

No. 12, Sept. Sessions, 1902

COMMONWEALTH

versus

Public Road

in

Morris Larp.

Charge

X

WILLIAM I. SWOOPÉ,
District Attorney.

In the Court of Quarter Sessions of Clearfield County, Pennsylvania

The petition of the undersigned residents of the Township of Morris in the County of Clearfield respectfully represents;-

That they labor under great inconvenience for the want of a public road in said township, from a point in the public road from Munson's to Allport at the point where the road to Royal Mines intersects the said road to a point in the public road from Allport to Kylertown at the line between the lands of Lucy Watkins and of James McGrath.

They therefore pray that viewers be appointed to view said proposed road and make report as to the same at the next term of Court.

And they will ever pray &

Peter Erickson

Emil Anderson

Albin Anderson

Ed. Burrow

Archie Smith

John Mangerson

W. S. Baughman

John Grolesar

Andrew Antol

John Draynock

John Will

Alvin W. Hall

L. Deisser

Thomas Long

John Osterman

Charles Lienhardt

Julius Hohnke

John Peterson

Orrin Rogers

M. Hoffer

John Mellin

W. Burrow

Wm. Reindacker

Albert Trulston

H. C. Baumgardner

M. Maloney

Joe Maloney

R. L. Lewis

N. W. Livingston
Laws - Anderson

W H Dunham
Thos Brooks

Lawrence Butler
Jacobson ceofa
W Peterson

Alfred Ahnbar
John Maloney

A L Morrow
H W Thompson

Ellis Beyer
Geo Bremer

M Renard

Roger Maloney

~~H H Wall~~
~~J J~~

Wm M. Utter

Orils Legal

Frank Johnson

Nils Gustafson

Gust Erickson

Richard Inneiden

A. G. Ahlstrom

Wm Chapman

N B Morrow

Lewis Bogner

Gust Anderson

J Howell

Charles Swanson

Fred Lundquist

G. B. Nelson

August Anderson

O L Schronow

B. J. Jones

~~S J Jones~~

Austin Dillen

Harry Levi

B B Jones

Robert B. Zimich

Frank Linberg

R M Willen

Lewis Stubbs

E J Barrngardner

Thos Hubberts

Joe Kondiesko

Adam Oster

H Cramers

Petition of Citizens
of
Morm Township
for Public Road

Now July 31 A.D. 1902,
this petition presented
and Harry Reese, of L,
Jones & Adley Shields
as appointed return to act
according to law and re-
port to the Court at Sept 26.
W.D. 2th P.J.
33 of D.S.P.

SINGLETON BELL,
Attorney at Law,
Clearfield, Pa.
JUL 31 1902
GRANT & SONS, PRINTERS, CLEARFIELD, PA.
Prothonotary.

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 31st day of July, A. D. 1902, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Morris

....., in said county, setting forth that they labor under great inconvenience for the want of a public road in said Township from a point in the public road from Munson to Allport at the point where the road to Royal Mines intersects the said road to a point in the public road from Allport to Sylestown at the line between the lands of Lucy Watkins and of James McGrath

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Report to May next whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Reese H. L. Jones and Alex Shields 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 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 S. 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. 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 Clearyfield County
Pennia.

We the undersigned persons
appointed by the within order of Court
to view the road therein mentioned
respectfully report that after having
given due public notice by three
written and printed notices put up
near the location of said road of the
time and place of meeting to view
and lay out the same and also having
given due notice to the County Com-
missioners and the supervisors of Morris
Township of said time and place of
meeting we met at the house of James
McGraw in Morris Township on
Monday the 18th day of April A.D.
1904 and after having been duly
affirmed in pursuance of the within
order we proceeded to view the road
therein mentioned. After a careful
view of the ground for the proposed
road we were of opinion that in
consideration of the heavy burden its
construction would be to the taxpayers
of Morris Township and the small

Amount of benefits the said road
would be to the traveling public we
are of opinion it is not necessary for
a public road.

Respectfully submitted

W. A. Reese	}	Viewers
H. L. Jones		
Alex. Shields		

No. 12 Sept. Sessions, 1902
ORDER

To view and lay out a road for public use in the township of *Marion*, Clearfield County

May Sessions, 1902
 read and confirmed Ni. Si.
 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
Signed 1904 confirmed
Adopted by the court
William C. Smith

Filed 190
 Fee \$1.00 paid by

APR 27 1904
 Grant H. Thompson,
 Prothonotary.

Roll

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.

<i>W. A. Reed</i>	Days 2	Amount 8.00
	Miles 10	1.00
		9.00
<i>W. L. Jones</i>	Days 1	2.00
	Miles 10	1.00
		3.00
<i>W. L. Shields</i>	Days 1	2.00
	Miles 5	.50
		2.50
	Days	
	Miles	
	Days	
	Miles	

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 22 day of Sept., A. D. 1903, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Bell

....., in said county, setting forth that they labor under great inconvenience for want of a public road to begin in a public road leading from Rock Springs School House to Joseph Parish's at a point at corner of lands of H. Stegner and James McElinsey in the Twp. of Bell and to end in public road leading from James McElinsey's to Troutville at a point at Harry Grubbs's shanty in said Twp. The petitioners therefore pray the Court to appoint three persons qualified according to law to view the ground proposed for such road and if they should see occasion, to lay out the same, to inquire of and vacate the public road beginning in the road leading from Rock Springs School House, the thousand acre tract south east corner of land of Joseph Parish in the Twp. of Bell and leading into the Thousand Acre lot, which last mentioned road has not been opened and by reason of laying out of proposed road, becomes useless, and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint Geo. C. Kirk, S. G. Huntz and J. E. Hoover 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 view and 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 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.

Frank 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. 190.....

Seal

Seal

Seal

Seal

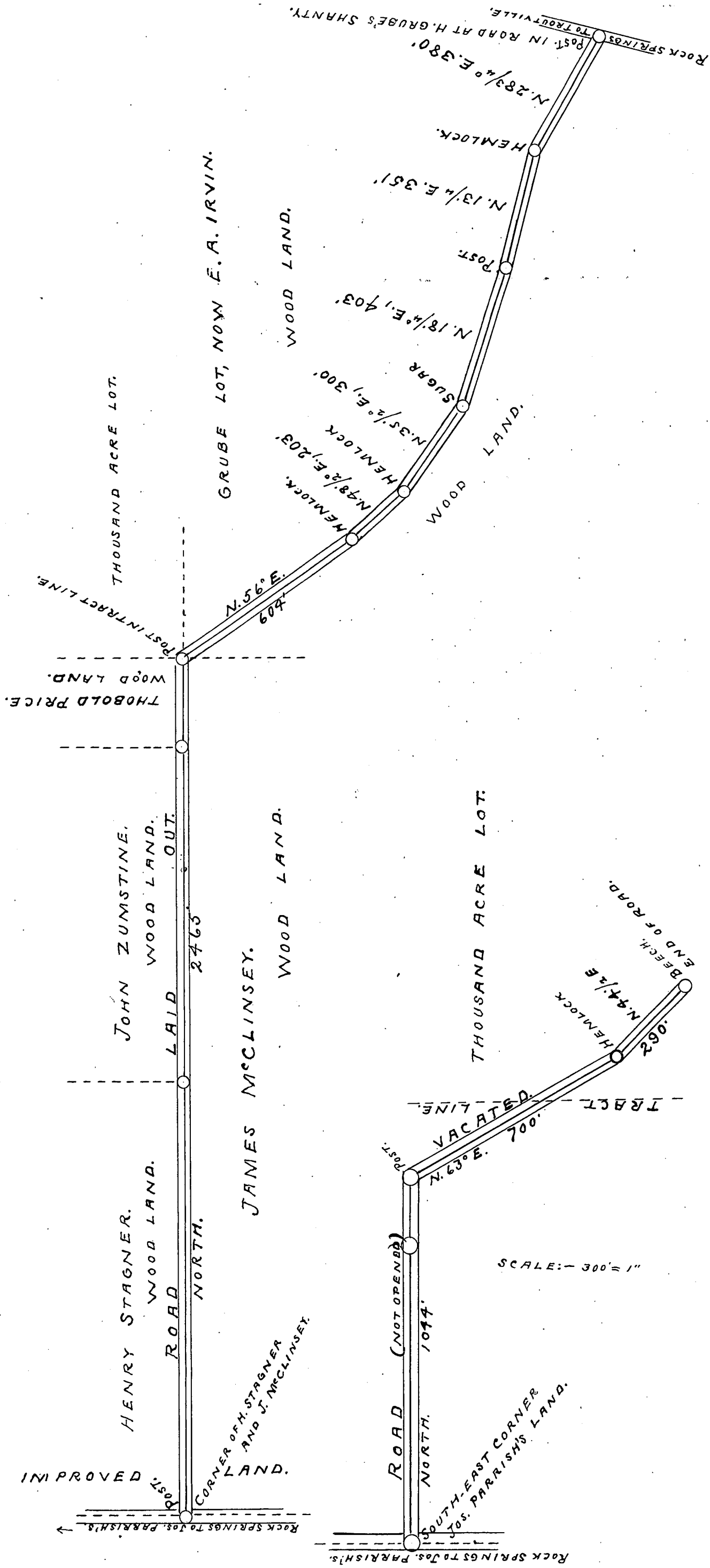
ASSESSMENT OF DAMAGES.

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 James M. Clinsey the sum of Twenty dollars.
To Henry Stagner the sum of Fifteen dollars.
To the sum of

Witness our hands this 15th day of August A. D. 1904.

Geo. C. Kirk }
S. Y. Hunt } Viewers
J. W. Hodner }



Road Viewers' Notice.

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view public Road leading from a point in the public road leading from Rock Spring School House, to Joseph Parrish's at corner of Lands of Henry Stagner and Jas. McGlinsey,

in Bell Township, to a point in the public road leading from James McGlinsey's to Troutville, at the Harry Grube Shanty, and also to enquire of and vacate the public Road leading from South-East Corner of Jos. Parrish land into the Thousand Acre tract of land in Bell Township, in the county aforesaid, will meet at the house of John Zumstine, in Bell Township, on Monday, the 15th day of August, A. D. 1904, at 9 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Geo. C. Kirtz
S. G. Kuntz
J. T. Hoover

Viewers.

July 23^d, 1904.

10 services 500
 42 miles 420
 Affidavit 9.28
 9.45

old 9

Served the within notice on James M. Cleary
 Henry Hogner and Sewall Price on the 27th day
 of July 1904 and on E. A. Irwin on the 28th of July
 1904 and served a copy on the County Commission
 ers on July 28 1904. and served on Thomas Miller
 and Andrew King supervisors on July 30th 1904
 and served on G. W. Bonch supervisor on
 Aug 6th 1904

John J. Martin

Chapfield County, N.D.

Sworn and subscribed before
 Me this 8th day of August - A.D.
 1904 W. W. McQuinn J.P.

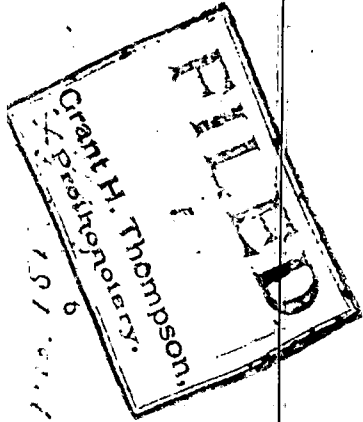
My Commission expires May 1st 1905.

In the Court of Quarter Sessions of Chesterfield
County.

To Geo. W. Kink S. G. Kink & J. T. Hoover.
Viewers on within Road.

I hereby certify that the annexed
report has been referred back to the
viewers and the time enlarged to
Sept Sessions 1904

Grant H. Thompson
Clerk of the Court of
Quarter Sessions



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.

Geo. C. Wink		AMOUNT	
		Days $2\frac{1}{2}$	10.00
		Miles 12	1.20
S. G. Kountz		Days 1	2.00
		Miles 7	.70
J. W. Hoover		Days 1	2.00
		Miles 7	.70
		Days	
		Miles	
		Days	
		Miles	\$16.60

No. 12 Dec Sessions, 1903

ORDER

To view Vacato Ad Supply a road for Public use in the township of ~~Clearfield~~ Clearfield County

12 Dec Sessions, 1903

read and confirmed. N. 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
 M

Filed 1903
 Fees \$1.25 paid by M. P. Peab
 NOV 20 1903

Grant H. Thompson,

Now April 15th 1904 by agreement of counsel the report of viewers is set aside and the matter referred back to the same viewers to report at next term of court

By the Court

Allison O. Smith
 P. J.

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, all the viewers appointed by said order, viewed the ground proposed for the within mentioned road, and we do agree that there is occasion for a road as desired by the petitioners, and that the same is necessary for a public road. And having had respect to the shortest distance and the best ground for such road, we have laid out in such manner as shall, in our opinion, do the least injury to private property, and as far as practicable agreeably to the desire of the petitioners, and do return for public use the following described road, to wit: Beginning at a point in the public road leading from Rock Spring School House, to Joseph Parrish's, at corner of lands of Henry Stagner and James M. Clinsey, thence North, on the line between lands of James M. Clinsey on the east, and Henry Stagner, John Gumstine and Theobald Price, on the west, 2465 ft. to a post in the tract line, being the corner of the Grube Lot, (now E.A. Irvin.) Thence N. 56° E. through wood lands of said E.A. Irvin, 604 ft. to a Hemlock, Thence N. 48½° E., 203 ft. to a Hemlock, thence N. 35½° E. 300 ft. to a Sugar, thence N. 18¼° E. 351 ft. to a Hemlock, thence N. 28¾° E., 380 ft. to a point in the public road leading from James M. Clinsey's to Troutville, at Harry Grube's Shanty.

We further report that there were no claims for damages presented to the viewers, by any of the owners of the lands through which said road passes, except James M. Clinsey and Henry Stagner, and therefore, having taken into consideration the advantages, as well as the disadvantages to be derived to the said James M. Clinsey and Henry Stagner from the road passing their lands, we have assessed the damages sustained by the said James M. Clinsey, at twenty (\$20.00) dollars, and the damages sustained by the said Henry Stagner at fifteen (\$15.00) dollars.

We further report that we have inquired and do vacate the following described public road, which has never been opened, Beginning at a point in the public road leading from Rock Springs School House to Joseph Parrish's, at the South-east Corner of said Joseph Parrish's land, thence North, 1044 ft. to a post, Thence N. 63° E., 700 ft. to a Hemlock, thence N. 44½° E., 290 ft. to a Beech at end of road on the Thow and Acre Lot, which by reason of the laying out of the first mentioned road has become useless. That before the said view, public notice of the time and place of the meeting of said viewers was given by advertisements put up at three of the most public places in the vicinity, ten days before said meeting. That notice was given to all the owners of the lands through which said road passes, and also to the supervisors of Bell Twp., as well as to the County Commissioners, (by mail) ten days before said Meeting, and we annex a plot or draft of said road laid out, stating the courses and distances, and noticing briefly the improvements through which the same passes, and also a description and draft of the road vacated.

Witness our hands the 4th. day of November, A.D. 1903.

Geo. C. Kirk.
J. E. Kuntz
J. W. Hoover } Viewers.

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 sworn according to law, all the viewers appointed by said order, viewed the ground proposed for the within mentioned road, and we do agree that there is occasion for a road as desired by the petitioners, and that the same is necessary for a public road. And having had respect to the shortest distance and the best ground for such road, we have laid out in such manner as shall, in our opinion, do the least injury to private property, and as far as practicable agreeably to the desire of the petitioners, and we do return for public use the following described road, to wit:— Beginning at a point in the public road leading from Rock Spring School House to Joseph Parrish's, at corner of lands of Henry Stagner and James McClinton, thence north, on the line between lands of Catharine McClinton on the east, and Henry Stagner, John Zumtine and Theobald Price, on the west, 2465 ft. to a post in the tract line, being the corner of lands of Theobald Price, Catharine McClinton and E. A. Irvin. Thence N. 56° E., through woodlands of said E. A. Irvin, 604 ft. to a Hemlock. Thence still on wood lands of said Irvin, N. 48½° E., 203 ft. to a Hemlock. Thence still on wood lands of said Irvin, N. 35½° E., 300 ft. to a sugar tree. Thence still on wood lands of said Irvin, N. 18¼° E., 351 ft. to a Hemlock, thence still on wood lands of said Irvin N. 28¾° E., 380 ft. to a point in the public road leading from James McClinton's to Troutville, at Harry Goubes Shanty.

We further report that there were no claims for damages presented to the viewers, by any of the owners of the lands through which said road passes except Catharine McClinton and Henry Stagner, and therefore, having taken into consideration the advantages, as well as the disadvantages to be derived to the said Catharine McClinton and Henry Stagner, respectively, from the road passing through their lands, we have assessed the damages sustained by the said Catharine McClinton at twenty (\$20.00) and the damages sustained by the said Henry Stagner, at fifteen (\$15.00) dollars.

We further report that we have of, and do vacate the following described public road, which has never been opened, Beginning at a point in the public road leading from Rock Spring School House to Joseph Parrish's at the south-east corner of said Parrish's land, thence north, 1044 ft. to a post, thence N. 63° E., 700 ft. to a Hemlock, thence N. 44½° E., 290 ft. to a Beech at end of said road on the thousand acre lot, which by reason of the laying out of the first mentioned road, has become useless. That before the said view, public notice of the time and place of the meeting of said viewers was given by advertisements put up at three of the most public places in the vicinity, before said meeting.

That personal notice was given to all the owners of the lands through which said road passes, also on Thomas Miller, Andrew Ling and B. W. Bouch, Supervisors of Bell Township, as well as on the County Commissioners at least 10 days before said meeting, and we annex a plot or draft of said road laid out, stating the courses and distances, and noticing briefly the improvements through which the same passes, and also a description and draft of the road vacated, and herewith return a copy of said notices, with affidavit of John Zumtine written thereon, as to the service of said notice, on the parties named therein.

Witness our hands the 15th day of August, A. D. 1904.

Geo. C. Kirk
J. L. Kirby
J. W. Hoover

} Viewers

Viewed Costs on view
of Augt. 15th. 1904

Geo. L. White	2 da. 1 mi.	\$8.00 1.20
J. G. Denny	1 da. 7 mi.	2.00 70
J. J. Hoover	1 da. 7 mi.	2.00 70
		<u>\$14.60</u>

12 Dec 1905
Road

Sept 24. 1904 road from
fenced 14.25. Road to the
opposed 33 ft. wide except
where there is side trail out-
ing or embankment and
sidgway. There to be 16 feet
wide.
By the Council
William B. Smith

FILED
SEP 5 1904
Grant H. Thompson
Prothonotary