

No. *3*, *Syck* Term, 1891

Vacate Public Road

Versus

Cooper Township

Contents:

X

Mo 3 Sept 1891

Petition to vacate
a public ^{leg. per. 1891} road, recently
laid out but
not yet opened, lead-
ing from a point
on a public road
running to Munson
Station at or near
Winburn or Merrett
Coas Mill and inter-
sect road running
from Ryfertown to
Philipsburg on line
of lands of James
Dwin and Pardee &c.

Filed 8th Sept 1891

Now Sept 1891, Petition
presented and Harry Reese
Jas P. Horner and George Kipp
appointed viewers to view
Report. By W. Count

Kramer

To the Honorable the Judge of the
Court of Quarter Sessions of
Clearfield County

The petition of the undersigned
respectfully represent: That a
road has lately been laid out
~~to lead from a point~~ ^{on a public road} running
to Munson Station at or near
Winburn or Merrett & Co's Mill
and intersect road leading
from Rybertown to Philipsburg
on line of lands of James
Irwin and Pardee & Co.

That said road as laid out is
not properly located as intended
by the petitioners and to open
the same would incur a
useless expense on the tax pay
ers of the Township and would
not accomodate the persons
living in said vicinity.

Your petitioners further repre
sent: That said road has not
yet been opened and that
they are a majority of the
signors to the original petition
for said road. They therefore
pray the Court that the said

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 Eighth day of September, A. D. 1891, before Judge of said Court, upon a petition of sundry inhabitants of the township of Cooper

_____, in said county, setting forth that a road has lately been laid out to lead from a point on a public road running to Munson Station at or near Winkum or Merritts Lees Mill and intersect road leading from Kylestown to Munson's ~~Philipsburg~~ on line of land of James Iron and Pardee Lea That said road as laid out is not properly located as intended by the petitioners and to open same would incur a useless expense to the tax payers of said Township

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Make report at next Term whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Reese James P. Horan & Geo. Hipple 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 the 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.

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, 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. 189 .

..... 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. 189 .

.....

.....

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Clearfield Pa. February 3rd 1892 S. M. Wilson Attorney
for J. C. Kyle and James Murty and James Hughes
inhabitants of and citizens of Cooper Township
and residents on said within road
vacated file exception to the within

1st Report -
That the order hereto attached to within
report is review and lay out the within
described road and report whether the same
is necessary for a public or private Road
That said Report does not conform to
the order of view in that the said Road
is vacated under said Order which
action of the viewer was illegal
and not warranted by the terms of
the amended order

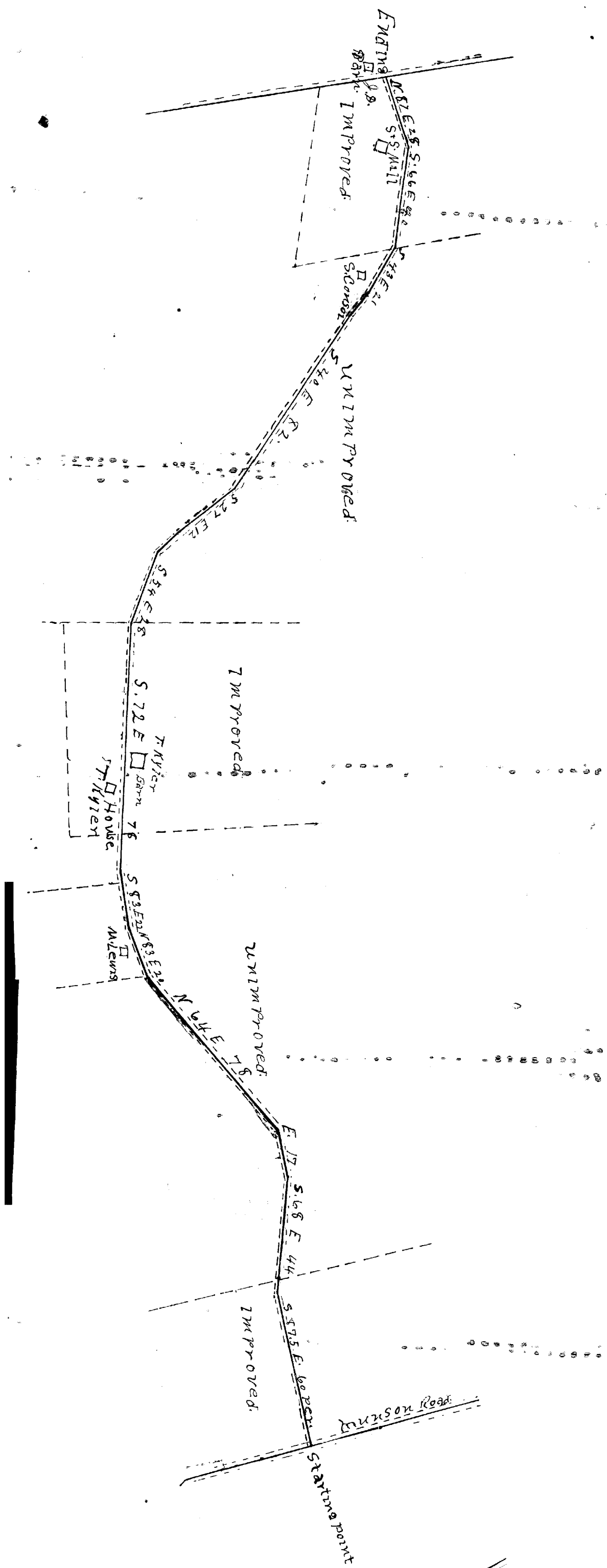
2nd That said Report of said viewer
alleges that they were appointed
to view the same and nowhere
is it stated in said Report that they
were appointed to view and vacate, S. M. Wilson

NO. 3 DEPOSITIONS, 1891	
ORDER	
To view and lay out vacate a road for public use in the township of Clearfield, Clearfield Co. S. M. Wilson Sessions 1891, read and confirmed N. S. Road to be opened 33 feet wide, except where there is side hill, cutting or embankment and bridging, there to be 16 feet wide. By the Court J. C. Kyle & James Murty & James Hughes Fees \$1, paid by S. M. Wilson	
Filed 7 th Dec, 1891	By the Court

3rd That said viewer in their report have
erased the word vacate and on the order
review and lay out have vacated the same within

NOTE.—In case of a private road the release must be ex-
cused in favor of the petitioner for said road.
Also—Viewers will carefully note the number of days en-
ployed and set the amount out at the foot of their return.
Reviewers cannot interfere with damages assessed by the
original viewers, except so far as the location may be changed
by the reviewers.
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.

James O. Hoyle	Days	one
George Hoyle	Miles	three
George Hoyle	Days	one
George Hoyle	Miles	three
W. A. Hoyle	Days	1 3/4
W. A. Hoyle	Miles	three
W. A. Hoyle	Days	one
W. A. Hoyle	Miles	three



Unimproved Land thence South thirty three degrees East
nine perches through unimproved Land thence South forty
three degrees East twenty one perches through unimproved Land
thence South sixty six degrees East forty perches through
improved Land thence through improved Land North Eighty
seven and one half degrees East twenty eight perches to a point
in the public road leading from Rykertown to Winburne
about four perches South of the Livery stable owned by
James Davis aforesaid point being the terminus of
said ~~to~~ road as per former view. Which said road as
as aforesaid Surveyed and measured we consider entirely
unnecessary and if constructed would Cause a large
and unnecessary Expense to the Taxpayers of the
Township within Names and we therefore vacate
the same.

James B. Hoover.
George Wiffle
H. A. Rees

To the Honorable the Judge within named
we the undersigned persons appointed by the within
order of Court to view ~~and vacate~~ the road therein
mentioned respectfully report That after having given
due public notice by three written and printed Notices
put up near the location of said road of the time
and place of meeting to view the same. We met at the
Cross Roads one and one half mile East of Rylertown on the
Twenty Sixth day of September A.D. 1891 and after being duly
affirmed in pursuance of said order we viewed, surveyed
and measured the ~~route~~ ^{road} as laid out by former Viewers
to wit- Beginning at a point in public road leading
from Rylertown to Munson Exactly where the Line
Between the Lands of James Irvin and the Pardee
Lands Crosses the aforesaid road from Rylertown to Munson
thence South Eighty Seven and one half degrees East Sixty perches
Along the line between improved and unimproved Land
thence South Sixty Eight and one half degrees East forty four
perches through unimproved Land thence East ten Perches
through unimproved Land thence South Eighty three and
one half degrees East seven perches through unimproved
Land thence North Sixty four degrees East Seventy eight perches
through unimproved Land thence North Eighty three degrees East
Twenty perches through unimproved Land thence South Eighty
three and one half degrees East twenty two perches through ~~unimproved~~ ^{unimproved}
Land thence South Seventy two degrees East Ninety six perches
fifty perches of the same being through unimproved Land and the
remainder through unimproved Land thence South fifty
four degrees East Twenty eight perches through unimproved Land
thence South twenty seven and one half degrees East twelve perches
through unimproved Land. thence South twenty two and one
half degrees East twenty eight perches through unimproved Land
thence South forty degrees East Eighty two perches through