

No. 10, Sept 58 Term, 1887

Public Road &
vacate

COMMONWEALTH

versus

in
Peun Township

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Petition to lay out and vacate, a public road in Penn Township

To the Honorable David L. Krebs Priest, Judge of the Court of General Quarter Sessions of the Peace of Clearfield County-

The Petition of the undersigned inhabitants of Penn Township in said County, Respectfully represent: _____

_____ That they labor under inconvenience for want of a public road to begin at a point on the Bell Run road, in Penn township at or near the Mouth of Keenan's Run, and terminate at a point on the public road leading from said Bell Run road to the Pennville and Luthersburg Turnpike, at or near the residence of Alexander M McDonald in said township- _____

That there is at the present time a public road extending from said Alex-McDonald's to the intersection with said Bell Run road a distance of about three fourth miles, which by reason of its steep grade has become almost useless, and is burdensome to the inhabitants aforesaid; and by reason of want of repairs is practically useless for traveling purposes- _____

The petitioners therefore pray the Court to appoint three persons qualified according to law, to view the ground proposed for said road, and if they should see occasion to lay out the same; to inquire of, and vacate that portion of the public road now open as aforesaid, from the residence of Alexander McDonald, to the mouth of Keenan's Run, 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 of Quarter Sessions- _____

And they will ever pray &c-

Martin D. Brown
 Wm. M. Brown
 J. T. Fisk
 Dr. D. D. Fisk
 William H. Fisk
 Michael D. Fisk
 Thomas D. Fisk
 F. A. Fisk
 John Clark
 James A. Fisk
 John D. Fisk
 David Fisk
 James D. Fisk
 J. D. Fisk
 John D. Fisk
 John D. Fisk
 James D. Fisk
 W. A. Fisk
 Thomas Fisk
 Peter Fisk
 Frank Fisk
 James Fisk
 J. A. Fisk
 J. T. Davis
 W. L. Fisk
 Wm. Fisk
 Joseph Fisk

J. P. Fisk
 P. P. Fisk
 J. M. Fisk
 David Fisk
 J. M. Fisk
 John Fisk
 James Fisk
 J. D. Fisk
 Warren Fisk
 J. D. Fisk
 J. D. Fisk
 W. H. Fisk
 J. D. Fisk
 A. M. Fisk
 W. H. Fisk
 Joe Fisk
 Henry Fisk
 James A. Fisk
 George Fisk
 Henry Fisk
 James Fisk
 J. D. Fisk
 J. D. Fisk

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 8 Sept day of _____, A. D. 1880, before Judges of said Court, upon a petition of sundry inhabitants of the township of Penn, in

said county, setting forth that they labor under inconvenience for want of a Public Road to begin at a point on the Bell Run Road in Penn Township at or near the mouth of Keenans Run ^{the} terminate at a point on the Public Road leading from said Bell Run Road to the Penn and Luthenburg Turnpike at or near the residence of Alexander McDonald in said Township —

That there is at present time a public road extending from said Alex McDonald to the intersection with said Bell Run Road a distance of about three fourth miles which by reason of steep grade has been almost useless and is burdensome to the inhabitants

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 Harry Byers Richard Freeman John Porter 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 Parsons
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 ensembling 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 1 / 1 / 1 day of _____
A. D. 1888



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 L. Krebs President Judge
of The Court of Quarter-sessions of Clearfield County
Pennsylvania, We the undersigned viewers appoint-
ed by the within order of Court to view and layout
The road therein mentioned respectfully report that
we gave good and lawful notice of said road
and met agreeable thereto on the fourteenth day
of October A.D. 1890 and having been severally
sworn or affirmed we have viewed the with-
in mentioned road. Viz. beginning at post near
Alex McDonalds thence south nine degrees ten minutes
east twelve perches thence south fourteen and one half
degrees east thirty-five and two tenth perches thence
south one half degree east eleven and six tenth perches
thence south fifteen degrees twenty minutes west four-
teen and a half perches thence south thirteen and
one half degrees ~~East~~^{West} twenty seven and one half
perches thence South twenty six and three fourth
degrees West twenty-one and a half perches thence
through lands of Alex McDonald & John Hoke south for-
ty two degrees fifty minutes West nineteen perches
thence South forty seven degrees thirty five minutes
West seventeen and two tenth perches thence South
forty four and one fourth degrees west twenty six
and two tenth perches thence South fifty-three
degrees twenty minutes West fourteen and two
tenth perches thence South forty-six degrees West
fifteen perches thence South twenty six degrees

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thirty-five minutes West nine and two tenth
perches thence South fifty-eight and one half
degrees West twelve and two tenth perches thence
North seventy degrees West six and two tenth
perches thence North forty five degrees West
twelve and sixteenth perches thence North
seventy one and one half degrees West five perches
thence South sixty two and one half degrees West
three and fourteenth perches thence South sixteen
and one half degrees West four and five tenth
perches thence South eight and one half deg-
rees West (at 8 perches crossing Bell Run) eighteen perches
thence South one degree West seven and eight tenth per-
ches to Bell Run Road, which described road is
in our opinion useless inconvenient and burden-

some and should therefore be vacated, to supply
which we have laid out the following road to wit.

Beginning at a Post near Keenan Run thence
through unimproved land of Thomas Wall North
sixty one degrees thirty five minutes east seven and
one tenth perches to a post thence North forty seven
and three fourth degrees East fifty perches twelve per-
ches to centre of Bell Run on land of Thos. Wall. Remainder on
land of Col. E. A. Irwin) to a Hemlock Stump, thence
through woodland of Col E. A. Irwin and John Hoken
North thirty three and one fourth Degree East fourteen
and six tenth perches to a post thence continuing
through woodland of Jno Hoken North seventy and

one fourth degree East thirty Three and four
tenth perches to a Hemlock thence through even
ly cleared land of Jno Hohn North fifty seven
degrees twenty five minutes East twelve and two
tenth perches to a post thence North thirty eight
degrees ten Minutes East forty-one and five tenth
to a post Thence through lands of Jno Hohn Alex Mc-
Donald and Wm McDonald North twenty-nine degrees
five minutes East forty-Three and Eight tenth
perches to a Hemlock. Thence through Woodland
of Wm McDonald North twenty six degrees East
Twenty-Three and four tenth perches to a Hemlock
Thence North two and three fourth degrees East twen-
ty six perches to a beech thence north fourteen
and one half degrees West twenty two and six tenth
perches to a Hemlock Thence through Woodland
of Wm McDonald and Alex McDonald North
forty-one and one fourth degrees West twenty two
perches to a Maple thence through Meadowland
of Alex McDonald North fifty-five and one half
degrees West twenty Eight and six tenth perches
to post on road leading to Peninville and Luthers-
burg turn pike and place of beginning of road
vacated. A plot or draft of which roads are
vacated and supplied is herewith annexed showing
the courses distances and improvements, which
road as laid out aforesaid is necessary
in our opinion for a public road. We believe

no owner of land through which the road
passer is entitled to damages by reason of the
locating and opening said road. Witness our
hands this fourteenth day of October A D 1890

Viewers { Harry Byers
 { John Foster

No. 10 Sept Sessions, 1890

ORDER

vacate

To view and lay out a road for

Plum use in the township of

Clearfield Co.

Dec 1st 1890 Confirmed by the

the opened 33 feet wide

sidehill cutting & embankments

to be 16 feet wide

By the Court

14th Sep 1891. Confirmed

absolute By the Court

Filed 8 Nov 1890

Fees \$1.00 paid by John

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

Also—Viewers will carefully note the number of days played and set the amount out at the foot of their return.

Also—Viewers cannot interfere with damages assessed by original viewers, except so far as the location may be changed by the viewers.

N. B.—If the viewers 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.

Harry B. Gern } Days 3
Celt # 804 } Miles 14 \$13.40

John Porter } Days 1
} Miles 5 \$25.0

John H. Gern } Days 1
Chamman } Miles \$15.0

Alfred McDonald } Days 1
} Miles \$15.0

Days
Miles