

No. 2, Feby Sessions, 1905

COMMONWEALTH

versus

Public Road

in

Union Twp.

Charge

X

WILLIAM I. SWOPE,
District Attorney.

To the Honorable the Judge of the Court of Quarter Session of the
County of Clearfield:

The petition of the undersigned inhabitants of the Township of Union,
in said County, respectfully shows:

That your petitioners are under great inconvenience for want of a public
road or highway in the said Township of Union in said County, to begin at a
point on the public road called "Mountain Pike" opposite the Harriet Bogle
house in said Township and to extend thence to a point on the "Hurrell Road"
another public road opposite the Murray Coal Bank.

Your petitioners therefore pray the Court to appoint the proper persons,
to view and lay out the same according to law, and they will ever pray,
etc.

Henry A. Sinker	R. H. Gabor
Henry A. Shaffer	E. D. Gabor
David Siders	P. H. Luce
Wiles Murphy	Ed. Brubaker
C. G. Bailey	J. E. Dresser
J. E. Fridman	J. E. Luce
G. G. McDonald	G. H. Dresser
J. B. Parrish	J. S. Schofield
W. H. Johnston	J. A. Dresser
E. R. Rimer	H. R. Wilson
J. P. Rimer	Smithy Parrish
J. W. Labaree	George Corp
G. L. Labaree	Henry Bailey
	M. H. Dunlap

R. E. Osby A. D. Welch
W. B. Duff Frank Johnston
Samuel H. Beer of course

A. B. Schmitt Harrison Guidley

J. H. Winebold Calvin Fridley
Everett S. Hill B. F. Kearney

D. J. Galbreath Ellen Klum
Samuel D. H. H. H.

J. S. Blower John D. H. H.

A. A. Coburn J. B. Beer

L. J. Gilbert

J. L. Best

E. A. Best

Samuel H. H. H.

J. S. H. H. H.

Wm. H. H. H.

Wm. H. H. H.

J. H. H. H.

A. D. H. H.

Roland H. H.

Joshua H. H.

*In the Court
Cyrus Sander*

*2nd Feb. 1903 on motion of Mr. Sander
all the parties to the action
and assigns to next term*

<p>No. 2 Feb. 7, 1903 40 58-144</p>	<p>Return for record in case of Horn and, Clearfield Co.</p>			<p>1st Dec. 1902</p>	<p>Return for record in case of Horn and, Clearfield Co. as above assigned to next term by the Court Cyrus Sander</p>	<p>DEC W. C. PENTZ, Attorney at Law, DUBOIS, PA.</p>
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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 1st day of Dec., A. D. 1902, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Union, in said county, setting forth that

your petitioners are under great inconvenience for want of a public road or highway in the said Township of Union in said County to begin at a point on the public road called "Mountain Pike" opposite the Horiet Bogle house in said Township and to extend thence to a point on the "Summit Road" another public road opposite the Murray Coal Bank.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint Geo. C. Kirk & M. B. Benthwait & C. H. Goodlander 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 lay out. 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 enseatling 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 ..

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.....

To the Honorable, the Judge within named: We the undersigned, appointed by the annexed order do report; That in pursuance thereof, after having been duly 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 no occasion for a road as desired by the petitioners, and that the same is unnecessary for a public road. That before said view, public notice of the time and place of the meeting of the viewers was given by advertisements put up at three of the most public places in the vicinity — ten days before said meeting.

Witness our hands this 31st day of March, A.D. 1903.

Geo. C. Kirk.
J. M. Postlethwaite.
W. H. Goodlander

Viewers.

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.

AMOUNT.			
Geo. C. Kirk	Days 2	8.00	
	Miles 9	.90	
J. M. Postthwait	Days 1	2.00	
	Miles 13	1.30	
C. H. Goodlander	Days 1	2.00	
	Miles 12	1.20	
J. B. Kirk for	Days 1		
Chain Carrier	Miles 9	1.50	
	Days		
	Miles		\$ 16.90

No. 2 Feb'y Sessions, 1903
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ORDER

To view and lay out a
 road for Public Use in the
 township of Union,
 Clearfield County

May — Sessions, 1903
 read 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 Verdict
 Cyrus Gordon
 23rd Sept. 1903
 Confirmed absolutely
 Grant L. Thompson
 Clerk

Filed 190

Fees \$4.00 paid by D

APP " 1908