

No.

3, 100 <sup>S.S.</sup> Term, 1859

Vacate ~~and Supply~~  
Public Road

~~Versus~~ v.

Decatur Township

Contents:

In Rel Publice Road In the Court of Quarter  
in Decatur Township & Sessions of Clarifield  
Petition to Vacate & County Pa  
& Supply Public Road No 3 December 1892

Petition to set aside above proceedings

And Now Oct 1893 Read & Rule granted  
on the Supervisors of Decatur Township  
to Show Cause why Order of Confirmation  
absolute should not be Streetin off  
Proceedings to Open Said road stayed until  
Rule is determined Ret 4<sup>th</sup> Monday of Nov  
1893

By the Court  
D L Knoll

Off  
Certified from the record  
at Clarifield this 12<sup>th</sup>  
day of Oct 1893  
D. H. Angier  
Clerk

Now Oct 14 1893. Notice of above rule  
accepted and personal service waived

~~Not~~ August  
Key for Supervisor

37 Middle Street

Mr. H. H. Pearce

Dear

Sir

Decatur County

Dees

Now cost 14<sup>m</sup> 87<sup>s</sup> &

Send a copy of  
written over on credit, to  
Mr. H. H. Pearce for Deatur  
County

Calvert, or Lander

copy

Appleton, W. D.

H. H. Pearce

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 Philipsburg to a point at or near the house  
of Thomas Mays, on the Long public road leading  
from Osceola to Philipsburg laid out by order of this  
Court was Confirmed 'Nisi', 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 Estep and O'Farrell Brothers  
and extending through land of O'Farrell's, a distance  
of  $26\frac{9}{10}$  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 <sup>the</sup> make report of their  
proceedings at the next term of this court  
And they will ever pray &c

"Over"

## Signers

Pat O'Farrell  
 Bernard O'Farrell  
 John O'Farrell

## Signers

John McElmott  
 John W. Burns  
~~James McElmott~~  
 Matthew Maldron  
 John Higgins  
 Hugh O'Ginty  
 James O'Ginty  
 Charles Allison  
 John Dugan

John McElmott  
 John Higgins  
 William Taylor  
 Frank Bulman  
~~John McElmott~~  
 Daniel Burns  
 Frank McKeish  
 Peter McKeish

John McElmott  
 Peter McKeish  
 John Higgins  
 John Wright  
 Patrick Sweeney  
 Michael O'Conor

Finance Estuaries  
Peter G. Bain  
James Estuaries  
of the  
Henry

Peder Hammon

Robert G. Linn

Off. J. G. Conner

Haïku d'Isadore

John C. Green, B.M.W.M.

George W. Hall  
Offices Worcester

James C. Wright

1870-1871

J. W. Dickey  
Vern-Green  
Pittsfield

Conn. Geoc. Soc.

John Deane

1960-1961

Colleg. Villitt.

- De la vie de l'artiste -

1862

Wm. Dugan

No 3 Dec 28 1892

Yacate Qua Supply  
Public Road

Mr

Deseret Township

Filed 5 Dec 1892

Now we see our 1892 election  
read. J. P. Millican, Fred  
Mort, and Jacob Orme being  
appointed assessors to furnish  
at next term

John W. Scott  
D.R.C.

Now 3rd of 1893. Not hearing  
that one of the assessors was seen  
at the time fixed by the election  
because of a broken leg, Rich. H. Kyler  
is appointed in place of said Mort  
and also order 15 men awarded

Aug 27 1893

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, 1893., this road was permanently located, and was opened by the Supervisors of Decatur Township;

That on the 1st December Sessions 1892..... A.D. 1893, 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, 1893., 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 viewers show that notice was given to County Commissioners or to 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 therefore 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.

P. Gallagher J. R.

Mr. 3 Dec 88 1/2  
In Re Public Road in Deptown  
Township.

Petition to Vacate and Supply  
Public Road  
Petition to set aside  
Proceedings

Green & Son v. C. & G. R. R.  
From 20 Oct 1893. Re 1894  
Rule granted on the 10th ult.  
Came into my order of Court  
show absolute want of cause  
to sustain off. Pet to be heard  
ay Nov 15, 1893. Proceedings  
open the 1st and stay until  
the rule is determined.

Post Office  
Green & Son v. C. & G. R. R.

May 1894  
at the time of the  
vacating of the  
old road

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 Reealter

a publice road beginning at or near the Mehair Hours private road on the publice road leading from Osevold to Philipsburg laid out by order of the Court was confirmed in Dec 25 1891 and confirmed absolutely at February 23 1892 that the same in its present location is inconvenient & would better accommodate the traveling publice by being changed so as to begin and end at same point from where the road crosses the line between Burden Estip and Farrell Inv. and Emanuel Hale

vacate & supply  
and therefore praying the Court to appoint proper persons to view, and lay out the same according to law, make report at next Court whereupon the Court, upon due consideration had of the premises, do order and appoint P J McCloskey Richard Hughes Jacob Dimeling who, after being respectively sworn and 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 vacate & supply 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

D Gengery,  
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, or and in consideration of the sum of ONE DOLLAR to us respectively paid by the Township of Decatur at and before the sealing 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<sup>th</sup> 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'Farrell Brothers the sum of Twenty five dollars.  
Cost 13 93

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

S. F. McClosky

Jacob Dineley

Richard Hughes

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. Viewers cannot interfere with damages assessed by the 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 that effect.

NO. 3600 SESSIONS, 1892.

ORDERED,  
To view ~~and buy~~ a road for  
public use in the town ship of  
Dealee, Clearfield Co.

May Sessions 1893, Jacob Brumeling { Days 1  
read and confirmed N. St. Richard Hughes } Miles 10 3.00  
Road to be opened 33 feet wide, (Cut #1310) Miles 2 2.20  
except where there is side hill, cutting or embankment and cutting, there to be 16 feet wide.  
John O'Hanell { Days 1  
Cut #1401 Miles 1.50  
Patrick O'Hanell { Days 1  
Cut #1402 Miles 1.50  
By Chas Curtis

Sept 26 1893 Conformed to  
By the Court

Filed..... 25....., 189  
Fees \$1 paid by.....

PUBLIC SPIRIT PRINT.

Stagny

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 supply,  
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 Oceola  
to Philipsburg in Decatur Township, at the  
place where Michael Shover's private road  
intersects the said road, and running along  
the said private road, North fifty two  
and a half degrees East, Thirteen and two  
tenths perches to a point in said road, thence  
North 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'Farrell Brothers

And John Bateman's Lots. Hence along the line between said O'Farrell, 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. Hence to continue by the old road.

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

A plot, or draft whereof is herunto 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 fourtynine 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 Dimling } Viewers

