

No.

6, Perry

Term, 1887

Public Road

versus

Lawrence Wps

Contents:

6. Harris 233

Not confirmed

1 2 3 4 5 6 7 8 9

To the Honorable the President Judge of the  
Court of Quarter Sessions of the Peace in and  
for Clearfield County:

The petition of the undersigned inhabi-  
tants of the Township of Lawrence  
in said County respectfully represents,  
That your petitioners labor under great  
inconveniences for want of a public  
road or highway to lead from Mont-  
gomery Creek Bridge near Reed and Weavers  
saw mill to a point at or near George Fitz-  
geralds house on a road leading from  
Montgomery Creek to Hugh Orrs.

Your petitioners therefore pray the Court  
to appoint proper persons to view and  
lay out the same, according to law;  
and they will ever pray &c.

John H. Johnson  
J. F. Fitzgerald

J. H. Johnson  
Jacob H. White

H. C. Landis  
W. S. Clegg

J. G. Johnson  
J. G. Johnson

J. G. Johnson  
J. G. Johnson

Not to Henry D. Jr.

Petition for Public

Road leading from the  
Mountain side, between  
Red Weavers saw mill  
to a point near George  
Fitzgeralds house.

Yours

Post master " hely 1879

Petition signed and witnessed  
on, this date, that the  
Henry S. C. Lee are ap-  
pointed receivers to our  
honesty receiver to our  
same right actions to  
him

W. H. C. Lee  
D. C. Lee

Henry S. C. Lee

James Dunn Lee

James Dunn Lee

for

Talbot, Glad

AB. Washburn

And Dennis

B. D. Guelich

D. H. Guelich

L. H. Guelich

L. A. Guelich

P. D. Mac Bride

In re order to view and lay out a road for public use in the township of Lawrence Clearyfield Co.

In the Court of County Sessions of Clearyfield County, No 6 February Sess. 1887.

J. Linn McPherson by his attorneys Ovis & Snyder files the following exceptions to the report of the viewers in above case and makes objection to the confirmation of the report of viewers, to wit:-

1st No actual notice was given to exceptant, who is the owner of land through which the proposed road passes, of the time of the view as required by Rule 34.

Second. - The viewers exceeded their powers in that they vacated a public road whilst the order of the court only authorized them to "view and lay out" a public road or high way.

3<sup>rd</sup> The road vacated is the terminus of another public road

Ovis & Snyder

Atts for exceptant

Clearfield County, ss:~~do~~

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 28<sup>th</sup> day of February, A. D. 1887, before Judges of said Court, upon a petition of sundry inhabitants of the township of Lawrence, in said county, setting forth that there want of a public road or highway to lead from Montgomery Creek Bridge near Reid and Heavens, down hill to a point at or near George Fitzgerald's house on a road leading from the foregoing creek to Hugh Cris

and therefore praying the Court to appoint proper persons to view and lay out the same according to law,

whereupon the Court, upon due consideration had of the premises, do order and appoint ~~John~~ A. H. Harvey and E. C. 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.

*John D. Moore*

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 Ed Fitzgerald the sum of One Dollar  
To Thos McPherson the sum of Eleven  $\frac{75}{100}$  Dollars  
To J L McPherson the sum of One Dollar.

Witness our hands this 15 " day of March A. D. 1887.

Emery C Read  
Austin Haney

Notice.—In case of a highway road, the release must be executed in favor of the petitioner for such road.  
Also.—A tower will carefully note the number of days occupied and set the amount out at the time of their return.  
Petitioners cannot interfere with damages assessed by the original assessors, except so far as the heaviest may be changed by the reviewers.  
N. B.—If the reviewers 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.

## No. 6 Tally Sessions, 1887

### ORDER

Days /	Miles /	Amount, 400
Martha Miles } Days 1		
Cent # 250 } Miles 1/00		
Cost of farmate } Days 1		
Cost of farmate } Miles 1/00		
El. Rail } Days 2		
Cent # 248 } Miles 3	83	
Cost of farmate } Days 1		
Cent # 247 } Miles 1/00	270	

Now Dec 12, 1887, having within  
named time, cause to be  
next to me,

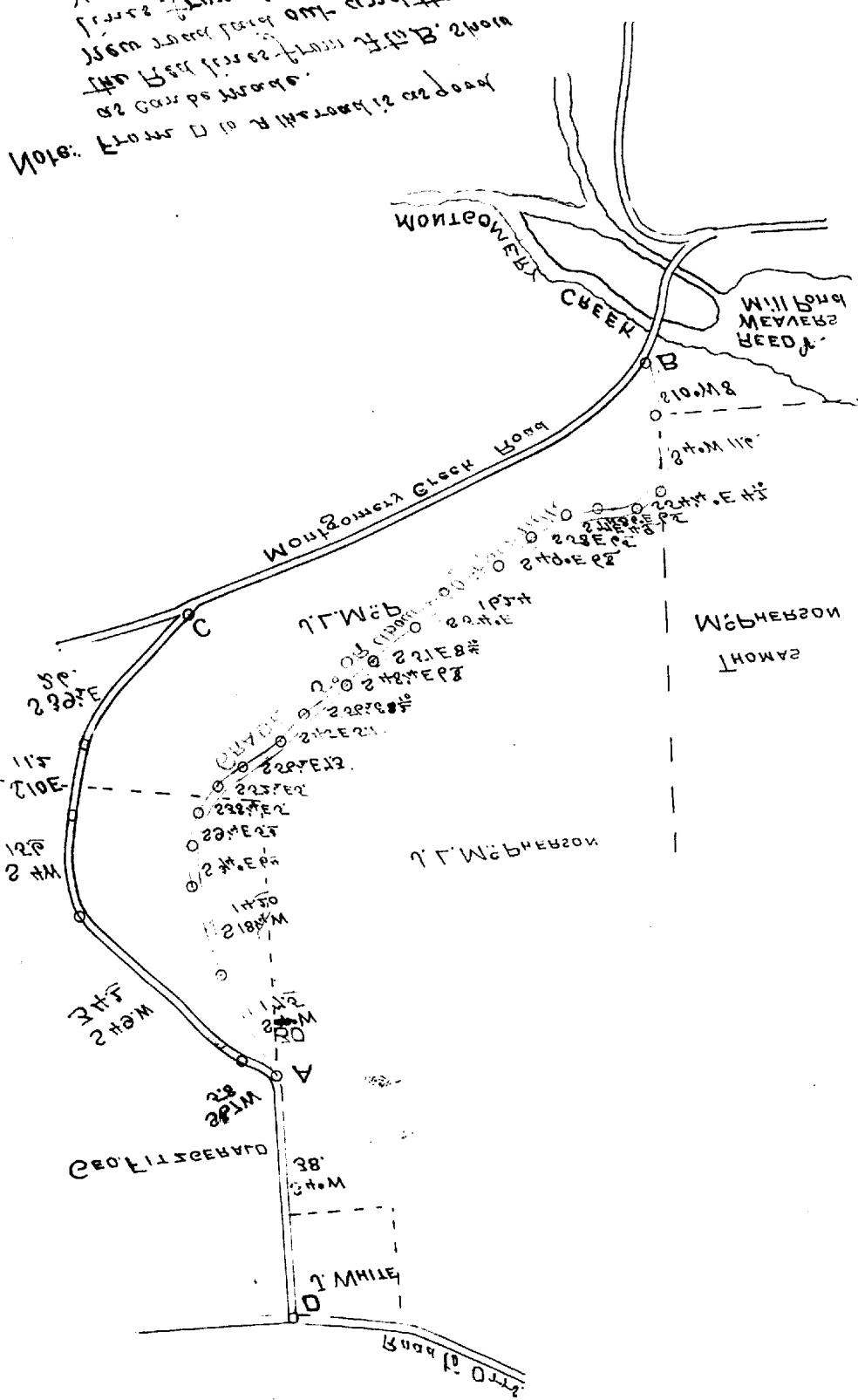
By the Clerk  
Highway Committee  
1/00

Now 12 Sept 1887  
Except to Committee  
to be given  
11 May 1888, Committee  
not to be given  
Filed 157 Rail, 1887  
Fees \$1 paid by A. Q. Bell  
A. Q. Bell

CLEAMFIELD HIGHWAY COMMITTEE PRINT.

Sept 12, 1887 Report prepared  
book to be given. 13 Nov 1887





To the Honorable D. L. Krebs Judge of the Court  
of Quarter Sessions of Clearfield Co Pa

We the undersigned owners appointed by your Honor  
to view the road named in the annexed order of Court  
respectfully report that that after giving good  
and sufficient notice of the time & place of meeting  
for said view according to law we Austin Haury &  
Emery C Read met in pursuance of said notice  
and after each being first severally sworn &  
affirmed according to law we viewed the premises  
and are of the opinion that the old road from  
the Montgomery Creek road to a point on the line  
between Geo Fitzgerald (said point being designated  
on the annexed Plot or draft by the letters A, T, D, su-  
periorly) is inconvenient and burdensome on account  
of the heavy grades which in 2 places exceeds 15°  
or about 1390 feet per mile - thereby rendering  
said road useless and we have measured the same  
as follows Beginning at a point on the Montgomery  
Creek Road thence N 39  $\frac{1}{2}$  W 26 Rods N 10  $\frac{1}{2}$  E 11  $\frac{1}{2}$  Rods  
N 44  $\frac{1}{2}$  E 15  $\frac{1}{2}$  Rods N 49  $\frac{1}{2}$  E 3  $\frac{1}{2}$  Rods N 67 E. 5.8 Rods  
to a point on the line between L M D. Hanson & George  
Fitzgerald and designated on the annexed Plot or  
Draft by the letter A. We are further of the opinion  
that a public road between the road leading from  
Geo Fitzgeralds to Bms. and the Montgomery  
Creek Road is necessary and we have laid  
out and do now set out for public use

the following road to wit: Beginning at the  
Court above mentioned on the line between lots  
Fitzgerald & J. L. McPherson aforesaid said Court  
being designated on the annual plot or draft by  
the letter A. thence through unenclosed land of said  
Fitzgerald at 30° N. 17° E. Rods S. 1/8 E. 14.2 Rods S.  
46° E. 6.4 Rods South 94° E. 5.3 Rods S. 384 E. 5 Rods  
through unenclosed land of J. L. McPherson.  
South, 52° E. 5 Rods. South 56 1/2 E. 7 1/2 Rods. South  
45° E. 5 1/2 Rods S. 56 1/2 E. 8 1/2 Rods S. 48 1/2 E. 6 1/2 Rods  
S. 51 E. 8 1/2 Rods S. 54 1/2 E. 16.2 Rods S. 49 E. 6 1/2 Rods  
S. 58 E. 6 1/2 Rods At these points to improve the grade  
S. 77 E. 4 1/2 Rods the line may be moved down the hill from  
S. 58 E. 6 1/2 Rods 8 to 10 feet. — — — | McPherson  
South 56 1/2 E. 4 1/2 Rods Crossing Run right to post  
on line of J. L. McPherson & Thos McPherson thru  
along said line S. 47 E. 11.6 Rods to a post Cor  
duced through unenclosed land of J. L. McPherson. South  
10 1/2 Rods 8 Rods to a point on the Montgomery Court  
road at the head of Read Heaven's Mill pond  
a plot or draft of which is hereunto  
annexed

We witness our hands this 14<sup>th</sup> day of May

AD 1887

COVINGTON

W. C. Read

Every C. Read

Austin H. Read

To the Honorable the Judge of the Court of Quarter  
Sessions of County, 1881

We the undersigned, two of the viewers within named  
respectfully report that in pursuance of the order  
referring the annexed order & report back to the viewers  
we have met together with Sam. Autes the viewer  
within named he the said Autes having first been  
sworn according to law and having also been upon  
and viewed the said premises but not being present  
at the first view, he does not agree or is not of the  
same opinion as the subscribers hereto, we the sub-  
scribers are of the opinion that we discharged the  
duties of our appointment to the best of our ability,  
we may have exceeded our powers under the said  
order hereto attached but the road or portion of  
road vacated is burdensome and inconvenient and  
of right ought to be vacated but the road as laid  
out and returned by us we are of the opinion is  
necessary and in the assessment of damages we  
are of the opinion that we discharged our duties with  
fidelity and according to circumstances there and  
then existing and the statements there and then made  
by the parties there interested, the owners of all the  
lands over which said road passes, being present  
at the first view

Witness our hands this 10<sup>th</sup> day of January ad 1881

Edward C. Read

Austin T. Heaney

Austin Harry / a crypt. 4.00  
Energy Photocopy 4.00  
Bill Oates  
2 min. 2.00

Academy of Art  
Fri 14<sup>th</sup> Jan 1887  
G. H. Glancy  
etc.