

No. 8, Sept <sup>SS</sup> Term, 1887

Vacate Public Road

~~COMMONWEALTH~~

~~versus~~ in

Union Township

Contents:

X

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

The petition of the undersigned, citizens and inhabitants  
of Union Township, in said County, respectfully represents:

That a public road  
beginning on the road leading from Rockton to Home Camp at or near  
the Bailey Dam on Anderson Creek, in said Union Township, and leading  
to the public road from Anderson Creek to Clearfield at a point at  
or near the Western line of Henry Whitehead on said Clearfield Road  
in said Union Township, laid by order of this Court, and confirmed and  
opened and in use for a number of years; That that portion of said road  
beginning at Bailey Dam on Anderson Creek to the farm of Ellis Kline  
on said road in Union Township, has become useless and inconvenient an  
-d burdensome to keep up, and is not fit for public travel on account  
of the very heavy grade. The petitioners therefore pray the Court to  
inquire of and vacate said road, and for that purpose appoint the prop  
-er number of persons duly qualified according to law, to view said  
road and inquire of the premises and make report of their proceedings  
at the next term of Court

And they will ever pray &c.

- 1 Oscar Hendricks
- 2 Robert Harris
- 3 John H. H. H.
- 4 J. J. Peoples
- 5 D. E. Brubaker
- 6 W. H. Brubaker
- 7 J. B. Blouner
- 8 J. H. Blouner
- 9 J. M. Bees
- 10 John W. H. H.

- 11 E. W. Dressler
- 12 Grant Kirk
- 13 Michael Hubert
- 14 John Sheerer
- 15 E. H. Hallapeter
- 16 W. Hollopetter
- 17 H. H. Hollopetter
- 18 S. S. Hollopetter
- 19 Henry. Penz
- 20 J. E. Hollopetter
- 21 J. A. Hollopetter
- 22 Herbert. J. Penz
- 23 W. H. Durlak
- 24 F. B. Gillett
- 25 Levi Spicker
- 26 J. Schotelaeger
- 27 W. C. Sued
- 28 J. H. Brubaker
- 29 A. R. Glouner
- 30 S. H. Beer
- 31 J. W. Gaborak
- 32 W. B. Luff
- 33 Jacob Weber
- 34 Wm. G. Spicker

33 J. E. Schofield

34 D. W. Gaborde

37 J. C. <sup>son</sup> Schofield

38 L. B. Kirk

39 J. A. Hummel

40 W. H. Brubaker

41 J. C. Pandice

42 E. J. Cunningham

43 John A. Brilhart

44 Q. E. Dresler

45 J. W. Taylor

46 J. E. Hummel

47 C. W. Loff

48 James M. Bloom

49 S. E. Kost

50 E. H. Caldwell

51 W. O. Long

52 H. A. West

53 H. A. West

54 S. J. Gehrett

55 E. B. Kelly

56 J. B. Hummel

57 R. H. Gaborde

58 J. M. Liens

59 Nathan. Liens

60 J. E. Oswald.

61 J. Andersen

62 J. S. Seger

63 W. L. LeHaas

64 R. H. Jordan

65 J. A. Smith

66 J. A. Smith

67 Daniel Smith

J. M. Dressler

Lewis Dressler

L. R. Dressler

S. I. Brown

H. G. Dressler

Ferd. Seger

Thomas Jansel

Sept  
No 8 ~~1111~~ Sd. 1892

Petition to Vacate

Road leading from

Anderson Creek on

Rockton road to

Ellis/Kline Line

Filed 3 Sept 1892

Honored Sept 1892. Petition  
presented and Harry Byers, - Andrew  
Pentz (sheriff), Jesse Line, are  
appointed to view and report  
re. By the Court

order to view given to  
W C Pentz Sept 1892

W. C. PENTZ,  
ATTORNEY AT LAW,  
DuBois, Pa.

HENRY HALL, LAW STATIONER, INDIANA, PA.

In re. order to } No 8 Sept 5. 1892  
new vacate a road  
for public use in the  
Twp of Union.

Nov. 12<sup>th</sup> Dec 1892. the following  
exceptions are filed & to the proceedings  
in this case

1<sup>st</sup> The <sup>petition</sup> ~~order~~ is irregular as they  
ask for the vacation of a portion  
of a public road, without supply-  
ing the same, and leave a public  
road, with no outlet at one  
end,

2<sup>d</sup> The report does not show a legal  
notice of the time & place of the meeting  
of the viewers

3<sup>d</sup> The report is void as it recommends  
the vacation of a portion of a public  
road, without supplying the same  
and leaves an end of a public highway  
without any connection with ~~any~~ any  
other public road or highway.

A. H. Hall  
Atty for Expts

Nov 5 1844

William D. Ward  
resides in the city of  
New York

Capital

Free 12 Dec 1844  
Jm. B. B. B.



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 25th day of September, A. D. 1892, before Judge of said Court, upon a petition of sundry inhabitants of the township of Union

Union, in said county, setting forth that a public road ~~beginning in the road leading from~~ beginning at ~~or near~~ at Bailey Dam on Andrusen Creek leading to the public road from Andrusen Creek to Clearfield at a point at or near the Western line of Harry Whithead in said Clearfield Road in said Union Township, that portion of said road beginning at Bailey Dam on Andrusen Creek to farm of Ellis Kelene in said road in Union Twp has become useless and incumbrance & burdensome to keep up and not fit for public travel on account of heavy grade and such portion of said road vacated.

and therefore praying the Court to appoint proper persons to view <sup>vacate</sup> ~~and lay out~~ the same according to law, Made report at next Term whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers, Marcus Pink Jr, Jesse Lerner 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</sup> ~~road~~, and if they view the same and any two of the actual viewers agree that there is occasion for such <sup>vacation</sup> ~~road~~, they shall proceed to <sup>vacate</sup> ~~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.

A M Berr  
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 ..... at and before the enseatig 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 .

To the Honorable David L. Krebs President Judge of  
The Court of Quarter Sessions of Clearfield County  
Pennsylvania we the undersigned, viewers appointed  
by the within order of Court to view and vacate  
The road therein mentioned respectfully report  
That we gave good and lawful notice of said  
road view and met agreeable thereto on  
The nineteenth day of September A.D. 1892 and  
having been severally sworn or affirmed  
we have viewed and vacated the within men-  
tioned road, beginning at road leading from Rockston  
to <sup>at point near</sup> ~~Home camp~~ <sup>Point</sup> ~~then~~ <sup>then</sup> South seventy six degrees East  
twelve perches, South twenty eight and one half degrees East  
five perches, South twenty one and one half degrees East  
thirty four and four tenth perches, South thirty two and  
one fourth degrees East ten perches, South seventy degrees  
East ten perches (Crossing Anderson Creek,) North seventy  
eight and one fourth degrees East fourteen perches, North  
forty and one half degrees East nine and two tenth  
perches, North forty seven degrees East eleven per-  
ches, North thirty two and one half degrees East fifteen  
perches, South seventy eight degrees East five and eight  
tenth perches, South forty and three fourth degrees  
East seventeen and five tenth perches, South  
sixty eight and three fourth degrees East twenty two  
perches to point at Ellis' <sup>Kline's</sup> farm, a plot  
or draft of which road as <sup>vacated</sup> ~~laid out~~ aforesaid  
is herewith annexed showing courses distances  
and improvements which road has in our opinion  
become useless inconvenient and burdensome and  
should therefore be vacated. Witness our hands  
This nineteenth day of September A.D. 1892

Viewers { Harry Byers  
Andrew Pentz  
Jesse Limes

NO. 8 SEPTEMBER, 1892

ORDER

To view ~~and lay out~~ a road for

Public use in the township of

Monro, Clearfield Co.

Dec<sup>12</sup> Sessions 1892,

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

Dec<sup>12</sup> 1892, this road has  
been confirmed for ten to ten  
4 new companies absolute

Filed 6<sup>th</sup> Dec<sup>12</sup> 1892

Fees \$1, paid by M. P. B. J.

PUBLIC SPIRIT PRINT.

NOTE:—In case of a private road, the release must be ex-

ecuted in favor of the petitioner for said road.

Also—Viewers will carefully note the number of days em-

ployed and set the amount out of the foot of their return

viewers cannot interfere with damages assessed by the

original viewers, except so far as the location may be chang-

ed by the court.

Also—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 the effect.

Days 3

Miles 15 \$135.00

Days 1

Miles 6 \$2.60

Days 1

Miles 7 \$2.70

Days 1

Miles 7 \$15.00

Days 1

Miles 7 \$15.00

Days 1

Miles 7 \$15.00

Days 1

Miles 7 \$15.00

Harry Byers  
(Court #1179)

Andrew Pouty  
(Court #1243)

George Sims  
(Court #1180)

George S. Poppler  
Chairman

# OPENING ORDER.

CLEARFIELD COUNTY, SS:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, at Clearfield town, in and for said county, on *Fifth* day of *September* A. D. 1892, before the Judges of said Court,

*Harry Byers Andrew Peutz Jr*  
*Jesse Lines* the persons appointed by an order of Quarter Sessions, last past, to view and lay out a road from *or near Bailey's dam on Anderson Creek to point at or near the Western*

Do Report, that in pursuance of the said order, they have viewed and laid out, and do return for public use, the following road, to wit: Beginning at *road leading from Rockton to Home Camp* at point near *Bailey's dam* Thence South twenty six degrees East Twelve perches South twenty eight and one half degrees East Five perches South twenty one and one half degrees East Thirty four and four tenths perches South thirty two and one fourth degrees East ten perches South seventy degrees East ten perches (crossing Anderson Creek) North seventy eight and one fourth degrees East fourteen perches North forty and one half degrees East Nine and two tenths perches North forty seven degrees East Eleven perches North thirty two and one half degrees East fifteen perches South seventy eight degrees East four and eight tenths perches South forty and three fourth degrees East seventeen and five tenths perches North sixty eight and three fourth degrees East twenty two perches to point at *Ellen Kline's farm*

a plot or draft whereof is, to the said Report annexed, which Report being read the first time at *Dec* Sessions, 1892, and the second time on the *Dec* day of *Dec* Sessions 1893, the Court approves of and confirms the said road for public use, and orders and directs that it be entered of record, and opened and cleared off the breadth of *33* feet, except where digging or bridging is necessary, and there to be *16* feet, agreeable to the courses and distances aforesaid, of which the Supervisors of the highways of the townships through which the said road runs are to take notice.

By order of the Court.

*J. B. Ginery*  
Clerk of Quarter Sessions.



Deposition of witnesses produced, sworn affirmed and examined by me the twenty sixth day of January A. D; 1893. at my office at D'Bois, Clearfield County, Pennsylvania, between the hours of one o'clock P.M., and Eight o'clock P.M. by virtue of the annexed rule of Court of Quarter Sessions of Clearfield County, Pennsylvania, and Notice hereto attached, for the examination of witnesses in a certain Cause depending in said Court, ~~wherein~~ In Re, Public Road in Union Township,

W. H. Brubaker, affirmed. I live in Rockton, Union Township. I am 30 years of age, I have lived at Rockton all my life, nearly. I am acquainted with this road, that is now being tried to be vacated. I live 2 mile from this road. I am acquainted with the locality of the new road being laid out. From the Spruce Hill School house, at or near the line of Blair and Morris, it is one mile and a quarter. From Whiteheads on this road is to where the vacation commences at Klides. I think it is about a mile from Whiteheads into where this new road intersects with the Old road. The new road leads from the road from Rockton to Clearfield. This new road gives Mr Klide, an much easier outlet and better than the one the people want vacated. The old road is very steep, a portion of that, <sup>which</sup> is to be vacated.

The <sup>old</sup> road climb. The Anderson Creek hill is about one half mile. The sentiment of the people are in favor of vacating the old road, and have expressed themselves to that end,

The new road as laid out would supply the wants of the old road, that is; an out-let for those who have been using the old road. There is no one <sup>lives</sup> on the old road from Klives to the <sup>the part to be vacated</sup> Barker dam, the old road would be expensive to keep in a passable condition,

W. H. Bonbaker

S. B. Welty. affirmed. I am acquainted with the road proposed to be vacated, for at least ten years a portion of the road is very steep. From the creek up to Klives, it is an expensive road to keep up, there would have to be built a bridge ~~with~~ <sup>across</sup> the creek is wide and from estimates made, would cost from \$800 to \$1000 <sup>or</sup>. I know that the road fund is about \$1500 <sup>or</sup> in debt. I am acquainted with the locality of the new road, to the Spruce Hill School house, on which is shown as the Rockton road, this <sup>new</sup> road, <sup>leaving the road</sup> that is proposed to be vacated at a point near Norbs, and goes through to the Rockton road, if the view to vacate extends to Klives, line next to the creek. It is about one and one half miles from Whitheads to Klives, on the road to be vacated, ~~on the~~ that is on top of the hill on the Clearfield road, The grade of the



is better than that part of the old road to be vacated, to Rockton. The new road has a very good grade. On the part to be vacated, a load can not be pulled up, that is a two horse load, cannot be pulled with two horses, on account of the steepness. ~~two horses~~ can hardly pull a half a load. The sentiment of the people, is that they want the road vacated, I have heard nearly all express themselves so,

C. B. Welby

Clearfield County, ss.

I hereby certify that the above witnesses were duly qualified and examined at the time and place stated in the above caption and subscribed their depositions in my presence.

L. S. Hay, J. P.

# RULE TO TAKE DEPOSITIONS.

Clearfield County, ss:

In Re Public Road  
in Union Township  
VERSUS:

In the Court of ~~Common Pleas~~ <sup>Master Sessions</sup> of Clearfield  
County, Pennsylvania.

No. Sept. Ss. Term, 1892.

AND NOW, to wit, the 21<sup>st</sup> day of Jan'y, in the year of our  
Lord one thousand eight hundred and ninety-~~Three~~  
the ~~Applicants~~ enter a Rule to take the  
Depositions of ancient, infirm and going witnesses, to  
be read in evidence on the Argument of  
this case. Ex parte Rule of Petitioners on  
Five days notice.

D. J. Tingley  
Prothonotary.

To A. S. Cole, Esq.:

Atty for Exceptionals

You will please take notice that, in pursuance of the foregoing Rule, depo-  
sitions will be taken before S. S. Hay Esq, or some other  
person authorized to administer an oath or affirmation in Pennsylvania, in  
and for the county of Clearfield, at the office of S. S. Hay  
in the Room of Union, in the county of Clearfield  
and State of Pennsylvania, on the 26 day of Jan'y A. D.  
1893, between the hours of 1 o'clock P. M. and 4 o'clock P. M. when  
and where you may attend and cross-examine.

Clearfield, Pa., Jan'y 21, 1893.

H. C. Dineen  
atty for Petitioners

N<sup>o</sup> 8 Sept Dec 1892

In the Court of Quarter  
Session of Gloucester  
County.

Sept. 4. 1892.

vs. The Public Road  
in Union Township.

Defendants.

Free

J. A. May, J. P.

vs. May 10.

\$ 1,50

Witnesses,

W. H. Proctor,

1 day -

8 miles each

D. A. W. Kelly,

1 day,

8 miles each.