

No. 21, May Term, 1893

Private Road

Versus
Lawrence Pop

Contents:

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To the Honorable David L. Krebs, President Judge of the Court of
Quarter Sessions of Clearfield County:-

The Petition of James Carns of Lawrence Township, Clearfield
County Pennsylvania, Respectfully represents:

That he labors under inconvenience for want of a private road
to lead from his plantation in the Township of Lawrence, to an alley
leading to the public road, leading from Clearfield to Luthersburg, at
or near a point known as the George ~~Letter~~ property.

He therefore prays the Court to appoint proper persons to view
and lay out the same according to law,

And he will ever pray,

James Carns

May Sessions.

21 Aug 58 / 893

PETITION.

Petition for private road leading from James Carns plantation in Lawrence Township, to an alley leading to the public road leading from Clearfield to Luthersburg, at a point near the George Fetzer property in said Township.

Know all men by these presents that we, the subscribers, do hereby petition the Board of Supervisors of Lawrence Township, to grant us a private road leading from James Carns plantation in Lawrence Township, to an alley leading to the public road leading from Clearfield to Luthersburg, at a point near the George Fetzer property in said Township.

Filed 28 Aug 1893

D. G. Gray

S. V. WILSON,

Attorney at Law,
CLEARFIELD, PA.

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 28 day of Aug., A. D. 1893, before James ~~James~~ ~~inhabitants~~ of the township of ~~Danumua~~ ~~sundry~~ ~~inhabitants~~ of the township of ~~Danumua~~ in said County, setting forth that

The labors under great inconvenience for want of a private Road to lead from his place in Danumua Township to an alley leading to the public road leading from Clearfield to Johnsbury at a point near the George Helzer property in said Township.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, ~~to make report at next Term~~ whereupon the Court upon due consideration had of the premises, do order and appoint ~~Harry~~ ~~James~~ ~~James~~ ~~Deary~~ ~~Oryceus~~ ~~Hoce~~ 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 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 land 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 land 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. J. Gregory

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..... 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..... 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.

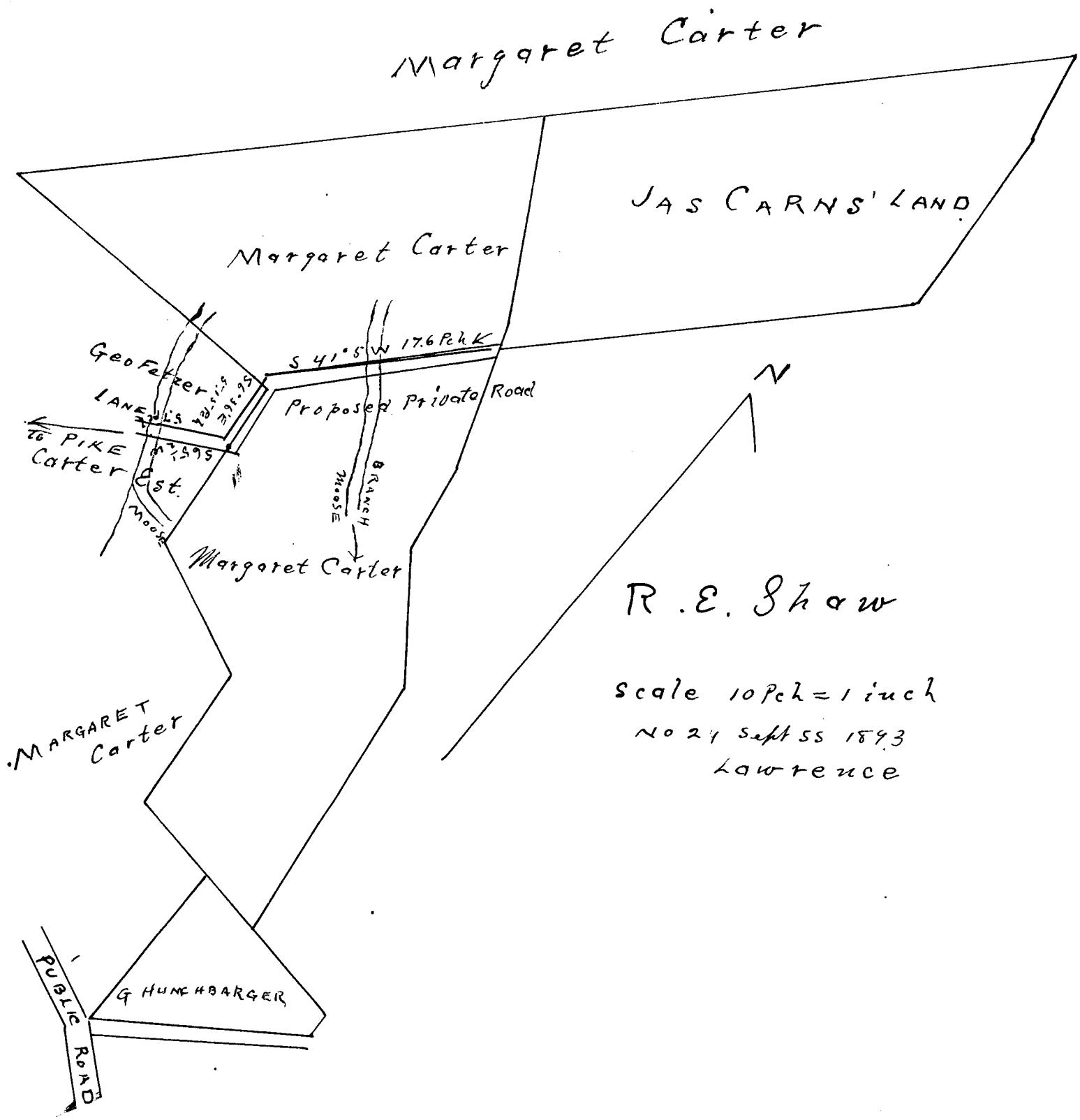
The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To Margaret Carter the sum of ten dollars
To and James Carus to build and keep up fences if required
To by aid Margaret Carter the sum of.....

To..... the sum of.....

Witness our hands this 4th day of September, A. D. 1893.

James L. Hay
Harry Myers



To the Honorable David L. Reebz President Judge
of the Court of Quarter Sessions of Clearfield County
Pa. we, the undersigned, being a majority of the
viewers appointed by the within order of court to
view the road therein mentioned respectfully
report that we gave good and lawful notice
of said roadview and met agreeable thereto ~~and~~
having been severally sworn or affirmed we have
laid out and do return for private use of James Carns
the following road to wit: Beginning at said
James Carns place thence across the land
of Margaret Carter South forty one degrees five min-
utes West seventeen and sixteenth perches to a post
thence by line of said Margaret Carter and George
Fetzer South Six degrees thirty six minutes East
five and fifteen hundredth perches to a post in
said line, thence by line between land of said
George Fetzer and Carter estate South Sixty five
and one half degrees West five and seven tenth
perches to end of lane or alley leading to Clear-
field and Luthersburg turnpike at property of George
Fetzer, a plot or draft of which road so as
aforesaid laid out is herunto annexed showing
Courses distances and improvements, which road
is necessary for the private use of James Carns
We believe ^{in our opinion} no order of land as entitled to damage except Mr. Carter.
Witness our hands this fourth day of September
A.D. 1893

Harry Breyer,
Viewers James L. Seay

May

No 21 Sept Sessions, 1893

ORDER

To view and lay out a road for
Private use in the township of
Kauwa, Clearfield Co.

Sept Sessions, 1893,
read and confirmed by Si.
Road to be opened 15 feet
wide, except where there is
danger in ~~the~~ ^{the} ~~hills~~ ^{hills} or ~~rocks~~ ^{rocks} ~~on~~ ^{on} ~~the~~ ^{the} ~~road~~ ^{road} ~~and~~ ^{and} ~~going~~ ^{going}, there to
private road
be 10 feet wide.

By the Court
Sept 1893 Convened
absolute by the Court

NOTE.—In case of a private road the release must be executed in favor of the partitioner 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.

AMOUNT.
Days 1 Miles 2 \$ 4.20
Days 2 Miles 4 \$ 4.40
Days 2 Miles 4 \$ 4.40
Days Miles

Filed 4 Sept 1893
Fees \$1, paid by Barus.