

No.

3<sup>rd</sup> May Sessions, 1907

COMMONWEALTH

VERSUS

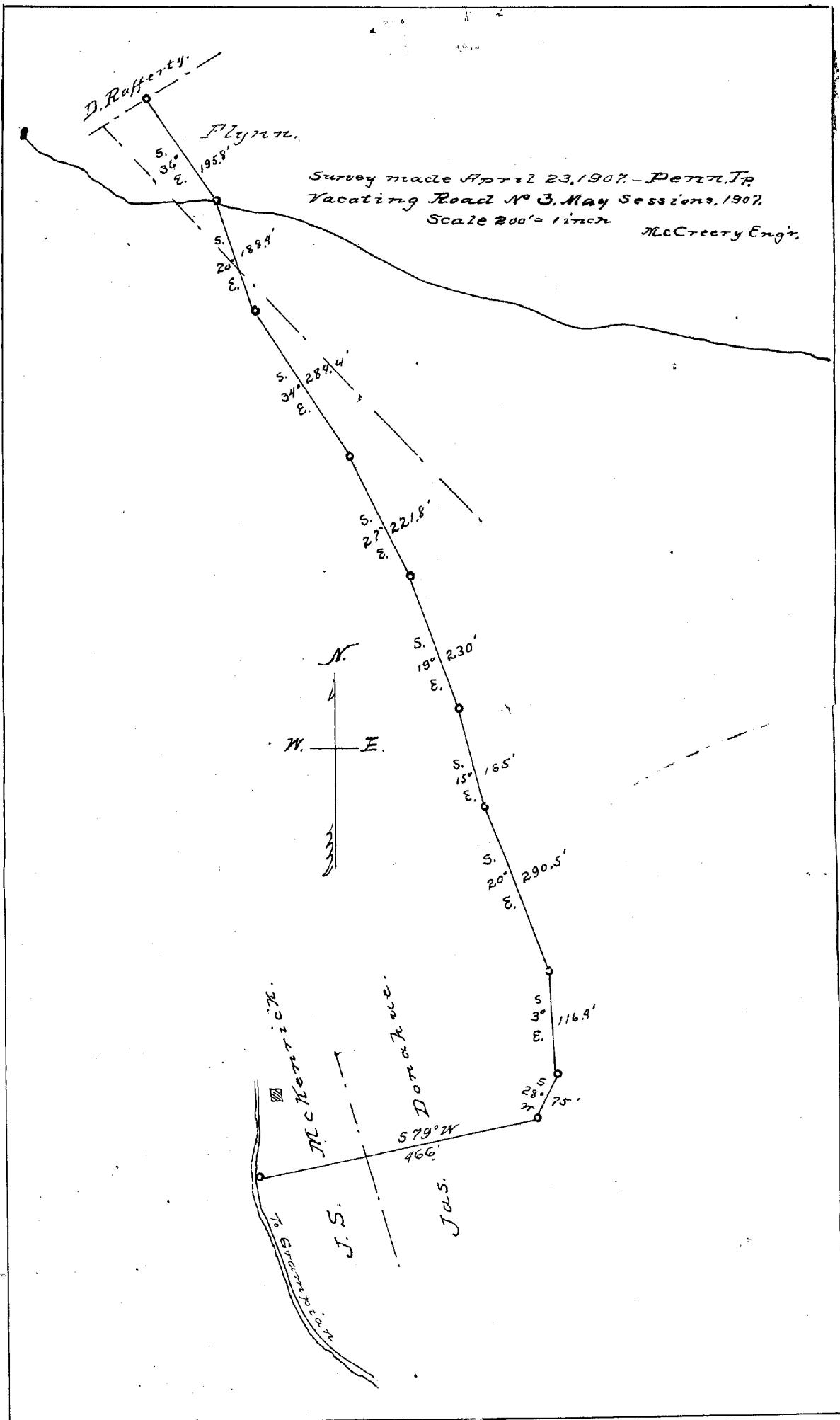
Yacata Public Road

vs  
P. M. Twp

Charge

X

JAMES H. KELLEY,  
DISTRICT ATTORNEY



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 13<sup>th</sup> day of March, A. D. 1907, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Penn,

, in said county, setting forth that

an order issue vacating the Public Road in Penn Twp. that leads from Luthersburg road to David Rafferty's pasture field and for the granting of this petition, we will ever pray.

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 J. S. McNeary, J. A. Dale and Jas. G. Rafferty 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 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.

*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 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 Court of Quarter Sessions of Clearfield Co.  
#3 May term 1907

We the undersigned Viewers appointed by your  
Honorable Court to view and ascertain a road  
in Penn Township described in the attached  
order, Met this 23<sup>rd</sup> day of April 1907  
according to notices posted and served  
in accordance with the act of assembly  
and having been severally affiomed proceed  
to view said road and hear available testimo-  
ny. We therefore report that the road is not  
necessary for a public road, is not used  
by the general public - and is in bad  
condition. But in compliance with an  
urgent request on the part of all the  
property owners through whose lands  
said road leads, recommend that it be  
allowed to remain a private road  
for an outlet for said property owners, viz:-  
J. S. McTernick, James Donahue, M. J. Flynn & Ed Flynn &  
David Rafferty. The courses and distances being as  
follows. Beginning at line of David Rafferty in  
Penn Twp. Then S. 36° E 195.8' to Run, S. 20° E.  
188.4' S. 34° E 284.4' - S. 27° E. 221.8' - S. 19° E. 230' S. 15° E  
163' - S. 20° E. 290.5' S. 3° E. 146.4' - S. 28° W. 75' S. 79° W. 310'  
5.80° W. 156' to Center of Road near J. S. McTernick's residence

April 23, 1907

Respectfully submitted

J. McTernick  
John A. Dale  
John Y. Rafferty } Viewers

Dec 1st, 1907 Session 4/23<sup>1</sup>

No. 3 May Sessions, 1907

**ORDER**

To view and locate a road for public use in the township of Clearfield, Clearfield County.

May Sessions, 1907,  
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 County of Clearfield, Pennsylvania.

Concord Island.

APR 26 1907  
CLIFFORD

Filed 190 .  
Fees \$1.25 paid by.....  
Woodward

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.  
Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.  
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.	
5.00	
30 44	Days 1
11	Miles 11
5.55	
30 21	Days 1
9	Miles 9
4.50	
30 58	Days 1
10	Miles 10
5.00	
12.50	Days 1
25	Miles 25

Penn Twp. Pa Sept 21, 1906

We the undersigned citizens and Taxpayers  
of Penn Twp. Clearfield Co Pa  
hereby petition and ask the Hon. Allon  
O. Smith Pres. Judge of the counties of  
Clearfield Co Pa to issue an order -  
vacating the <sup>thunder</sup> <sup>in danger</sup> road that leads from  
Luthersburg road to David Rafferty's  
pasture field and for the granting of  
this petition we will ever freely  
signed

D. N. Hips (signature)  
D. N. Hips (signature)

J. J. Weisgarber

11. 22. 116 S.C.

David Winkler

C. M. Hens

Frank W. Crocker

J. S. Moore Andy C. C. C.

H. J. Hall

D. G. Epple C. J. G.

A. G. Speer J. H. Gaffey

Wm H. Sutler E. C. R. K. H.

F. S. Gaffey J. W. McKenna

J. G. Gaffey L. A. H. G. G.

Colvin Gaffey Chas. S. McAll

D. O. Gaffey Jos. Davis

Ed Kinn John Olson

John Tenth O. L. Blodow

W. G. Miller C. B. C. Wilson

G. H. Miller

E. G. Miller

W. G. Miller

J. G. Miller

Taylor Walker

J. L. Beazell

F. A. K. Miller

James A. Rafferty  
Wm. Haffey  
John Haffey  
John Haffey

James A. Rafferty  
George Daffey  
Lesley Daffey  
James McHenry  
Jos. Walker  
Taylor Walker

Mr. G. G. Gandy  
Thomas Davidson  
A. B. Johnson  
A. L. Williams  
J. C. Moore

John R. Spencer  
Dr. F. Wall  
Froy. B. Widemire  
Edward B. Clegg  
M. A. Bloom  
H. H. Neumann  
F. D. Ladd

Fred Bentz  
John J. Overdruff  
J. B. Lippert  
C. D. Cassiday  
J. R. M. Briggsworth  
Rush Scott  
J. C. Spencer  
D. M. McLean  
John Healey

In the Court of Quarter Sessions  
of Clerks of Va.

No 3 May 22 1907

Petition to renew and create  
road in Penn Township leading  
from Sutherland road to David  
Rafferty's residence filed.

Now February Sessions  
1907 within petition read  
and considered, and  
thereupon S. J. McCauley  
J. A. Dale & G. J. Rafferty  
are appointed viewers  
to view said premises  
and report at the next  
session

By the Court

John C. Smith

J. C. S.

Woodward

#3 May Sessions

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view and Vacate Road leading from Sutherburg road in Penn

in Penn Township, to David Rafferty's pasture field

in Penn Township, in the county aforesaid, will meet at the house of Geo. S. McKerns, in Penn Township, on Tuesday, the 23 day of April, A. D. 1907, at 8 o'clock A.M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

J. M. Green  
J. A. Dale  
Geo. J. Rafferty  
Viewers.

Keenow Pa 4/8, 1907.

Service of this Notice accepted for County  
Yer 15'07

G. D. Roskis  
B. F. Wilhelm