

No.

5 Heby

Form.

190

S

Public Road

Vacate & Supply

Versus in

Morris Twof.

Kelley

X

To the Honorable  
The Judge of the Court of Quarter Ses-  
sions of Clearfield County Penna.

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 Commissioners and the  
Supervisors of Morris Township of the  
said time and place of meeting  
We met at the house of Mrs Paul Linn  
in Morris Township on Thursday  
the 27th day of April A.D. 1905 and after  
having been duly affirmed in pur-  
suance of the within order we pro-  
ceeded to view the roads therein men-  
tioned. After a view of the premises we  
were of opinion that the first road  
described in the within order is not  
necessary for a public road.

We then proceeded to view and lay  
out and do return for public use.

the following road to wit. Beginning at a point in the public road running from Morrisdale Mines to Wallaceton sixteen and one half feet west of the line between lands of H.A. Reidy and Levi Bernyhoof. Thence south four degrees west sixteen hundred and sixty feet. Thence south sixty one degrees east five hundred and ninety-three feet. Thence south eighty six degrees east seven hundred and twenty-three feet to a point in Grays hollow road on lands of H.A. Reidy.

Which said road so as aforesaid laid out by us we are of opinion is necessary for a public road.

We would farther report that the part of the Morrisdale and Wallaceton road supplied by the above described road viz from a point at the North East Corner of lands of H.A. Reidy to the point of intersection with Grays hollow road will become useless and burdensome to the tax payers of Morris Township and we therefore vacate the same

Respectfully Submitted

H.A. Reese	}	Viewers
H.E. Hoolbridge		
G. H. Goss		



VACATED

MORRISDALE ROAD

GRAY HOLLOW  
CREEK

H. R. REIDY

S. 86° E. 723

S. 67° E. 373

S. 4° W. 1660

LEVI BENNYHOFF

WALHACETON ROAD



17

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 24 day of Dec, A. D. 1904, 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 want of a public road to begin at a point on the road leading from Morristown Mines to Wallacetown near Mrs Paul Quirk to intersect said road at a point near Jacob Peltons, also to vacate and supply road from a point on land of H. A. Reidy at Lays Hollow road to intersect road leading from Morristown Mines to Wallacetown at a point on said road between H. A. Reidy and Levi Benninghoof's

and therefore praying the Court to appoint proper persons to view vacate and supply the same according to law, Report to May term whereupon the Court, upon due consideration had of the premises do order and appoint Harry Reese, G. T. Loe, Ashley Woolbridge 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 vacate and supply 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.

Roll B. 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 en sealing 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 W. A. Reidy ..... the sum of One hundred Dollars  
To Levi Bennyhoof ..... the sum of Seventy Dollars  
To ..... the sum of .....

Witness our hands this 27th day of April A. D. 1905.

W. A. Reidy  
A. E. Woolbridge  
G. F. Goss

*O. to V.*

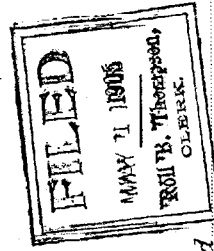
No. *5* *July* Sessions, 1905

### ORDER

To view *traces to supply a*  
road for *Public* use in the  
township of *Marion*,  
Clearfield County

*May* Sessions, 1905,  
read and confirmed Ni. Si.  
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 Court*  
*William J. Smith*  
*Ct.*



Filed 190

Fees \$1.25 paid by *J. H. Kelley*

*J. H. Kelley*

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.		
<i>W. A. Reese</i>	<i>Days 2</i>	<i>8.00</i>	
	<i>Miles 11</i>	<i>9.10</i>	
<i>A. E. Woodridge</i>	<i>Days 1</i>	<i>2.00</i>	
	<i>Miles 8</i>	<i>8.00</i>	
<i>G. F. Gove</i>	<i>Days 1</i>	<i>2.00</i>	
	<i>Miles 4</i>	<i>4.00</i>	
	<i>Days</i>	<i>2.40</i>	
	<i>Miles</i>		
	<i>Days</i>		
	<i>Miles</i>		



No 5 Feb J. 1905

Read in Memphis

Exhibits

FILED  
JUL 1 1905  
ROLL H. THOMPSON,  
PROTHONOTARY.

BK.



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,

IN THE MATTER OF) No 5 Feb. Term. 1905.  
)  
PUBLIC ROAD IN )  
)  
MORRIS TOWNSHIP.)

Now July 1st 1905 Bell & Hartswick, attorneys for Harry Reidy, reserving the right to file further exceptions to the report of viewers in the above entitled case (the said report of viewers not being with the papers in the case, nor have they been able to locate the same) hereby file the following exceptions to the petition, *and proceedings* as filed in this case.

1st. The petition does not state the Township in which the road prayed for is proposed to be laid out.

2nd. The petition is irregular and void for the reason that it asks to lay out a road between points as designated in said petition and also to vacate and supply a road <sup>between other points</sup> as stated in said petition. It is not warranted by an Act of Assembly in such case made and provided.

3rd. The termini as stated in said petition are not sufficiently described, and are too vague and uncertain.

*Harry Reidy*  
*by his attys*  
*Bell & Hartswick,*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.

To the Honorable Allison O. Smith, President Judge of said Court.

The petition of the undersigned, citizens of Morris township, and vicinity respectfully represents:-

That they labor under great inconvenience for want of a public road to begin at a point on the road leading from Morrisdale Mines to Wallacetown near Mrs. Paul Quirk's to intersect said road at a point near Jacob Pelton's. Also to vacate and supply road from a point on land of H.A. Reidy at Grays Hollow road to intersect road leading from Morrisdale Mines to Wallacetown at a point on said road between H.A. Reidy's and Levi Bennyhoof's. Your 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 so much of the public road now opened between said points as will become useless; and make report of their proceedings to the next court. And they will ever pray &c.

NAMES.

Patsick Gilday  
Levi Bennyhoof  
Wm. H. Collins  
Chas. R. R. R.  
David Shugert  
J. H. Shaw  
Geo. M. Tavis  
John W. Hall

J. O. K. Nicholas  
Geo. B. B. B.  
James Sprange  
Jacob B. B.

NAMES.

Harmon G. G.  
James Pelton  
E. H. Lewis  
John M. Davis  
J. H. B. B.  
C. B. B. B.  
W. B. Williams  
George Wilson  
Jacob Pelton

John Hill  
George Horner  
H. B. Egerly.  
H. H. Wagner.  
Walter Jack  
E. C. Howe  
Wm. Stevenson  
John. J. Graham  
Harry Howe  
Tom Walker  
Josh White  
John. Walker.  
R. A. Shields.  
James Fowler Sr  
James Fowler Jr  
J. A. Flegal  
Chas. Hays  
W. H. Hays  
L. H. Hays  
Lucas Lust  
J. P. Philip Sarony  
Thomas Gifford  
John B. Gifford  
William Nicholson  
John E. Gifford

George Hill  
John Bailey  
John Garago  
Joseph Bennett

Ed. Blair

C. B. Maywell

J. Watkins

Roy W. Plaster

Wm. H. Lipp

Wm. S. Lipp  
Linn Copeland

Adam Bell

Miles Fliegel

J. M. Ventrone

Ed. G. Goshard

Robt. G. Lott

Reuben Gutteridge

