

No. 1 Sept. Term, 1900

Public Road

versus in

Brady and Union
Townships

X

In the matter of the
Public Road in

Brady and Union Townships.

)
) In the Court of Quarter Sessions of
) 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
)
)

Geo. T. Keams
Notary Public.

No. 1 September Sessions, 1900

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

EXCEPTIONS.

FILED
NOV 22 1900
Grant & Thompson
Prothonotary.

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~~xxxxxx~~
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. Lytle

J. W. Lytle

O. O. Hammerick

Alfred L. L.

D. E. Oswald

John W. L.

John W. L.

J. W. Gaborde

R. P. Harris

J. R. Leach

W. B. Duff

D. L. B. B.

Samuel C. Bailey

Maine Bailey

Joe Hollopeter

J. W. Tarron

J. B. Gillett

Brady Townships

Mrs. Annie Kirk

Mr. Joseph L. Kirk

S. J. Roy

Geo. W. Holder

J. N. Booz

J. H. Edinger

C. L. Embold

J. C. Embold

Samuel Shaffer

N. H. Shaffer

J. C. P. Wood

W. P. Wingert

H. L. Taylor

Geo. Schindler

D. L. Hornick

Jacob Moore

Chas. J. Edinger

Harrison Smith

Petition for

Public Roads
in Brady & Union
Townships

from Line to near
Shewers in Union
Township

Adopted by the Board of Supervisors
of the County of DuBois
November 22nd 1900
I Resolved that the
are approved and
to be put to vote.

By the Clerk
Deposed to

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 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. Holloper 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.,

George Smith

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George Smith

George Smith

George Smith

George Smith

George Smith

Geo. L. Link

Wm. A. Link

Henry Link

John Reams

Wm. A. Link

Wm. A. Link

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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:

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 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 being over low, swampy land and will subject the Townships 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.,

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H. G. ...

A. J. ...

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James ...

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S. H. ...

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Road from Town Shessee to Samuel M. Bailey
 Post
 N 51° 30' E 660 Ft.
 Grant Kirk
 Hem. stump
 N 29° 30' E 200 Ft.
 Post
 S. M. Bailey
 N 51° 30' E 500 Ft.
 Post
 S. M. Bailey
 Dead Beach
 S. S. Hollopeter
 N 47° 30' E 1000 Ft.
 Post
 Anna Kirk
 Maple Stump
 N 47° 30' E 200 Ft.
 S. S. Hollopeter
 Union Township
 Bradley Township
 R. H. Kirk
 N 80° 15' E 400 Ft.
 Post
 R. H. Kirk
 N 80° 15' E 400 Ft.
 Post
 George C. Kirk
 N 80° 15' E 400 Ft.
 Eli Lines

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. Thence
through his land North Eighty and a quarter degrees
East seven hundred and ninety two feet to a Post.
Thence North Eighty six and three quarter degrees
East, Three hundred and Thirty feet to a Post. Thence
South Eighty eight, and a half degrees East, Nine
hundred and fourteen feet to a Maple Stump.
Thence 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.

At Kirk, and Anna Kirk, on the Twp line between
Brady, and Union Townships. Thence Throug land
of S.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 Throug 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 Sheesers, to Samuel M. Baileys,
in Union Township. Which said road as afore-
said 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

S. F. McClosky
John Brubaker
W. J. Rose

} Viewers

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. 1880 before Judge of said Court, upon a petition of sundry inhabitants of the township 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 Twp. and also past the residence of Mrs Anna Kirk. to a point on the public road in Union Twp. leading from John Sheesers to Samuel Baileys in Union Twp. 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. Melchiskey, John Burbaker and W. F. 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 ensembling 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

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Seal

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Seal

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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.
 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

No. 1 Sept. Sessions, 1900

ORDER

To view and lay out a road for public use in the township of Bradley & Union, Clearfield Co.

Sept. Sessions, 1900
read and confirmed Nt. S.

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
Cyrus Gordon

FILED

AUG 23 1900

Grant H. Thompson,
Prothonotary.

Filed 189

Fees \$1.25, paid by Chas. Arnold,

		AMOUNT.
S. F. McCloskey	Days 3	
	Miles 15	\$13.50
W. J. Rans	Days 1	
	Miles 8	2.80
Geo. Brubaker	Days 2	
	Miles 5	4.50
J. H. Stayer	Days 1	
	Miles	1.50
J. F. Martin	Days 2	
	Miles	3.00
Grant Kirk 1 day		1.50