

No. 11, Dec. Term, 1888

Public Road &
vs. Vacant land

versus

Declaratory Jurisdiction

Contents:

X

To His Honor the Judge and
The Court of ^{Quarter Sessions} Clearfield Co.

The Subscribers residents of the
Township of Leesport respectfully
petition the Court to appoint
viewers to locate a road from
a point near Abraham Goss on
Public Road leading from Danbarn
to Blue Ball, to a point near
Wilson Kephart on public road
leading from Turnpike to Ocular,
Also locate road from latter
point to foot of the hill on
public road from Danbarn to
Blue Ball, all in Leesport Twp
Clearfield Co.

J. R. McClarin
Collins Smeal
Miles Mease
J. L. Baughman
J. A. Mills
Jacob M. Larrow
Wm A. Rivers
Wm T. Larrow
Geo. W. Smeal
Isaac Goss

Charles Amey
Wilson Kephart
William Goss
Daniel Goss
Chas. E. Hoover
Ed. Hoover
L. S. Larrow
B. J. Kephart
John J. Bush
Alfred Hoover

No 1st Dec 1888
In the Court of Quarter Sessions
of Newcastle County -

Charles W. B. B.
Providence -

Petition of Citizens of
Western Township for
appointment of officers to
raise and lay out a Public
Road from a point on the
Public Road leading from
Douborn to Blue Bell at
a point on the Public Road
leading from Conestoga to
Greendale, up on the
Western Township Road to
the Western Road - Also to
locate and supply land of
the Public Road from the
Public Road to the Public
Road leading from Douborn
to Blue Bell in said
Township.

And in the Dec 1888 the
within Western Road and Con-
estoga Road from the Public
Road leading from Douborn
to Blue Bell in said
Township.

By the Court

Westonist

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 13th day of Dec, A. D. 1888, before Judges of said Court, upon a petition of sundry inhabitants of the township of Decatur, in said county, setting forth that they labor under

great inconvenience for want of Public Road leading from Danbarn to Bear Ball at or near Abram Ross to a point on Public Road leading from Turnpike to Ocedo or or near Wilson Kephart in Decatur Twp also to vacate & supply part of Public Road from Wilson Kephart to foot of hill on road leading from Danbarn to Bear Ball in said Twp

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 Harry Byers Jacob Dunceling & Richard Hagedorn 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 sealing and delivery hereof, have remitted, 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. 1888.

SEAL

SEAL

SEAL

SEAL

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. 1888.

To the honorable David H. Krebs President Judge of the
court of Quarter-sessions of Charfield County Pa. we, the
undersigned, viewers appointed by the within order of court
to view vacate and supply the roads within mentioned
respectfully report, that having given due notice of said
roadview and having met agreeable thereto and having been
first severally sworn or affirmed we viewed the ground for
the proposed road also the Present Public road, and since a change
in said township road would not be a saving of expense to the
taxpayers of Decatur Township and that a moderate amount
of money applied judiciously to grading the hill which
the petitioners want to go around would be cheaper and
make a more direct road for a majority of the people to go to
market, we are of opinion ^{that} the road should not be changed
and that it is not necessary to lay out a new public road
nor to vacate the public road now in use. Witness our
hands this fourth day of January A.D. 1859.

Viewers { Harry Byers
Jacob Sindling
Richard Hughes

ORDER

and Wesley
To view and lay out a road for
Public use in the township of
Beaumont, Clearfield Co.

July 26th 1859
Dear Sir
My Mother

May 1891 Confirmed
adventurously May 1891

Filed 5 June, 1889
Fees \$1.00, paid by W. H. H. H.

Wojcik

NOTE: In case of a private road, the release must be executed in favor of the petitioner for said road.

A list and a survey will carefully note the number of days on which the petitioners have been using the road, and the number of original viewers cannot interfere with damages assessment.

Original viewers, except so far as the location may be changed by the petitioner.

However, if the owner believes the parties are not entitled to damages taking into consideration the actual impact of the road on the dispossessed of the road, they will report to that effect.

<i>Heavy</i>	} Days 1	Amount.
<i>Quar #1575</i>		
	Miles 16	\$5.00

Jacob Lindley } Days 1
Cart # 606 } Miles 4 \$240

Richard Hughes } Days 1
(cut # 537) } Miles 3 \$230

$$\left\{ \begin{array}{l} \text{Days} \\ \text{Miles} \end{array} \right\}$$