

No. 7 Sept 11 Term, 191

Ch. of Property Owners
to Supply & Vacate

VERSUS

Road in Pine
Township

R.S. #5 - Page 192

Not used

In The Court Of Quarter Sessions Of Clearfield County.

No. September Sessions, 1912.

To Hon. A.O. Smith, President Judge of said Court:

The petition of the undersigned ~~reppesentally~~ represents:

Your petitioners are, ~~xxxxxxfcthemx~~ property owners in Pine Twpn-
ship in said county. That a petition was filed in this Court on
the 13th day of December, 1905 to No. 1, February Sessions 1906
asking this Court to vacate that part of the public road in Pine
Township, known as the Pennfield Road leading from the Smith
Place to a point on the North end of the Sand Bed near the Du-
Bois field, and supply the same with a road leading through the
wilderness on the East side of the said Pennfield Road between
said points. That said petition was signed by but ^{seven} ~~five~~ persons,
but three of whom were property owners in said Pine Township,
and but two of whom reside in said township at this time. That
in accordance with said petition the Court then appointed Harry
Byers, Leander Denning, and Richard Shaffner viewers, who on the
23 day of January 1906 reported in favor of vacating that part
of the Penfield Road referred to and supplying it by the road re-
ferred to leading through the wilderness, and that said report
was confirmed absolutely on the 11th day of May, 1906, and the
opening order given to H.E. Owens, one of the petitioners on the
13th day of Sept. 1907.

Your petitioners further represent that practically nothing has
ever been done by the authorities having charge of the roads of
Pine Township toward opening said new road though over five years
have elapsed since said road was confirmed absolutely, nor has
anything been done toward improving the old road vacated by said
order of Court, the result being that the both roads have been
almost impassible and generally in a dangerous condition. The
reasons alleged by the supervisors being that they have never
had money enough in their hands to open the new road, which they
allege will cost at least Four Hundred Dollars to open and make
passable, and they refuse to repair the old road for the reason

that the same has been vacated . Your petitioners beleive that the old road should never have been vacated for the reason that it is a road of many years standing, a noted public thoroughfare and a road that can be repaired and kept in good condition at a comparatively small cost required to open the new road. Your petitioners would respectfull ask that the order vacating said portion of the Penfield Road referred to be vacated, and that the opening order of September 13th, 1907 be called in and set aside, and that the road vacated be restored to its original condition as a public roan, and they will ever pray.

~~NAME~~

NAMES.

Frank L. H. H. H.

MS. W. H. H.

Chas. J. H. H.

S. H. H.

L. A. H. H.

L. H. H.

H. H. H.

A. H. H.

Jos. E. H.

Jno. H.

H. H.

L. H. H.

H. H. H.

H. H. H.

Thos. H. H.

J. H. H.

H. H. H.

H. H. H.

H. H. H.

H. H. H.

Jos. H. H.

H. H. H.

H. H. H.

L. H. H.

Jos. H. H.

H. H. H.

State Of Pennsylvania, SS.

Clearfield County,

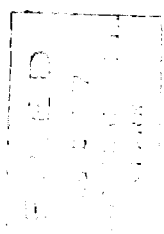
Before me John H. Moore, Clerk of
said Court personally came Frank G. Harris and
two of the aforesaid petitioners who being duly affirmed according
to law say, that the facts contained in the foregoing petition are
true as the verily beleive from their own knowledge and from reli-
able information obtained fro others.

Sworn and subscribed before
me this 22 day of July, 1912.

John H. Moore

// Clerk of the Court.

Frank G. Harris
Leslie Stewart

No. 7 Sept. Sessions, 1912.	Petition of property owners of Pine Twp. to vacate Road order to No. 1, May 28 1906 and to restore the road vacat- ed to the status of a public road.		KURT SMOL, CLERK, P.M.
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Now July 24, 1912 the within petition presented, read and considered, and thereupon the opening order of September 13, 1907, is hereby recalled, vacated and set aside, and the Road Commissioners of Pine Township are hereby ordered and directed to repair the old road vacated in said proceedings to No. 1 February 28, 1906 so as to make the same in a good passable condition.

And further Harry Byers, H. A. Reese and J. W. Gill are hereby appointed viewers to view the said premises for vacating the road laid out and re-establishing the original road and to make report at next Term.

Copy of this order as to recalling and vacating opening order for new road to be served by the Clerk of the Court by mail on the Road Commissioners of Pine Township.

By the Court

Allison C. Smith, Jg.

Clearfield County, ss:

No 7 sept, Sess. 1912 *At a Court of Quarter Sessions of the Peace of the*
Petition of property owners *County of Clearfield, held at Clearfield, Pa., in and*
of Pine Twp. to vacate *County of Clearfield, on the 24th day of*
Road order to No 1 May for said County, on the *24th* day of
SS 1906 and to restore *July* in the year of our Lord
the road vacated to the *one thousand nine hundred and twelve*
status of a public *Alison D. Smith,*
road.

Alison D. Smith,
Judge of the same Court: Upon the petition of
sundry inhabitants of the Township of *Penn*

in said County, setting forth that

and therefore, praying the Court to appoint proper persons to view and
lay out the road between the points mentioned, whereupon the Court upon
due consideration had of the premises, do order and appoint from and
among the County Board of Viewers Harry Byers, H.A. Reese
and J.W. Gill

who have been duly appointed by the Court and filed their oaths of office and
are duly qualified to perform the duties of their appointment with impari-
ality and according to the best of their judgment, are to view the ground
proposed for the said road, and if they view the same, and a majority of
the actual viewers agree that there is occasion for such road, they shall
proceed to lay out the same, as agreeable to the desire of the petitioner as
may be, having respect to the best ground for a road and the shortest dis-
tance, in such a manner as to do the least injury to private property; and
shall make report thereof, stating particularly whether they judge the same
necessary for a public or private road, together with a plot or draft thereof,
and the courses and distances and references to the improvements through
which the same may pass; (and wherever practicable, the viewers shall lay
out the said road at an elevation not exceeding five degrees, except at the
crossing of ravines and streams, when by moderate filling and bridging the
declination of the road may be preserved within that limit,) to the next Court
of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public
road, they shall obtain from the persons through whose lands the said road
shall pass, releases from any damages that may arise to them on opening
the same; but if the owner or owners of such land refuse to release their
claim to damages, the said viewers shall assess the same, taking into view
the advantages as well as disadvantages arising from said location, and
make report of such assessments; which report they shall in like manner
transmit to the next Court of Quarter Sessions, with the draft or plot
aforesaid. In which said reports they shall state that they have been
sworn or affirmed according to law, and that due and legal notice was
given of the time when, and place where, they should meet, to view and
lay out said road, and the time and place of hearing

By order of the Court.

John H. Moore, Clerk.

RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of Pine and that 3 notices thereof were posted along the route of the proposed road, that the said view would be held on the 10th day of August, A. D. 1912, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the day of , 1912 at o'clock M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view The 3 Commissioners of roads for Pine Township

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the day of , A. D. 1912, when the following appearances were noted: No hearing in arbitration room was had.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is a occasion for a road as desired by the petitioner, 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 do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for public use the following described road, to-wit: Beginning at The "Smith Place" thence by the corners and distances of The old Penfield Road to the sand bed. The purpose of this present view being to decide whether The old original Penfield road should be the public road to be fixed and repaired between the above mentioned points or whether it should be vacated and the road laid out in 1906 but not opened should be the road to be repaired for travel. After examining the said two routes this day we are of opinion that The old Penfield road should be re-located, repaired and made the public road between the said two points as it has a good foundation to start on. Most of it is in good condition and only the hills at each end need extensive improvement. The road laid out in 1906 has not been brushed out only in part, in the 6 years, and as we are informed the money tax in Twp. has not been sufficient to open same and for that reason it has not been done and as 6 years is time enough in which to open a road we are of opinion that there is no necessity for the said road laid out in 1906 and that to open and

● keep it in repair, would be useless, in-
convenient and burdensome and it should
therefore be vacated, and the old Springfield
road between said points re-constructed between
the said points as aforesaid.

and that a plan or draft of said road showing courses and distances and the properties affected is
hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees,

excepting

Plan is attached to proceedings to No 1 Feb
55 1906

when it was not practicable to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land
over which the said road passes releases in writing of all claims to damages that may arise from
opening the same, and that they procured such releases from X

the following persons having refused to release the damages to which they respectfully may be en-
titled by the reason of the location and opening of the said road, we, the undersigned viewers, after
having considered the advantages to be derived to them, do assess them damages and make report
thereof as follows: X

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 10th day of August

A. D. 1912.

Harry Dyer
H. A. Reese
Joseph H. Hill



No. 7 Sept Sessions, 1912

ORDER

To view Vacate
road now used as
road for use in the
township of Clearfield
Clearfield County Pa.

September Session, 1912,
read and confirmed N. 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 County
Alfred J. Smith

FILED
AUG 17 1912
JOHN H. MOORE
CLERK

September Session 1912
Confirmed by the court
Filed Alfred J. Smith

Fees \$1.25 paid by

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 the 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.

	DAYS	MILES AM'T.
Harry Byers	1	9 590
W. A. Reese	1	35 850
J. W. Gill	1	40 900

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

_____ at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-mise, 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. 191_____.



ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view Vacate & supply Road leading from "Smith place"

in Pine Township to The "Sand bed" being a part of the Township road leading from Clearfield to Penfield - vacating the road which was laid out in 1906 between said points, but got opened, and supplying the same by using, laying out or re-establishing the old Penfield road as the public road between said points

in Pine Township, in the county aforesaid, will meet at the ~~house of~~ first named point, in Pine Township, on Saturday, the 10th day of August A. D. 1912, at 2 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

Harry Byers
H. A. Reese
J. W. Gill

VIEWERS

Clearfield Pa July 30, 1912.

Within notice served on us this
— day of August A.D. 1912

Frank

John Nelson

J. M. Beach

Commissioners of Roads
or

Supervisors of

Pine Twp

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view vacate & supply Road leading from "Smith place"

in Pine Township to The "Sand bed," being a part of the township road leading from Clearfield to Penfield; vacating the road which was laid out in 1906 between said points, but not opened, and supplying the same by using, laying out or re-establishing the old Penfield road as the public road between the said points in Pine Township, in the county aforesaid, will meet at the ~~house of~~ first named point, in Pine Township, on Saturday, the 10th day of August A. D. 1912, at 2 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

Harry Byers
H. A. Reese
J. W. Gill
VIEWERS

Clearfield Pa July 30, 1912.

Spent August 2nd 1912
Source accepted for
County Commissioners
per L. B. Johnson
Clerk

In The Court of Quarter Sessions of Clearfield County.

No 7, Sept Sessions, 1912.

To The Honorable Allison O, Smith.

President Judge of said Court;

The Petitioners of the undersigned respectfully represents; Your petitioners are property owners in Pine Township in said Co. That a petition was filed in this court on the 13 th day of Dec. 1905 to No 1 Feby Sess. 1906 asking this court to vacate that part of the public road in Pine Twp. known as the Penfield road leading from the Smith place to a point on the north end of the sand bed near the Du Bois field, and supply the same with a road leading through the wilderness on the east side of the said Penfield road between said points. The said petition was signed by but 7 persons but three of whom were property owners in said Pine Twp. and but Two of them reside in said Twp at this time, that in accordance with said petition the court then Appointed Harry Byers, Leander Denning and Richard Shaffner viewers, who on the 23rd day of Jany, 1906 reported in favor of vacating that portion of the Penfield road referred to and supplying it by the road referred to leading through the wilderness, and that said report was confirmed absolutely on the 11th day of May, 1906, and the opening order given to H, E, Owens, one of the petitioners, on the 13th Day of Sept. 1907.

Your petitioners further represent that practically nothing has ever been done by the authorities having charge of the roads of Pine Twp. toward opening said new road through, over 5 years have elapsed since said road was confirmed absolutely, nor has anything been done toward improving the old road vacated by said order of court, the result being that the both roads have been almost impassible and generally in a dangerous condition. the reasons alleged by the supervisors being that they never had money enough in their hands to open the new road, which they allege will cost at least \$ 400. 00 to open and make passable, and they refuse to repair the old road for the same reason, that the same has been vacated. Your petitioners believe that the old road should never have been vacated, for the reason that it is a road of many years standing. Your petitioners would respectfully ask that and order vacating said portion of the penfield road referred

to be vacated, and that further opening order of Sept, 13th 1907 be called in and set aside, and that the road vacated be restored to its original condition as a public road.

Now July 24th 1912. The within petition presented read and considered and thereupon the opening order of Sept, 13th 1907 is hereby recalled vacated and set aside, and the road commissioners of Pine Twp. are hereby ordered and directed to repair the old road vacated in said proceedings to No, 1 Feby SS, 1906. so as to make the same in a good and passable condition. and further Harry Byers, H, A, Reese, and J W, Gill. are hereby appointed viewers to view the said premises for vacating the road laid out and re-establishing the original road and to make report at next term. Copy of order as to recalling and vacating opening order to be mailed by the clerk of the Court to commissioners of Pine Twp.

By the Court.