

No. 8, Sept 28
Term, 1882

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 and 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 proper 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 Morris
- 3 John Kline
- 4 B J Peoples
- 5 D. E. Brubaker
- 6 W. H. Barbakes
- 7 D. B. Clouser
- 8 J. H. Clouser
- 9 G. K. Beers
- 10 John McWayne

- 11 G. W. Dressler
- 12 Grant Kirk
- 13 Michael Kubatz
- 14 John Scheer
- 15 E. H. Hollopeter
- 16 M. Hollopeter ^{son}
- 17 H. H. Hollopeter
- 18 S. Hollopeter
- 19 Terra. Penz
- 20 J. E. Hollopeter
- 21 J. A. Hollopeter
- 22 Herbert. J. Penz
- 23 H. W. Dunlap
- 24 F. B. Helvets
- 25 Levi Spicker
- 26 J. Hotelbarger
- 27 H. G. Sueo
- 28 J. H. Brembaker
- 29 A. R. Glouster
- 30 S. H. Beer
- 31 J. W. Gaborek
- 32 W. B. Kuff
- 33 Jacob Weber
- 34 Wm. G. Spicker

33	J. E. Schofield
34	D. W. Gaborde
37	F. C. ^{son} Schofield
38	L. O. W. Kirk
39	J. A. Hummel
40	H. D. Brubaker.
41	J. C. Pandice
42	E. J. Birmingham
43	John A. Brilhart
44	E. Dressler
45	J. W. Taylor
46	J. E. Hummel
47	C. N. Goff
48	James M. Bloom
49	S. E. Kost
50	G. H. Coldwell
51	W. O. Long
52	H. C. West
53	H. A. Werth
54	S. J. Gehrett
55	A. B. Petty
56	J. R. Hummel
57	R. F. Gaborde

58 J. H. Liens

59 Nathan. Liens

60 J. E. Oswald.

61 J. Anderson

62 J. S. Seyer

63 W. J. Haas

64

R. J. Jordan

65 John Brumitt

66 John Smith

67 Daniel Smith

J. M. Dressler

Levi Dressler

L. R. Dressler

S. I. Brown

H. G. Drayton

Ferd. Sauer

Thomas Van Sic

Sept
Mo 8 Mch 56, 1892

Petition to Vacate

Rodell leading from

Anderson Creek on

Rodell - south Co

Eric Klein Lins

Filed 5 Sept 1892

Know all men by these presents that the petition presented and signed by - Andrew Pentz (Sheriff) Jesse Lins are appointed to review and report the same.
By the Court

order to Eric Klein Lins
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 3. 1892
view Vacate a road }
for public use in the }
town of Union. }

Nov. 12th Dec 1892. the following
exceptions are made to the proceedings
in this case.

1st The ^{petition is} ~~order are~~ irregular as they
ask for the vacation of a portion
of a public road, without supplying
the same, and leave a public
road, with no outlet at one
end.

2nd The report does not show a legal
notice of the time & place of the meeting
of the viewers.

3rd 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 ~~without~~ any
other public road or highway.

A. F. Hale
(Atty for applicants)

Mc S. Y. H. S. 1442

Mc Graw-Hill
Book Company
Mc Graw-Hill
Book Company

Hee Lee
Gymnasium
Box

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

, in said county, setting forth that a public road beginning on the road leading from Princeton to Home Camp at or near Bailey Dam in Anderson Creek leading to the public road from Anderson Creek to Claysfield at a point at or near the Western line of Henry Whitehead on said Claysfield Road in said Union Township, that portion of said road beginning at Bailey Dam on Anderson Creek to farm of Ellis Kline on said road in Union Gap has become useless and inconvenient & 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 ~~and lay out~~ the same according to law, ~~Made report at next Term~~ ^{vacate} whereupon the Court, upon due consideration had of the premises, do order and appoint ~~Harry Dyer~~ ^{vacate} ~~Anderson Park Jr~~ ^{vacate} ~~Jess Lauer~~ 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~~ ^{vacate} and any two of the ~~actual~~ ^{vacate} 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.

J. M. Bennett,
Clark.

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 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 .

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} ~~at point near Valley~~ ^{at point near Valley} road leading from Rockston
to Horne camp ^{at point near Valley} 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 Kline's ^{vacated} farm, a plot
or draft of which road as ~~laid out~~ aforesaid
is hereto 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 Penz Jr
 Jesse Lines

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 to that effect.

No. 8 Sessions, 1892

ORDER

Yacale
To view and to grant a road for

Public use in the township of
Mazon, Clearfield Co.

Recd by Sessions 1892,
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

Recd Jan 1893. This was the
plan contained for two years
& now confirmed absolutely

1892
John M. Clark
Filed 6th Oct 1892
Fees \$1, paid by M. M. Clark

PUBLIC SPIRIT PRINT.

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 Peetz Jr
Jesse Green 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 the

Anderson Creek to point at or near the Western line of Harry Whitehead
 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 dam Thence North Seventy six degrees East Threee Perches Borough 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-one degrees East 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 Ellis 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 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. S. Gregory Clerk of Quarter Sessions.

No 8. October 1892

Opening Box

Box in Union Dist

1.25 per day & 25c per

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 herein 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 miles from this road. I am acquainted with the locality of the new road being laid out, from the Grace Hill School house, at or near the line of Plain and Morris. It is one mile and a quarter from Whiteheads on this road to where the vacation commences at Kleins. 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. Klein an much easier outlet and better than the one the people want vacated. The old road is very steep, a portion of that, ^{which} is to be vacated.

The ^{old} road climb. The Anderson creek hill in about one half mile, the sentiments 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 outlet for those who have been using the old road, there is no one ^{lives on the old road from Kline's to the Factory} ~~the part to be vacated~~ ^{lives on the old road from Kline's to the Factory} ~~lives on the old road from Kline's to the Factory~~ 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 Kline's, it is an expensive road to keep up, there would have to be built a bridge ~~both~~, the creek is wide and ~~from~~ ^{your} estimates made, would cost from \$800 to ~~1000~~ ^{or} I know that the road fund is about ~~\$1500~~ ["] in debt. I am acquainted with the locality of the new road, to the Spruce Hill School house, on what is known as the Rockton road, ^{new, leaving the road} this road, that is proposed to be vacated at a point near Morris, and goes through to the Rockton road, if the view to vacate extends to Kline's, live next to the creek. It is about one and one half miles from Whitheads to Kline's, 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, of 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,

A. B. Wally

Cleavfield 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 Roads
in Lower Township

VERSUS:

In the Court of ~~Common Pleas~~ ^{Master Sessions} of Clearfield
County, Pennsylvania.

No.

Sept. 28. Term, 1893.

AND NOW, to wit, the 21st day of January, in the year of our
Lord one thousand eight hundred and ninety-Three
the Appellee 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 Plaintiff on

Four

days notice.

D. J. Gingery
Prothonotary.

To A. S. Cole Esq.:

Atty for Plaintiff

You will please take notice that, in pursuance of the foregoing Rule, depositions will be taken before J. 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 J. S. Hay in the Boro of Clearfield, in the county of Clearfield and State of Pennsylvania, on the 26 day of January A. D. 1893, between the hours of 1 o'clock P. M. and 2 o'clock P. M. when and where you may attend and cross-examine.

Clearfield, Pa., January 21, 1893.

N. C. Dray
Atty for Plaintiff

No 8 Sept 1891

In the County of Lancaster
Lessons of Cleasfield
County.

Sept. 1st. 1891.

On the Public Coach
in Union Township.

Departure.

Fees.

A. S. May. J. P.

\$1.00.

W. H. Bullock.

1 day—
8 miles direct.

D. H. Wilby.

1 day,
8 miles direct.