

No. 7 May Sessions, 1907

COMMONWEALTH

VERSUS

Tacote Public Road

in

Penn. Law

Charge

X

JAMES H. KELLEY,
DISTRICT ATTORNEY

No. 7 May 20, 1907

Petition to review and vacate
order in Penn. Dept. rendering
from Penn. Ave. across street
from leading from Sumter City
to Penn. Banking Co.

Now February Sessions
1907 within petition
read and considered
and therefore G. S.
McCreary, G. Dale Ed
Jno. G. H. Coffey are
appointed commissioners
to review said premises
and report on the
same.

By the Compt
John W. Woodward
J. W. Woodward

- Woodward -

J. J. & Mackintosh. J. R. Milesworth
 Fred Williams P. R. Spencer
 Ed. S. Wall John Healy
 James McKenick)

Joseph Davis

Jos Walker

John Olson

John Davidson

Thomas Davidson

A. B. Williams

Arley Mellican

John B. Brown

J. G. Williams

Cast Mow

Walter R. Spencer

Mo. Wall

Leroy H. Kidder

Edward Bloom

M. G. Bloom

H. H. Finckemier

R. L. Arnold

J. H. Jackson

Ed. Bent

John S. Overdaig

J. B. Gaskins

Ed. Gaskins

Rush Scott

Taylor Walker

Penn Twp. Pa. Sept 21st 1906
We the undersigned Citizens and
Taxpayers of Penn Twp Clearfield
Co. Pa. hereby petition and ask the
Hon. Allison J. Smith Pres. Judge of
the Courts of Clearfield Co Pa to issue
an order vacating the ^{public} ^{in Penn Twp.} Road leading
from Spencer Hill school house to
the Road leading from Lumber City to
Bells Landing as the Road is not much
travelled and there are two other Roads
running parallel within a radius of
two miles for the granting of this petition
we as citizens would ever pray.

#7 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 Spencer Hill School House

in Penn Township, to Susquehanna River road near Lumber City

in Lumber City Boro Township, in the county aforesaid, will meet at the house of Drostale, in Penn

Township, on Wednesday, the 24th day of April, A. D. 1907, at 2 o'clock P M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

John G. Tracy
J. J. Dale
George Rafferty
Viewers.

Kernwood, Pa. 4/18, 1907.

April 12 1907

We the undersigned Supervisors
of Penn Township hereby accept
service of notices to view and vacate
the different roads described in
orders # 2-3-4-5-6 & 7 May Sessions
1907. Views to be held April 22-23-24-07

G. C. Passmore
J. St. Helens
J. J. Neisgarber

} Supervisors

Attest J. M. Green

#7 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 Spencer Hill School-house

in Penn Township, to Susquehanna
River road near Lumber City

in Lumber City Boro Township, in the county aforesaid, will meet at the house of Jno Haley, in Penn

Township, on Wednesday, the 24th day of April, A. D. 1907, at 2 o'clock P.M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

J. M. Treacy
Ja. Dale
Jno. Rafferty
Viewers.

Kerrmore Pa 4/8, 1907.

April ~~May~~ 12, 1907

We the undersigned property owners
interested immediately in land ad-
joining or adjacent to roads under
orders # 2-3-4-5-6 & 7 May sessions
1907 to be viewed for vacation
April 22, 23 & 24th 1907 hereby accept
service of notice for said views.

Served on Miss Bell Stomach by
J. S. McCrory April 12, 1907

J. S. McCrory
served same day on Curtis Hall
J. S. McCrory

Served on John S. McTurk
by J. J. Rafferty on Apr 12, 1907

Served same day on Jas Donahue
M. J. Flynn, Ed Flynn,

Served same day on James McNamee
and T. L. Rafferty.

} Property owners

#7 May Sessions 1907

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

John Haley's

in Penn Township, to Road leading from Spencer Hill School house to the river

in Penn Township, in the county aforesaid, will meet at the house of John Haley, in Penn

Township, on Wednesday, the 24 day of April, A. D. 1907, at 1 o'clock P M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

J. M. Connell
Ja. Dale
J. H. Rafferty
Viewers.

Evening of 12, 1907.

Notice served by me personally
on John Haley - Land owner interested
in road herein described, this 12th
day of April 1907

J. M. Clegg

Service of this Notice accepted for County
April 15 '07

D. P. Rawls

B. F. Wilhelm

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 13th day of March, A. D. 1907, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Penns

, in said county, setting forth that

in order issue vacating the Public Road in Penn. Twp. vacating from Spencer Hill School House to the road leading from Lumber City to Beels Landing as the Road is not much traveled and there are two other roads running parallel within a radius of two miles for the granting of petition, we will ever pray

and therefore praying the Court to appoint proper persons to view and vacate the same according to law, Report to May Term whereupon the Court, upon due consideration had of the premises, do order and appoint J. S. McCready, Jno. A. Dalton and Geo. 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 sealed 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.

Rock 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
County.

We the undersigned Viewers appointed by
your Honorable Court to view and vacate a
Road in Penn Township leading from Spencerville
Hill School House to River Road, this day
met as per notices posted and served in accord-
ance with act of Assembly, and being affirm-
ed, proceeded to view same. We find as follows:-
The road in question is used by a considerable
number of people, that the road is in fair con-
dition, not difficult to maintain, and a very
strong protest against its vacation, both by
representation, citizens of Penn Township and
practically every elector in Lumber City Boro, in
which Boro a considerable part of said ^{road} is
located, we feel that it would work injustice
to vacate same, and therefore report adversely
to petitioners.

Respectfully submitted
April 24 1907

J M Green
John A. Daley ^{viewers}
John Y. Roffey

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.
Days 1 } 5-0-0
304 } Miles 6 3-0
5-3-0
Days 1 } 3-0-0
305 } Miles 6 3-0
3-3-0
Days 1 } 3-0-0
306 } Miles 6 3-0
3-3-0
Days 11.9-0
Miles 11.9-0

No. 7 May Sessions, 1907

ORDER

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

May Sessions, 1907,
read and confirmed Ni. Si.
Road to be opened 30 feet
wide, except where there is
side hill cutting or entrench-
ment and ditches, there to
be 16 feet wide by the curb.

Eight 1/2% of
Cabin is absolute
as Allot in & owned
& Allot in & owned

Filed 190
Fees \$1.25 paid by
Woodstock

John Sterling
H. A. Donnison
J. C. Caldwell
John J. Gilmore
J. S. McLean
Burra M. Yeager
A. C. Cleary
W. W. Phillips
W. C. Hall
Thomas On. Way
R. P. Lester
E. B. Spencer
J. R. Wriggworth
J. P. Gearheart
R. G. Garrison
C. W. Caldwell, Jr.

Mo. 7 May 1907

J.S. McCreery, J.A. Dale, and J.Y. Rafferty, Board of Viewers,
sitting April 24th, 1907.

Gentlemen - We the undersigned citizens of Lumber City
Borough and vicinity, do hereby protest against the
vacation of highway situated, part in Lumber City Borough
leading from river road in said Borough to highways near
Spencer Hill school house in Penn Township.

W. H. Hockenberry

J. A. Johnson

J. D. Bowman

Eli Hale

W^m Seitzengelher

Wilson M. Ogle

J. A. Tamm

Lester Caldwell

G. W. Coughanough

G. V. Caldwell

C. A. Hale

E. J. Young

A. S. Hale

Jesse Ellinger

L. J. Hill

Andrew Murphy

J. S. Lamm

J. L. Spencer

B. F. Heffner

C. E. Owens

Stewart Heffner

H. G. Tiffen

W. C. Ellinger