are appointed
as receivers in their stead to act with C. P. Shoff,
and are originally appointed, and the hours of service
are enlarged until next term.

By the Court

D. L. Krebs
of

Clearfield County, ss: 00

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 16th day of February, A. D. 1887, before Judges of said Court, upon a petition of sundry inhabitants of the township of Ferguson, in said county, setting forth that a part of road through the Townships of Ferguson & Jordan Beginning at a point in Ferguson Twp about five rods above the bridge across Campbells Run and in the line between land of Jeff Dillen and James Ferguson in said Unionville road and ending at a point in Jordan Township on said road leading to Broadway School house to Laggan and Marron and about 1320 feet west from house of Chas. Lewis has become inconvenient and said road would be much improved by a change of its route between said points 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 Orange Muselove, Christ Shoff & El. Reed 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.

Am. Bloom

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 Honorable the Judge of the Court of Quarter Sessions of Chester Co Pa

I the undersigned one of the viewers within named respectfully report that after giving notice of the time & place of meeting for said view I went upon the ground & met one of the viewers namely, Orange Thorton the other viewer Christian Shoff did not appear. I found that Mr Thorton is one of the Peckhorns and is interested in the road but is incompetent to act as a viewer on account of the reason above stated. The purpose of the peckhorns is to vacate an old road on account of its steep grades and liability to be impassable on account of snow drifts in the winter and lay a road around the hills thereby avoiding the steep hill and the snow drifts in winter. It is my opinion that the road is necessary and that proper persons should be appointed to view the same.

Witness my hand this 2nd day of May ad 1888

Samuel C Read

Note. To cause an invader to turn back, the defense must be executed in favor of the position held for such end.

Also—¹ Years will naturally reduce the number of days on which and until set the number of days on which the Reviewers cannot, in inferior numbers, damage the forces of the original viewers, except so far as the situation may be changed by the new viewers.

N. B.—If the viewers believe that the partisans are not entitled to disengagement, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

Chas. C. Hays
Miles 16 1/2
Amount.

No. 5 Feb. Sessions, 1887

ORDER
Vacate & Open
To view and lay out a Road
For Public use in the township
of Blair or Clearfield Co.

June 20th 1893.

W. Powers of Powers
He this Ocean are on

... and
began to recruit

By the same
Steph. C. Compton.

August 10th 1888

Covers of Flowers in
This Case are supplied

to myself Henry B. [unclear]

19 May

Filed July 1, 1880

CARFIELD REPUBLICAN PRINT.

Reed

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Clearfield County, ss: 100

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 16th day of

February, A.D. 1880, before Judges of said Court, upon a petition of sundry inhabitants of the township of Ferguson, in

said county, setting forth that a part of a road through Ferguson & Jordan Townships beginning at a point in Ferguson Township about six rods above the bridge across Campbell Run in line between land of Jeff Dillon and James Ferguson in said Armonville Township and ending at a point in Jordan Township on said road leading to Broadway School House to Gazzam and Harrison and about 1320 feet west from house of Charles Lewis has become inconvenient and said road would be much improved by a change of its route between said points

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. ~~Henry Byers & Make report~~ whereupon the Court, upon due consideration had of the premises, do order and appoint ~~Henry Byers & Shoff and John O'Dowd~~ 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.

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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 honorable David S. Koebs, judge of the court of Quarter sessions of Clearfield County, we the undersigned persons appointed by the within order of court to view, vacate and supply the road mentioned in the within order respectfully report, that having given due notice of said roadview as required by law and the rules of the court and meeting as jurors on the sixth day of June A.D. 1888 and all the viewers being present, we were first severally sworn or affirmed and then proceeded to view the route of the proposed road. After carefully looking over the ground, measuring the respective distances of the two routes; comparing the grade and the nature of the soil as to swamps, etc., and the amount of woods ~~through which~~ the respective routes pass, we find that the present road is forty-three perches shorter than the proposed one, that in but two places the grade of the present road exceeds the grade of the proposed one, and that the present road passes through nearly all cultivated land and a gravelly soil that could hardly be surpassed as a road bed, while the proposed road passes nearly all the way through dense woods and swampy ground, and, that in case the proposed road would be built, ^{most} half of the present road must be kept open by the township, considering these things, and the fact that the expenditure of one twentieth part of the cost of building the proposed road would make the grade of the present road as good as the other, we are unanimously of the opinion that there is no cause for a road as proposed in the within order of court and we therefore report against vacating the present road and laying out an other as prayed for by the petitioners. Witness our hands this sixth day of June A.D. 1888.

Harry Byers.

John F. Draw
C. J. Shoff
" " "

Note.—In case of a victory to real, the relents must be executed in favor of the petitioner for said road.
Also—Vetters will carefully note the number of days our
labor and set the amount out at the foot of their return
to the relents, except so far as the petition may be changed by
the relents. The relents, however, the parties are not entitled to
any damages, taking into consideration that contractors will use the
disadvantages of the road, they will report to that effect.

Henry Green	Days	1	Amount	6 ⁰⁰
Act #734	Miles	29		72c
John T. Stever	Days	1		
	Miles	3	2.60	
C. J. Shaff	Days	1		
	Miles	3	2.60	
Ch #464				

No. 5 Henry Sessions, 1887

Clear ORDER

To view and lay out a Road
of Cuttis in the township
of Highland, Clearfield Co.

Up to 1888 confirmed while
By the County

See file 1888 confirmed also
late. By the County

File. Dr. June, 1889
Fees \$1.25 paid by Jonathan R. C.