

No. 40, Sept. 55 Term, 1896.

Vacate part of
Public Road

~~Versus~~

Sandy Township

Contents:

To the Honorable Gordon President Judge
of the Court of Quarter Sessions Clearfield County, Penna.

The petition of the undersigned inhabitants of the
Township of Sandy in said county sheweth: That a road has long
since been laid out from Du Bois to Liberty a part of which road,
Beginning at a point on said road where a road leads ^{the} to Luthers-
burgh road about a mile north of Liberty To
a point on the same road east of the run at the Speers Saw Mill,
which part of said road your petitioners conceive is now become
useless, inconvenient and burdensome. Your petitioners therefore
pray the court to inquire of and vacate said road and for that
purpose to appoint proper persons qualified according to law to
view the said road and inquire of the said premises and make re-
turn of their proceedings at the next term of this court and
they will ever pray.

Names
J. F. Heberling
Andrew Wall
J. W. Heberling
H. H. Kress
W. H. Kress
J. R. Shaffer
J. H. Shaffer
A. H. Kramer
M. O. Kneeling
W. H. Kress

Names
J. C. Kiel
C. A. Mitchell
W. H. Kress
J. H. Shaffer
J. H. Shaffer
Daniel Shaffer
Isaac Shaffer
J. A. Lyons
W. H. Lyons
A. H. Kress
David Lyons

Petition of the Citizens of
Sey Township to vacate
part of a public road

From the Fox and Liberty
Road

To
a point on the same road
east of the run at the Speers
Saw Mill.

FILED MAY 27 1896

And now May 27 1896
The within petition
having been presented
and considered,
Geo. E. Kirk, Mayor -
Wells and John Lyons
are appointed viewers
in pursuance of the
within petition. Report
at next term -

By the Court
Cyrus Seabury
1896

Attest
HENRY HALL, ATTORNEY AT LAW,
for the County of Allegheny, PA.

Geo. E. Kirk, Mayor, Wells
Cyrus Seabury

In Re. the Petition to

Say case of Public Road

in Sandy Township Clear-

field County, Pa

In the Court of Quarter Sessions of
Clearfield County

No. 10 September Session 189

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Exceptions to Report of viewers

Now, 4th Jan. 1897, David Shaffer representing citizens of Sandy Township, files exceptions to the confirming of the report of Viewers in the above case as follows

FIRST. John Lyons one of the viewers circulated the petition to get the signers thereon and is interested in the matter

Second. The petition filed in this case is signed by J.A. Lyons, W.H. Lyons who are sons of John Lyons one of the viewers, and by David Lyons who is a relative of the said John Lyons/

David Shaffer

Clearfield County ss.

David Shaffer being sworn says the above exceptions are correct and true to the best of his knowledge and belief Sworn and subscribed before *David Shaffer* me this ~~4~~ day of Jan.

A.D. 1897

W. H. Lyons
noting record

3 The petition does not designate the clearing favor of the proposed road

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the
county of Clearfield, Pennsylvania, held at Clear-
field, in and for said county, on the 27th
day of May, A. D. 1896, before
Judge of said Court, upon a petition of sundry
inhabitants of the township of Sandy
Township, in said County, setting forth that

a road has long since been laid out from
Du Bois to Liberty a part of which road beginning
at a point on said road where a road leads to
Luthersburg road about a mile North of Lib-
erty to a point on same road East of the Run
at Speers Saw Mill which part of said road your
petitioners is now become useless, inconven-
ient and burdensome

and therefore praying the Court to appoint proper persons to view and lay out
the same according to law, and report at Dec. sess 1896
whereupon the Court, upon due consideration had of the premises, do order and
appoint George C. Spink Harvey Wallis and John Lyons
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~~^{vacation}, and if they view the same and any two of the actual viewers
agree that there is occasion for such ~~road~~^{vacation}, they shall proceed to ~~lay out~~^{vacate} 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~~^{vacation} 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 land said road may pass, or failing to procure such re-~~
~~leases, 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. Lingey

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 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 recieve 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

ASSESTMENT 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 :

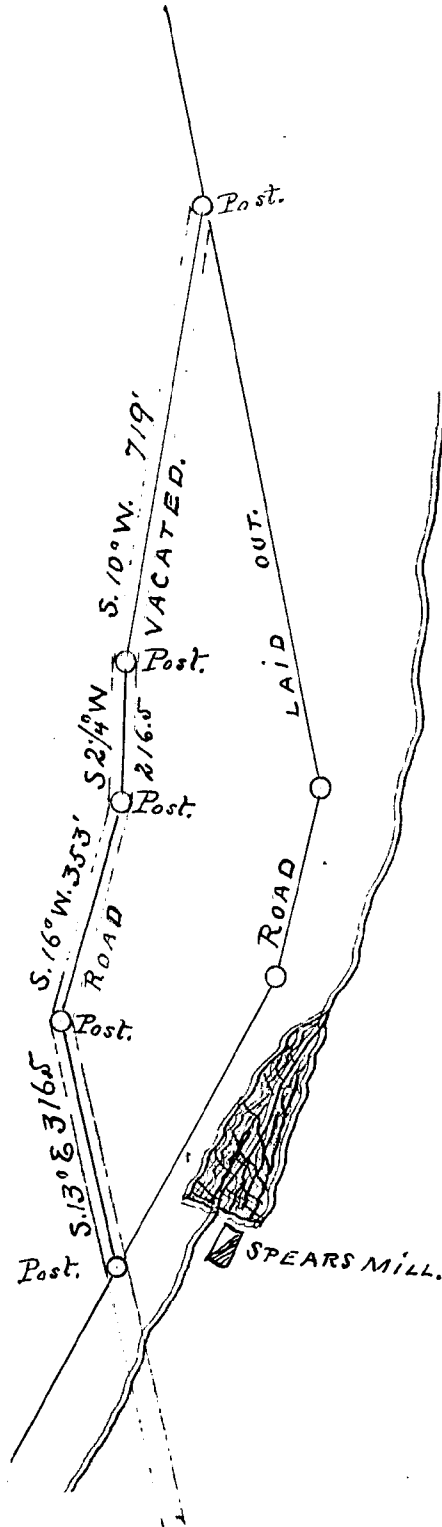
To the sum of

To the sum of

To the sum of

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

South.



To the Honorable, the Judge within named: We the undersigned, appointed by the annexed order do report; That in pursuance thereof after having been severally duly sworn according to law, all the viewers appointed by said order, viewed the road proposed within to be vacated, and we do agree that there is occasion to vacate the same as desired by the petitioners, and we have enquired and do vacate the following described public road, to wit:—Beginning at a point in the public road leading from Dubois to Liberty, thence N. 10° E., 719 ft. to a post. Thence N. 2¼° E., 216.5 ft. to a post. Thence N. 16° E., 353 ft. to a post. Thence N. 13° W. + 316.5 ft. to a post in public road laid out by No 9. Sept Sessions 1896, which by reason of the opening of said road laid out by No. 9. Sept. Sessions 1896, will become useless and burdensome. And we also annex a plot or draft of said road vacated.

Witness our hands this 28th. day of November A.D. 1896

Geo. C. Kirk.

John Lyons

Harvey Hall

Viewers

And now Sept. 28. 1896, on motion of A. S. Benson
 attorney for petitioner, the within order is read & then
 and decreed. Future Road, in accordance & report
 been - (See record from 1894)
 By the Court
 But are 49' wide
 Henry's planning

No. 10 Sept Sessions, 1896

ORDER

To vacate ~~and lay out~~ a road for
 use in the township of
 Sandy, Clearfield Co.
 file 1896
 Court & Dec 1896
 read and confirmed N. B.
 Road to be opened 33 feet
 wide, except where there is
 side hill cutting or embank-
 ment and bridging, there to
 be 16 feet wide.

By the Court
 Cyrus Gordon

Filed 9 Nov, 1896
 Fees \$1, paid by A. S. Benson

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 at the foot of their report.
 Reviewers cannot be changed 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.

Geo. C. Kierke	Days 1 1/2	2.00
John Lyons	Days 1	2.00
Harvey Wael	Days 1	2.00
	Days	
	Miles	
	Days	
	Miles	

Henson