

No.

3

1000

Term, 188

72

Vacate Wa Supply  
Public Road

~~VERSUS~~

W

Deeatur Township

Contents:

In Rel Public Road } In the Court of Quarter  
in Dewart Township } Sessions of Allegheny  
Petition to Vacate } County Pa  
& Supply Public Road } No 320 Decemr 1892

Petition to Set aside above proceedings

And now 21<sup>st</sup> Oct 1893 Read & Rule granted  
on the Supervisors of Dewart Township  
to show cause why Order of Confirmation  
absolute should not be Writen off  
Proceedings to open said road stayed until  
Rule is determined Pet 4<sup>th</sup> Monday of Nov  
1893

By the Court  
D. L. Kneels  
J

Certified from the record  
at Allegheny the 12<sup>th</sup>  
day of Oct 1893  
J. H. Anglin  
Clerk

Now Oct 14 1893. Service of atm rule  
accepted and personal service waived  
W. H. Agnew  
Atty for Supervisors



To the Honorable David L Krebs President  
Judge of the Quarter Sessions of Clearfield County  
Pa. We the undersigned Citizens of Decatur  
township, of said County Respectfully Represent  
that a public road beginning at or near the Michael  
Showers private road on the public road leading from  
Osceola to Philipstung to a point at or near the house  
of Thomas Mays, on the Long public road leading  
from Osceola to Philipstung laid out by order of this  
Court was Confirmed 'N. D.', at Dec. Sessions 1891  
and Confirmed absolute at February Sessions 1892  
That the same in its present location is inconvenient  
and would better Accommodate travelling public  
by being Changed so as to begin and end at the  
same points from where the road crosses the line  
between Burdine Estes and O'Farrell Brothers  
and extending through land of O'Farrell's, a distance  
of 26  $\frac{1}{10}$  perches to line of land of O'Farrell Brothers  
Emanuel Hale -

The petitioners therefore pray the Court to inquire  
of and change the said road and for such purposes  
to appoint three persons qualified according to law  
to view the said road & the ground proposed for the said  
change and inquire of the premises & make report of their  
proceedings at the next term of this Court  
And they will ever pray &c.

"Over"

# Signers

Pat C. Farrell

Bernard O Farrell

John O Farrell

John McElmott

John W Burns

James W Burns

Matthew Waldron

John Rogers

Thomas C Ginty

James C Ginty

Charles Gibson

John Dugan

John Dugan

James W Burns

William Taylor

Frank Bulman

~~James W Burns~~

Daniel Burns

Frank C. Ginty

Daniel Ginty

John Ginty

Peter W. Ginty

John Ginty

John McCabe

John Wright

Patrick Ginty

Michael Ginty

# Signers



No 3 Dec 28 1892

Wacate via Siskiyou

Public Road

in

Deer River Township

Filed 5 Dec 1892

Now 18 Dec 1892 Election  
read, J. D. Milbray, Justice  
Mock, and Jacob Brumley  
appointed overseer to report  
at next term

1892  
J. D. Milbray

Now 3 Apr 1893, Shafter

That one of the wives, named as above,  
at the time lived by the appointment  
because of a broken leg, Reck, Shafter  
is appointed in place of said Mock  
and also order is now recorded

Shafter 1893  
J. D. Milbray

In the Court of Quarter Sessions of Clearfield County.

.....

To the Honorable David L. Krebs, President Judge of said Court:-

The petition of Laura A. Bateman, of the Township of Decatur, County of Clearfield and State of Pennsylvania, respectfully represents:-

That she is the owner of a certain piece of ground situated in the Township aforesaid; that she has resided upon said premises for more than nine years immediately preceding the presentation of this petition;

That for a period of more than eighteen years immediately preceding the date of presenting this petition there has been located and used by the public a road, which road connects what is known as the Fish Town road with what is known as the Osceola & Philipsburgh road;

That by regular proceedings in your Honorable Court at *February* Term, 189*7*., this road was permanently located, and was opened by the Supervisors of Decatur Township;

That ~~on the~~ at *December Session 1897*..... A.D. 1898, a petition was presented to your Honorable Court for an order to vacate and supply a portion of the road so opened up as aforesaid; that upon said petition being presented to your Honorable Court Viewers were appointed to vacate and supply a portion of said road, and that the Viewers so appointed did at *May*....Term, 189*8*., file their report.

That no notice of the time and place of the View was ever served upon your petitioner, or upon any one acting as the agent or attorney of your petitioner; that your petitioner is the owner and occupier of seated land over which the route of the road as laid out by the last mentioned Viewers is located; that your petitioner has a valuable house and other outbuildings, shrubbery and shade trees, and a good fence, upon the property; that your petitioner was not aware that the road as laid out by the last mentioned Viewers was located upon her property or upon any portion thereof, and your petitioner further denies that she knew of said road being laid out at all;

*nor does the report of view show that notice was served on county commissioners or on the owners of seated lands over which the route of road as proposed was located, of the time and place of view-*



That the road as laid out by the last mentioned Viewers runs directly through the property of your petitioner, and through that portion of her ground upon which her dwelling house is located, which dwelling house is at present occupied by your petitioner; that if said road is opened up by virtue of said Opening Order it will greatly damage the property of your petitioner; That said road is unnecessary as at present laid out;

That an Opening Order for the road as laid out by the last mentioned Viewers has been placed in the hands of the Supervisors of the said Township of Decatur, and that said Supervisors have notified the husband of your petitioner of their intention to open said road; that if said road is opened according to the route as at present laid out your petitioner will be irreparably damaged.

Your petitioner thefore prays that the Supervisors of the Township of Decatur be restrained from complying with the requirements of said Opening Order, and further, that all proceedings under said petition to vacate and supply said road be dismissed. And she will ever pray.

Laura A. Bateman

State of Pennsylvania)  
County of Clearfield ) SS.

Before me, a Justice of the Peace in and for said County, personally appeared Laura A. Bateman who being duly sworn according to law doth depose and say, that the facts set forth in the foregoing petition are true and correct to the best of her knowledge and belief, and further saith not.

Laura A. Bateman

Sworn to and subscribed before me this Second day of October, A.D. 1893.

D. Gallagher J.P.

~~At the Court of Sessions~~  
No 3 Dec 88/89/2

In Re

Public Road in Deception  
Township.

Petition to Vacate and Confir-  
Public Road.

Application to set aside a  
proceeding.

filed & got 87

known 2 Oct 1893. Received

Rule granted on the Superior

Deception Township to show

Cause why order of Confir-

mation absolute should not

be stricken off. - Ret to 4th

ay Nov 2 1893. Proceeding to

open the said road stayed until

the rule is determined

By the Court

Dr. Books

Attest  
James H. Dean  
Clerk of the Court

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 Fifth day of December, A. D. 1892, before Judge of said Court, upon a petition of sundry inhabitants of the township of Dealer

~~~~~  
in said county, setting forth that a public road beginning at or near the Michael Shovers private road on the public road leading from Orwold to Philipstburg laid out by order of the Court was confirmed n. b. at Dec 25 1871 and confirmed absolutely at February 25 1872 that the same in its present location is inconvenient & would better accommodate the traveling public by being changed so as to begin and end at same points from where the road crosses the line between Burden Estep and O'Farrell In. and Emanuel Hale

and therefore praying the Court to appoint proper persons to view, <sup>Vacate & Supply</sup> and lay out the same according to law, <sup>Make report at next Court</sup> whereupon ~~the Court~~ <sup>upon due consideration had of the premises,</sup> do order and appoint J. J. McCloskey Richard Hughes Jacob Simeling 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 <sup>Vacation of</sup> road, and if they view the same and any two of the actual viewers agree that there is occasion for such <sup>Vacation & Supply</sup> 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

D. Geringer  
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 Township of Decatur 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 Township of Decatur 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 17 day of April  
A. D. 1893.

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 John Bateman the sum of Fifteen Dollars  
To Joseph Brown the sum of Ten Dollars  
To O'Connell Brothers the sum of Twenty five Dollars  
(Cent # 1393)

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 189 \_\_\_\_\_.

G. F. McClosky  
Jacob Dimeling  
Richard Hughes

Opening road across to the bridge by 15 Sep 1893

NO. 3400 SESSIONS, 189 2

ORDER

vacate supply

To view ~~and~~ a road for

Public use in the township of

Decatur, Clearfield Co.

May Sessions 1893,

read and confirmed Ni. Si.

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

Sept 1893 Conformed to

By the Court

Filed 25, 189

Fees \$1, paid by

PUBLIC SPRINT PRINT.

Stacy

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 employed 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.  
one day I went to view the road and Mr. Mock got hurt and did not come, and we had to go again.

|                                  |        |           |         |
|----------------------------------|--------|-----------|---------|
| B. J. McCloskey                  | Days 3 | Miles 3.0 | \$15.00 |
| Jacob Drimeling<br>(Cert # 1310) | Days 1 | Miles 1.0 | 3.00    |
| Richard Hughes<br>(Cert # 1308)  | Days 1 | Miles 2   | 2.20    |
| John O'Hannell<br>Cert # 1401    | Days 1 | Miles     | 1.50    |
| Patrick O'Hannell<br>Cert # 1402 | Days 1 | Miles     | 1.50    |

To the Honorable Judges, of the  
Court of Quarter Sessions of Clearfield  
County Pa.

We the undersigned Viewers,  
Appointed by the within Order of  
Court, to view, vacate, and survey,  
The road therein mentioned, respectfully  
report.

That having given notice of  
the time, and place of meeting, according  
to the act of assembly, and being all  
present at the view of the ground proposed  
for the said road, and being all sworn  
or affirmed in pursuance of the said Order,  
We have viewed, and laid out, and do  
return the following road. Viz. Beginning  
at the Township road, leading from Osceola  
to Philipsburg in Decatur Township, at the  
place where Michael Shower's private road  
intersects the said road, and running along  
the said private road, North sixty two  
and a half degrees East. Thirteen and two  
tenths perches to a point in said road, thence  
South twenty one and a half degrees East,  
(and at 12 perches, leaving the old road  
to the left) nineteen and four tenths  
perches to a Post the Corner of O'Harell Brothers

And John Bateman's Lots. Thence along the line between said O'Harnell, and Bateman's Lots. North fifty two and a half degrees East. Twenty nine and one tenth perches, to a Post, Corner of said lots. Thence to continue by the old road.

Which said road we are of opinion is necessary for public use.

A plot, or draft whereof is hereunto annexed and is shown by the black lines on said draft. Damages assessed by us as shown in the within Order.

That part of the old road as shown by the red lines on the annexed Map, we are of opinion should be changed, and put on the line between the parties named, and we therefore declare it vacated. Viz.

Beginning at a Point in the line second run from the Beginning at a distance of twelve perches from the angle. And running North fourteen and three quarter degrees East. Ten and five tenths perches, North fifty five degrees East twenty six and nine tenths perches. Witness our Hands the 17<sup>th</sup> day of April A.D. 1893.

B. F. McClosky  
Richard Hughes  
Jacob Dimeling } Viewers

