

No. 5

Sept. Term, 1907

Yacate Public Road

versus in

Penn Township

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TO THE HONORABLE JUDGE OF, THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY.

The petition of the undersigned inhabitants of the Township of Penn, in the County aforesaid, respectfully represents:

That a public road has long since been laid out, beginning at a point on the public road leading from Grampian to Luthersburg, at or near the residence of George Durech, thence in a southerly direction, through lands of, formerly Wm. Bigler, to bridge on Curry Run, about eighty perches below the main forks of said run, thence down Curry Run to the southern line of Penn Township, being the boundary line between Penn and Greenwood Township, which road has become useless, inconvenient and burdensome.

Your petitioners therefore pray the Court to inquire of and vacate said road and for that purpose to appoint three persons qualified according to law, to view said road and inquire of the premises and make return of their proceedings at the next term of Court.

Martin J. Flynn
Edward J. Flynn
Cecil Clark
John W. McReown
G. A. McIlwain
W. K. Davis
George F. Dase
Wm. Hardaker
Jos. Clark
W. B. Tubb
James Dugley

Ed. Harrell
John Dickenson
James Blackwelder
J. P. P. ~~John P. P.~~
J. A. Rafferty
L. J. Shick
D. B. Slover
Vincent Flynn
P. W. Rafferty
D. J. Kincaid
Joseph Davis
W. O. Davis

Frank Rowles
J. W. Spencer
Geo. T. Underwood
Daglot Mahlon
W. G. Spencer
D. D. Miller
P. J. Spencer
N. J. Hall
J. J. Warner

Edward Spencer
James Denechur
John Davis
W. D. Dentz
Edward Bloom
W. G. Rawles
J. M. Densmore
Charles Hahn

No. 5 Sept. 22. 1902

Petition to vacate
public road in
Penn Twp.

Geo. Party, Rodney, Charles
& Theo. M. Moore.

Mos. May 12th 1902 - the
Within Petition read &
Considered and Geo. Party
Rodney, Charles & Theo.
Approved. Are appointed
Notaries - and Within signed the
Petition & sent next
Term of Court - ~~Geo. Party~~ the last
Prothonotary. ~~Geo. Party~~ and
Geo. Party signed the petition.

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 12 day of May, A. D. 1902, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Penn, in said county, setting forth that

a public road has long since been laid out, beginning at a point on the public road leading from Grampian to Luthersburg, at or near the residence of George Dusch. Hence in a southerly direction through lands of formerly Wm. Blyler, to Bridge on Curry Run about 80 perches below the Main forks of said run. Hence down Curry Run to the Southern line of Penn Township, being the boundary line between Penn and Greenwood Township, which road has become useless, inconvenient and burdensome.

and therefore praying the Court to appoint proper persons to view and Vacate the same according to law, and report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint Thomas W. Moore, John Petty, Ed Rodney Charles 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 View and Vacate 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 M. 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. 190.....

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. 190.....

To the Honorable the Judge of the Court of
Quarter Sessions of Clearfield County
We the undersigned Viewers appointed by the foregoing
Order of Court to View and Vacate the Road therein
described. Do Report that in pursuance of said
appointment. after first having given due notice
of the time and place of meeting as required by act of As-
sembly. and also to the Supervisors of said townships of
Penn. we all met and being duly affirmed we
have viewed said Road. and in our opinion no
necessity exists for a Public road between the Points
named in the foregoing Order we therefore vacate
the same. by the following. Beginning at the intersection
of said road with the Grampian & Tuthersbury road. Then
N 85° W. 20 per. to a Humpback. S. 86° W. 40 per. S. 45° W. 40 per
S. 57° W. 51 per. S. 82° W. 24 per. S. 62° W. 16 per -
S. 34° W. 30 per. S. 10° W. 73 perches S. 24° W. 22 per
S. 64° W. 23 per. N. 83° W. 11 per. N. 63° W. 8 per
N. 30° W. 13 per. N. 57° W. 14 - N. 65° W. 52 per
N. 60° W. 28 ^{per} S. 80° W. 63 per. S. 63° W. 36 per
West 10. per. N. 62° W. 24. S. 66° W. 60 perches
S. 45° W. 20. per S. 75° W. 24. S. 65° W. 18 per
West 12 per. N. 60° W. 40 - S. 77° W. 6. per.
S. 19° W. 8 per. S. 7° E. 15 per to Bridge over Lurry
Run. Three down said Run South
27° East. 38 perches. South. 19° East 55 perches
South 11° East. 18 perches. South 27° E. 20 perches
South 37° East. 20 perches. South 48° East
9 perches. South 66° East 9 perches. South
54° East. 23 perches. South 71° East 14 per
South 58° East. 14 perches. same course
12 perches. S. 63° E. 32 perches. East 45.
Perches. North 86° East 22 perches. South
69° East. 16 perches. South 52° East

Thirty eight 38 perches. South 67° E 36 per. South
 40° E. 39 perches. South 33° East. 45 per. to old Kittanning
Road. Then S. 14° E. 48 per. South 26° East Twenty
four perches. $\Delta 31^{\circ}$ E. 28 per. $\Delta 48^{\circ}$ E. 16 per. S.
 37° E. 24 per. South. 24 per. $\Delta 13^{\circ}$ W. 14 perches
 $\Delta 15^{\circ}$ E. 57. perches. South 5° East 39 perches to
the line between Penn & Greenwood Townships -

a Plat or Draft of which we herunto
annex. —

In testimony whereof we have hereunto
set our hands this 11th day of ~~August~~
AD 1902 —

{ *John W. Morris*
John Petty
Rodney Charles
Charles Rivers //

No. 6 Sept. Sessions, 1902

ORDER

To view 2d Vacant a
ranch for public use in the
township of Conemaugh,
Clearfield County.

W.H. Sessions, 1902.

~~Road to be opened 38 feet wide, except where there is side hill cutting or embankment and bridging, there to be 10 feet wide.~~

See the next page
for the next
Ames Survey
Dec. 17, 1902 confirmed
By the course
Giant of the Hudson
No. 1, 1902

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FILED

Fees \$1.25 paid by

Aug 18 1902

Grant H. Thompson,

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 them.

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.