

No. 1 Sept. Term, 1900

Public Road
versus in
Brady and Union
Townships

X

In the matter of the)
Public Road in) In the Court of Quarter Sessions of
Brady and Union Townships.) Clearfield County.
) No. 1 of September Sessions, 1900.
)

George C. Kirk by his Attorney W.C. Pentz, excepts to the confirmation absolute to above report for the following reasons:--

1st. The Viewers report does not set out that they have laid out a road for public use.

2nd. That George C. Kirk, one of the parties interested had no notice served on him as required by law.

3rd. Said road is not necessary for public use.

4th. Said road does not reach any person that is not now accommodated by a public road.

5th. Said road is laid along the Clearfield and Mahoning Railroad for quite a long distance and will be impracticable for public use.

Geo C Kirk

CLEARFIELD COUNTY, SS.

George C. Kirk being duly affirmed according to law, deposes and says that the facts set forth in the above Exceptions are correct and true to the best of his knowledge and belief.

Affirmed and subscribed before me)

this 3rd day of Nov. A.D., 1900.)

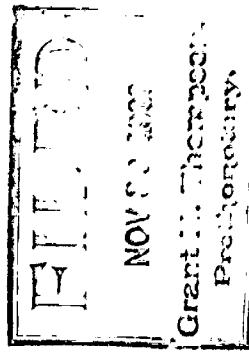
) Geo C Kirk

J. T. Keane
Notary Public.

No. 1 September Sessions, 1900

In the matter of the
Public Road in Brady and Union
Townships.

EXCEPTIONS.



In the Court of Quarter Sessions of the Peace in and for the
County of Clearfield, Penn'a.

To the Hon. Cyrus Gordon Judge of said Court:

The petition
of the subscribers, citizens of Union or Brady Townships in
said County respectfully represent that they labor under great
inconvenience for the want of a public road in said County to
lead from the residence of Mrs. Jane Lines in Brady Township on
public road leading from Benj. Carson's in Brady Township to
and past Pine Swamp school-house in Brady Township ~~xxx~~
and also past the residence of Mrs. Anna Kirk, to a point on
the public road in Union Township leading from John Sheeser's
to Sam'l Bailey's in Union Township, and which point of in-
tersection of the proposed road on the public road is about
three-fourths of a mile Northward from said Sheeser's, - the
said point of intersection being in Union Township. They there-
fore pray the Court to appoint proper persons duly qualified
to view the ground proposed for said road and to lay out the
same according to law. And they will ever pray etc.

Union Townships

John W. L.

J. H. Lytle

O. O. Hornecker,
Circled L.

P. E. Oswald

J. P. V. Vans

John W. L.

J. W. Gabrake

R. P. Morris

P. P. Leach

W. B. Duff

D. C. B. Duff

Samuel C. Bailey,
Maine - Bailey

Joe Holloman

J. H. Garrison

J. B. Gillett

Brady Townships

Mrs. Connie Kirk

Mr. Joseph L. Kirk

S. Troy

Geo. W. Holder

J. N. Booze

J. H. Edinger

C. H. Imhoden

J. C. L. L.

Samuel Shaffer

J. H. Shaffer

J. C. P. Hoan

Mr. P. Olinger

A. B. Taylor

Geo. Schindly

D. L. Hornecker

Jacob Monroe

Geo. J. Edinger

Harrison Township

Rehman Jan

Prairie Road
in Brody & Union
Townships

also live to near
Sheevens in Union
Township

Robert & Charles
Moulton and W.
J. Rehman
are opposed
to network
to network to
representatives

Any other
representatives
will be
representatives

W. C. ARNOLD,
ATTORNEY AT LAW,
DU BOIS, PA.

Brady Township.

In the matter of the Public Road) In the Court of Quarter Sessions
In the Townships of) of Clearfield County.
Brady and Union.) No. 1 September Sessions, 1900.

To the Honorable, the President Judge of said Court.

The undersigned citizens and property owners of the Townships of Union and Brady respectfully remonstrate against the confirming absolute of a certain report of viewers filed in your honorable court on the 22d day of August, 1900, and confirmed nisi si on the 8 of September, 1900, laying out a public road in the Townships of Brady and Union in the above case, for the following reasons:-

First. Said road as laid out is of no benefit to any citizen. Every property along the line of said proposed road has an outlet by a Public road now laid out and opened.

Second. That said proposed road as now laid out will be expensive to build and expensive to keep up on account of going over low, swampy land and will subject the Township through which it passes to an unnecessary large outlay of money.

Third. Said proposed road as laid out for about half the distance parallels the Clearfield and Mahoning Railroad; and would be a road exceedingly dangerous to travel with horses on account of running trains.

Fourth. Said proposed road as laid out will cut the lands of George C. Kirk, R.H. Kirk, S.S. Hollopeter and the land of Elias Lyons heirs in such a way that will do them great damage; and if this report is confirmed absolute, suits for damage will result against the County.

Your Petitioners therefore pray your honor to set aside the report of viewers, and they will ever pray etc.,

John B. Dyer
John C. Dyer

George Barnard

Peter, Peterman

John B. Dyer

James, James

John, John

John, John

George, George

George, George

John, John

E. H. Barnard

James, James

John, John

John, John

George, George

John, John

Geo. L. Kirk

18. 10. 1917.

Henry ... and

J. K. ...

John ...

21. 10. 1917.

A. ...

2. 11. 1917.

John ...

John ...

John ...

John ...

John ...

8. 11. 1917. Merritt

11. 11. 1917.

Edgar C. ...

11. 11. 1917.

John ...

J. M. Thompson.

R. H. Kirk

Union Township.

In the matter of the Public Road) In the Court of Quarter Sessions
In the Townships of) of Clearfield County.
Brady and Union.) No. 1 September Sessions, 1900.

To the Honorable, the President Judge of said Court:

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First. Said road as laid out is of no benefit to any citizen. Every property along the line of said proposed road has an outlet by a Public road now laid out and opened.

Second. That said proposed road as now laid out will be expensive to build and expensive to keep up on account of being over low, swampy ^{which} land and will subject the Townships through ^{it} it passes to an unnecessary large outlay of money.

Third. Said proposed road as laid out for about half the distance parallels the Clearfield and Mahoning Railroad; and would be a road exceedingly dangerous to travel with horses on account of running trains.

Fourth. Said proposed road as laid out will cut the lands of George C. Kirk, R.H. Kirk, S.S. Hollopeter and the land of Elias Lyons heirs in such a way that will do them great damage; and if this report is confirmed ~~absolute~~, suits for damage will result against the County.

Your Petitioners therefore pray your honor to set aside the report of viewers, and they will ever pray etc.,

116 Eng

1. ~~Eng~~ ~~Eng~~

2. ~~Eng~~ ~~Eng~~

3. ~~Eng~~ ~~Eng~~

4. ~~Eng~~ ~~Eng~~

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17. ~~Eng~~ ~~Eng~~

18. ~~Eng~~ ~~Eng~~

Janice Smith

Janice Smith

2. ~~Eng~~ ~~Eng~~

3. ~~Eng~~ ~~Eng~~

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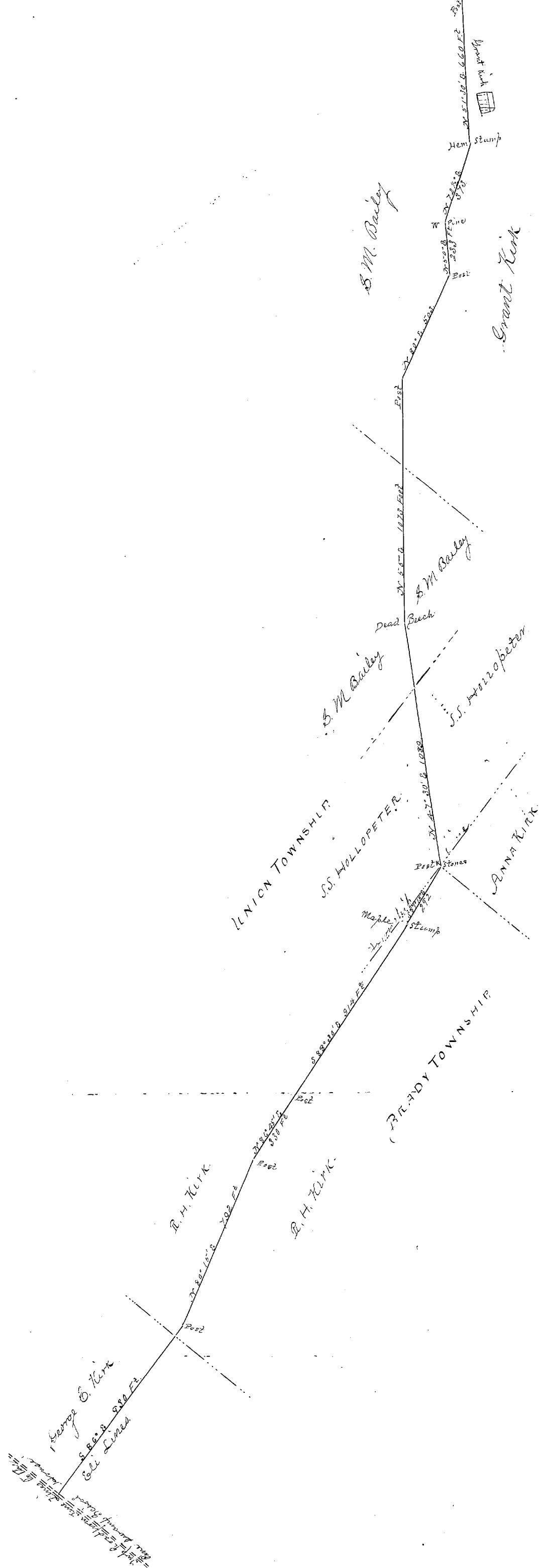
38. ~~Eng~~ ~~Eng~~

39. ~~Eng~~ ~~Eng~~

40. ~~Eng~~ ~~Eng~~

Per S. Giacomo
x 300 lire
1.000 lire
Chiesa
Ottobre
Vittorio
La P. C. C.
B. C. C.
Salvo
forse Giacomo.

~~Enclosed is a copy of a letter from John Shaeffer to Samuel M. Bearup.~~



To the Hon judges of the Court of
Quarter sessions of Clearfield County,

We, the undersigned, persons appointed by
the within Order of Court, to view, and lay out
the Road 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 pro-
posed for the said road. And being all sworn,
or affirmed, in pursuance of the said Order of
Court. we have viewed, and laid out, and do re-
turn the following Road. Viz. Beginning at a Post
in the Township Road leading from Mrs Jane Lines
to Pine Swamp School House. One Hundred and
twenty seven feet North from the Centre of the B.
R. & P. R.R. in Brady Township, and run along the
line between George C. Kirk, and Eli Lines South
Eighty six degrees East, nine hundred, and
thirty feet to a Post in land of R. H. Kirk. Hence
through his land North eighty and a quarter degrees
East seven hundred and ninety two feet to a Post.
Hence North eighty six and three quarter degrees
East, three hundred and thirty feet to a Post. Hence
South eighty eight, and a half degrees East. Nine
hundred and fourteen feet to a Maple Stump.
Hence still through Lines land. North eighty
seven, and a quarter degrees East. Two hundred and
ninety two feet to a post and stones a corner of R.

H Kirk, and Anna Kirk, on the top line between
Brady, and Union Townships. Thence through land
of L. B. Hollopeter North forty seven and a half degrees
East ten hundred, and eighty nine feet to a dead
Beech, in land of Samuel M Bailey. Thence through
land belonging to the said Bailey, and land of Grant
Kirk North fifty five degrees East ten hundred and
seventy three feet to a Post, thence through the same
North eighty degrees East, five hundred and three
feet to a Post. Thence North fifty degrees east two-
hundred and thirty three feet to a white pine. Then
by same. North seventy two and a half degrees East,
three hundred and seventy three feet to a Hemlock
Stump. Thence still through land of the same. North
fifty one and a half degrees East, six hundred
and sixty feet to a Post in the Township Road, lea-
ding from John Breesers, to Samuel M. Baileys,
in Union Township. Which said road as afo-
resaid laid out, we are of Opinion, is necessary for
Public use! And we have also examined the land
through which the said road passes, and we are of the
Opinion that none of the Owners (through which it passes)
are entitled to receive any damage.

Witness our hands the 17th day of August 1900

B. F. McClosky
John Brubaker } W. J. Rose } Witnesses

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 7th.

day of May, A. D. 1808, before Judge of said Court, upon a petition of sundry inhabitants of the townships of Brady and Union, in said county, setting forth that

they labor under great inconvenience for the want of a public road in said County to lead from the residence of Mrs Jane Lines in Brady Township to and past Pine Swamp School House in Brady Lwp. and also past the residence of Mrs Anna Kirk to a point on the public road in Union Lwp. leading from John Sheesers to Samuel Baileys in Union Lwp. and which point of intersection of the proposed road on the public road is about three fourths of a mile Northward from said Sheesers, the point of intersection being in Union Township, and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and report to next term of Court

whereupon the Court, upon due consideration had of the premises, do order and appoint S. F. McLooley, John Bubaker and W. T. Ross.

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.

Grant H. Thompson

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 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.....

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 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. |
|---|
| $\$7.00$ $McClory } Days 2$ $Miles 1.50 } 13.50 |
| $W. J. Ross } Days 1$ $Miles 8. } 2.80$ |
| $Geo. Bratton } Days 2$ $Miles 2 } 1.50$ |
| $J. H. Stages } Days 1$ $Miles 1.50 } 1.50$ |
| $J. H. Martin } Days 2$ $Miles 1.50 } 3.00$ |
| $Grant Kirk } 1 day 1.50$ |

No. 1 Sept. Sessions, 1900

ORDER

To view and lay out a road for
 public use in the township of
 Brady's Run, Clearfield Co.

Sept. 8, 1900
 road and confirmed N. S.

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 Surveyor
 Cyrus Gordon*

| | |
|---|-----|
| F | T |
| AUG 23 1900 | |
| Grant H. Thompson, President. | |
| Filed | 189 |
| Fees \$1 ²⁵ paid by the Board. | |