

No. *20 Sept* Term, 1892

Vacate & Supply
Public Road

Versus

Greenwood Township

Contents:

X

In the Court of Quarter Sessions of Clearfield
County:

Qu Re Public Road in Greenwood Township.
Mo. 20 September Sessions, 1892.

U. C. Miller, Attorney for Robert Young, James Young
and other monumentors files the following exceptions
to the proceedings and report of viewers in the above
entitled road case.

1st The viewers in said case did not give personal
notice of the time and place of view, to the owners
of the land through which said road runs.

2^d The viewers did not endeavor first to procure
releases of damages from the owners of the land
over which the road was laid before proceeding
to assess the damages.

3^d The viewers in said case did not view and lay
out the road described in their report until af-
ter the return day of the order to view and all
the proceedings are wholly void of said order after
said return day are unauthorized and void.

Clearfield County, Pa.

Personally appeared before
me, the undersigned, a Justice of the Peace in and

for said County, Robert Young, who being duly
sworn according to law doth depose and say that
the exceptions filed in this case are true and cor-
rect as he truly believes.

Robert Young,

Sworn and subscribed to before me this 21st January, 1873.

A N Newcomer
Justice of the Peace.

In Court Quarterly Sessions.

In Re Public Road in Green
Wood Township.

No 20 September SS, 1872.

Exceptions to Proceedings and
Report of Jurors.

Filed 30 January 1873
D. J. Young
Clerk

Miller

To the ^{Honorable} Judge of the Court of Quarter Session of
Clarke Co. Co.

The petition of the subscribers respectfully
Sheweth that they labor under great inconvenience for
the want of a public road or highway to lead from
the Village of Belle Landing to a public road leading
^{at present with road leading from George M. Tadden's}
from the Wiley Settlement to Lumber City in said Co.
They therefore pray the Court to appoint persons duly
qualified to view the ground proposed for said
road and to lay out the same according to Law.
They further petition to vacate two roads now
leading from the Beech Creek R.R. to the road
leading from Wiley Settlement to Lumber City
^{one being the public road passing Nelson Young's place the other being}
as they are too steep & hilly for hauling loads
^{The public road passing the residence of George M. Tadden, as they can be fully}
and will not be used when said new road
^{supplied by roadways for good}
is made. ^{James} petitioners therefore pray the
Court that the same roads be vacated

names

Jesse Kester
John P. Kester
G. W. Bell
Thomas Diehl
G. W. Tadden.
Robert Young.
J. J. Bell
J. P. Bell
W. S. Bell

James Kelany
C. P. Barrett

W. E. Rosemore
H. A. Bell
J. W. Looker
G. W. Mcracken
D. F. Mcracken
M. J. Horne

names

N. N. Hamille
David Young
Arthur Bell
J. W. White
Elmer Hoover
A. B. Kissinger
George Strasbaugh
Ed Hoover
Birt Bell

Thomas Goulthread
G. W. Dickey

Nov 20 Sept 28 1872

Petition of citizens of New
Wood Township to vacate
two public roads ~~by the~~
each leading from the
Reed Creek R R to the
public road from Wiley
Settlement to Fowler City.
and to supply same by a pub-
lic road from the diamond in
the bridge of Bell's Landing
to a point on road from Wiley set-
tlement to Fowler City at or near
the intersection of 2nd road proposed
to be vacated, with said road,

And more Sept 28 1872
S. J. M. Clancy, John Smith and
John M. Smith - an approved
persons to file the route proposed
and make report on the same and
the vacations proposed for to the
next term.

Re, the Grant

Oct 28 1872

SINGLETON BELL,
ATTORNEY AT LAW,
CLEARFIELD, PENNA.

Given under my hand and seal of
office this 28th day of September 1872

In the Court of Quarter Sessions of Clearfield County
In Re Public Road in Greenwood Township, said
County.

No. 20 September Sessions, 1892.
To the Honorable David L. Krebs, President Judge of said
Court.

Whenas a petition was presented to your Honorable
Court to No 20 September Sessions, 1892, signed by certain cit-
izens of Greenwood Township, setting forth that they labored
under great inconvenience for the want of a public road
or highway to lead from the village of Bells Landing to a public
road leading from the Wiley Settlement to Lumber City
in said County, at intersection with road leading
past George McFadden's, and praying the Court to
appoint persons duly qualified to view the ground
proposed for said road and to lay out the same
according to law, and further petitioning to vacate two
roads now leading from the Beech Creek R.R. to the
road leading from Wiley Settlement, one being the public
road passing Nelson Young's Est. and the other thereof
being the public road passing the residence of George
McFadden.

And whenas, the Court did appoint S. F. McCloskey,
John Peitz and John McDowell viewers for the purposes
set forth in the aforesaid petition.

And whenas, the said viewers did locate and lay out
a public road and did vacate the said two roads men-
tioned in the aforesaid petition, and made report of
the same to your Honorable Court on the 12th day of
December, 1892, which said report was confirmed
Mi. Si. by said Court.

The undersigned citizens and
taxables of said Township, respectfully remonstrate
against the Confirmation of said proceedings by said

Court and the opening and building of said road as laid out by said viewers, for the following reasons:-

1st The opening and building of said road would be expensive and burdensome upon the tax-payers of Greenwood Township, then being no money in the Treasury of said township with which to build said road, and the township is already in debt to the extent of about two thousand dollars for the building and maintenance of roads within its limits.

2^d That said road was not laid out upon the best ground for said road, nor in such manner as to do the least injury to private property, nor was it laid out agreeable to the desire of the original petitioners.

3^d That the opening of said road as laid out by said viewers and the vacating of the public road running past Nelson Young's Est. and the public road running past residence of George McFadden would deprive many farmers of any way driving towards Bellville and the country beyond, except by a very roundabout way.

4th That the two roads proposed to be vacated by these proceedings have been in use for many years by the people living along and near said roads, and should not be vacated without supplying said farmers with some way of ingress and egress to their farms and places of residence.

Your petitioners therefore respectfully request that the Court will refuse to enjoin the report

of said views.
And they will ever pray, &c.

Mauers

Robert Young
Arthur Coulter
James Young
Samuel Young
James Coulter
Samuel Young
George Madden
Daniel W. Wiley
Harry Ross
Wm. Ross.

J. W. Looker
A. C. Bell
John H. Bell
Frank Hamilton
C. R. Mosbracken
D. W. Mosbracken
J. C. Thompson
Samuel Campbell
Wm. Johnston
J. B. Johnston
B. G. Dyer
B. H. Sawyer

C. A. Thompson
G. W. Campbell
Mathias Hulliker
C. J. Hulliker
Harry R. Hulliker
Geo. H. Wiley
Ellis J. Wood
James Wiley

Mauers.

Emmanuel Seise
H. E. Tubbs
W. P. Bennett
A. H. Newcomer
Alex. Ross

Names
C. P. Barrett

Names

Ms 20 Sept. 1881, 1872.

In Re Public Road
in Greenwood Township.

Enclosure

Ms 30 Jan'y 1873
J. J. Jennings
Care

Miller

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 29th day of September, A. D. 1892, before Judge of said Court, upon a petition of sundry inhabitants of the township of Greenwood, in said county, setting forth that

They labor under great inconvenience for want of a public road or highway to lead from the Village of Belle Landing to a public road leading from the Wiley Settlement to Lumber City and also to vacate two roads now leading from the Buck Creek R R to the road leading from Wiley Settlement to Lumber City one being public road passing near Youngs Creek and the other being the private road passing the residence of Geo. M. Adams as they can be fully supplied by the road prayed for

and therefore praying the Court to appoint proper persons to view, and lay out the same according to law, ^{Vacate & Supply} Make report at next term

whereupon the Court, upon due consideration of the premises, do order and appoint J. F. McLoskey, John T. Smith & John McDevitt

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 ^{Vacate & Supply} 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 per-

sons 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. Brown,
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 enrolling 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

Must be sworn 1873 & accepted & taken for & kept for

NO. 19 Sept Sessions, 1892	
ORDER	
Vacate & Supply	
To view, and lay out a road for	
Public use in the township of	
Chenoweth, Clearfield Co.	
Dec 7	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	
Now 29th Sept 1893, the captioned	
having been argued & considered	
this 31st Sept 1893, is sustained	
proceeding to be laid out	
By the Court	
Filed 12 Dec	1892
Fees \$1, paid by J. M. Bell	

PUBLIC SPRINT PRINT.

NOTE.—In case of a private road the relief 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.

	AMOUNT.
87 McCloskey	Days 4
	Miles 10 \$17.00
John Beatty	Days 2
	Miles 4 \$4.40
And McQuinn	Days 2
	Miles 5 \$4.50
J. R. Derrick	Days 2
Cent # 1272	Miles \$3.00
Edward Hoover	Days 2
Cent # 1273	Miles \$3.00

C. J. L.

- To the Honorable, The Judge of the Court of Quarter Sessions of Clearfield County. We the undersigned Viewers, Appointed by the within Order of Court; to View, Vacate, and Surveys, the Roads 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 new Road, and also of the roads proposed to be vacated, and being all sworn, or Affirmed, in pursuance of the said order of Court. We have Viewed, and laid out; and do return the following Road. as shown in Black Ink on the annexed draft. to wit;

- Beginning at a Post in line of the Street in the Village of Bellville, and in line of the Township Road leading from Curwensville to Burnside, and running along a Street, through land of J. Jefferson Bell. South fifteen and a half degrees East. One Hundred, and thirty four and three tenths perches to a Post. Thence through land of the same North eighty six and a half degrees East. (Crossing the River on

The Iron Bridge) Thirty two and six
tenths perches to a Post: in land of David
Young. Thence through his land, South
Eighteen degrees East; Eleven and two
tenths perches to a Post: Thence, South forty
seven and a half degrees. Twenty seven
perches to a Post: Thence still through the
same. South Fifty seven degrees East
Twenty One and two tenths perches to a
Post: South Forty six degrees East; fifteen
perches to a Post: South Ten degrees West;
Six and six tenths perches to a Post; South
fourteen degrees East; Eight and six tenths
perches to a Post: South twenty one degrees
East; twenty perches to a Post: South Thirty
five and a half degrees East: Thirteen per-
ches to a Post: South twenty three degrees East
Six perches. South Eight degrees East, Eight
perches to a Post: South nineteen degrees East:
Six and four tenths perches to a Post; South
twenty six degrees East. Five and four tenths
perches to a Post: Thence through land belonging
to Nelson Young's Estate. South thirty three
degrees East: Six and eight tenths perches
to a Post: South Fifty and a half degrees East
Eight and six tenths perches to a Tremlock.
South Thirteen degrees East; seventeen and

five tenths perches to a Hemlock. South
ten degrees east fourteen and six tenths per-
ches to a Post. South eight degrees west
fifteen and eight tenths perches to a Post.
South thirty six degrees west, five and one
tenth perches to a Post. South fourteen degrees
west: eight perches to a Post. South twenty
six degrees west; ten and six tenths per-
ches to a Post. Thence through land belong-
ing to. (Unknown). South three degrees, and
thirty minutes west, nine and two tenths
perches to a Beech. South twenty six de-
grees East: eight and two tenths perches to a
Hemlock, Thence South forty three degrees
East: fifty two perches to a Post by the
Township Road leading from Lumber City
to the Wiley Settlement,

Which said road as aforesaid laid out
we are of opinion is necessary for Public use.
A Plot, or draft whereof is hereunto attached.
And we are of opinion that no person - or
persons, through whose land the said road
passes, is entitled to receive any damage.
We have also vacated the two roads
mentioned in the said Order as follows.
The road passing George McAddens house
or residence. we have vacated as shown
in red Ink on the within draft; Begin-

ing near George McFaddens house. and
running North One degree and fifteen minutes
West. Thirty three and three tenths perches.
North Eight and a half degrees west. forty
three and eight-tenths perches. North Eight-
teen and a half degrees west. Thirty Eight.
perches. North twenty seven and a half
degrees west. Fourteen and three tenths per-
ches. North Thirty nine degrees west. Six-
teen perches. North Twenty five degrees
West. Fourteen perches to the junction of the
said road with road leading by Nelson
Youngs Estate. Thence along said road. North
Eighty one and a half degrees East. Eight per-
ches Thence South seventy six degrees East.
Ten perches. South fifty six degrees East
fourteen perches. South sixty four degrees
East. twenty one perches. South eighty four
and a half degrees East. Twenty Eight per-
ches. South seventy four and a half de-
grees East. Twenty perches. South sixty
five degrees East. Ten perches to Nelson Youngs
Barn. The two last described roads, as
shown (on the map hereto attached) in
red Ink. are on bad ground, and too
steep to be used to any good purpose
and we declare them both vacated.
Witness our hands the 9th day of

December A.D. 1892.

B. F. McClosky.
John Penty
John McSwitt } Viewers

