

No. 1 Decemoer 88. Term: 191 9.

in RE PUBLIC ROAD IN PENN.

TOWNSHIP

— Versus —

P.S. #5 - Page 435

Rt. 17477



IN THE PUBLIC ROAD IN TOWN OF BARN TOWNSHIP LOCATED FROM A ROAD AT OR  
NEAR THE RESIDENCE OF THOMAS W. BARNETT AND ENDING ON THE

INTERSECTION ROAD NEAR THE RESIDENCE OF JOHN W. BARNETT  
MR WILLIAM B. DINGLEY  
WILLIAM BENTZ  
CHARLES WALL

TO THE BOARD OF VOTERS:-  
The undersigned citizens of the  
Township of Barn in said County do hereby petition the Board of  
Against the location of the above named road for the following  
Reasons:

1st: That the road would be exceedingly burdensome to the  
Township and would cost in the neighborhood of two thousand (\$2000)  
dollars to build and construct.  
2nd: That the road would be largely for the private benefit

of E. J. Flynn and would not serve any public purpose.  
3rd: That the Township of Barn is already overburdened  
with roads and that it is not to keep the roads

that are in existence in existence and to the tax payers of the Township.  
4th: Because many of the persons who signed the petition  
for view signed the same by mistake and do not understand and

there is no public demand for the building and opening of  
said road.

J. W. CORNOY  
J. J. DAVIS  
J. J. WINGARD  
FRED BENTZ  
A. MOORE  
M. A. BLOOM  
FRANK HOWLER  
A. M. ANDERSON  
MILLS RATCH  
W. L. WIDEMIRE

John Freeman  
Wm Walker

A. B. William

Leonard Pentz

James D. Wall

Wm. M. Dickey

John Pontefract

James E. Curry

Walter R. Spencer

M. A. Spencer

William Henry

Clair Raleigh

John H. Curry

Leedell Johnston

Harster Greager

W. E. Wall

S. L. Rester Jr

C. J. Pentz

E. M. Davis

E. P. Spencer

B. Raftery

Russell Phelps

Clark Taylor

Lap-over Margins

IN RE: Public Road in  
Penn Township.

A. H. WOODWARD  
ATTORNEY-AT-LAW  
CLEARFIELD, PA.

KURTZ BROS., CLEARFIELD, PA.

To the Honorable Judge of the Court of Quarter Sessions, of Clearfield County.

The petition of the, undersigned, inhabitants of Penn Township, said County, respectfully represents:

That they labor under great inconvenience for the want of a public road or highway beginning at a point in Penn Township near Wall's Mill, on the public road leading from Wall's Mill towards Luthersburg and ending at a point in Penn Township on the public road leading from Grampian towards Punxsutawney, a distance of one mile, more or less, ~~(and crossing lands of Vincent Flynn, E. J. Flynn, John McConrigh, and Charles Wall. and some other parties)~~

The petitioners therefore pray the court to appoint three persons qualified according to law to view the ground proposed for such road, and if they see occasion, lay out the same and make report of their proceedings to the next term of this Court.

E. J. Flynn  
G. A. Hail  
Charles E. Wall  
L. C. ...  
Michael ...  
J. L. ...  
J. A. Moore  
Wm. Guider  
Andy Canwin  
Ray Guider  
... 117

Michael J. ...  
C. L. ...  
W. L. Widemore  
J. ...  
William B. Quigley

Sylvester P. ...  
Wm. C. ...  
Bern ...  
Eller Henry  
Otto ...  
Alvin ...  
W. L. Rowles  
Alvin Rowles  
J. ...  
J. ...  
J. D. ...

Miller ...  
Ralph ...  
A. J. Beech  
A. B. ...  
W. M. ...

By Caldwell  
J. W. Corns  
Spur Horrocks  
James A. Rafferty  
James E. Rafferty  
Frank Clappell  
Job Spencer  
James E. McCormick  
Joe P. Walker  
H. W. Woz  
John Danver  
Harvey McKernick  
Ed. McCormick  
John Barlett  
Thos. Matglom  
Russell Thorp  
John Overduff  
Wm. Dickey  
J. de Rafferty  
Edward Spencer  
Thomas Moore  
Ralph Huiker  
D. J. Davis  
R. A. Freeman  
A. J. Dwyer  
Joe Bell  
Frank Shindler  
B. C. L. L. L. L.  
Wm. J. Thorp  
Wm. Clark  
Seymour E. Kester  
Rush Mahlon

\*William Overduff  
H. L. Yeager  
\*Joe Danin  
Ambrose Rafferty  
Joe Clark  
Edward J. Clardy  
Glen Spencer  
John Walster  
Martin Haag  
H. B. Hephart  
Wm. Stanley Overduff  
\*D. Miller  
Allen Pentz  
C. H. Flynn  
E. C. L. L. L. L.  
Guest McDani  
John Lewis  
Thos. E. McCartney  
Bernard Rafferty  
John Mathey  
John. H. H. H.  
H. H. Dwyer  
Thomas O. L. L. L.  
Emoch O. Thomas  
J. M. Hall  
L. K. Spencer  
C. M. L. L. L. L.  
Percy Ellinger

Henry Bonnell  
Barl Olson

Harold McKeown

Geo M. Donald

Mike Patrick

Challard Dask

Edgar Dask

E. A. Spencer

Edgar Makler

Edgar Makler

Mike Katch

John Smith

John Ruane

Samuel Sakers

Geo Liberton

John Puit

Geo. L. Conrad

James McKenrick

Vincent F. Lyman

J. F. Weingarten

Robt Mathews

Murray A. Spencer

Edwin Lyman

J. A. Finny

John H. Curry

Edgar Laker

M. A. Bloom

Ed. Phillips

W. H. Moore

Ed. W. W. W. W.

Daniel McKenrick

J. L. McKeown

G. W. Lacy



No.

Vol. 918

Petition for appointment  
of receivers for judicial  
road in Penn. Trust.

Read Sept 13<sup>th</sup> 1919  
Atty. General, Ex. George  
Mason and E. B. Belcher  
are appointed receivers  
to report to the Court at  
Lexington Oct 1919

By the Court  
Mytham 1919

Clearfield, Pa., September 6th, 1919.

I George W. Clary, one of the supervisors of Penn  
Township, Clearfield County, Pa. do hereby accept service of  
notice of presentation of petition for public road in Penn  
Township, on Monday, September 15th, <sup>1919</sup> at 10 o'clock A. M., and  
do waive personal service of said notice.

*G. W. Clary*

September 4th, 1919.

To the Supervisors of Penn Township:

You are hereby notified that an application will be made to the Court of Quarter Sessions of Clearfield County, on Monday, the 15th day of September, 1919, at 10 o'clock A. M. of said day for the appointment of viewers to lay out a public road, beginning at a point in Penn Township near Wall's Mill, on the public road leading from Wall's Mill towards Juthersburg, and ending at a point in Penn Township on the public road leading from Grampian towards Punxsutawney, a distance of one mile, more or less, at which time you can file your objections if you have any.

E. J. Styer  
for Petitioners.

September 4th, 1919, we hereby accept service of the above notice.

Wm Helms  
Wm D. Horn

## Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 15th day of September in the year of our Lord one thousand nine hundred and nineteen.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Penn

in said County, setting forth that they labor under great inconvenience for the want of a public road or highway beginning at a point in Penn Township near Fall's Mill, on the public road leading from Fall's Mill towards Luthersburg and ending at a point in Penn Township on the public road leading from Crampian towards Punxsutawney, a distance of one mile, more or less.

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 A. G. Kramer, George Weber and E. D. Billotte

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 impartiality 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 distance, 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 or 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 Penn, and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 7th day of October, A. D. 1919, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 8th day of October, 1919, at 9 o'clock A. M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view E. J. Flynn, David Rafferty, George Hileburn, William T. Thorp, one of the Supervisors, William Helper one of the Supervisors, C. H. Flynn, Edward Clark, Joseph Danver Frank Clepflegle and Burnard Clepflegle. ----- parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 8th day of October, A. D. 1919, when the following appearances were noted: E. J. Flynn, J. A. Rafferty, G. H. Hileburn, Charles Flynn, Edward Clark, William Dickey, and William, E. Thorp and William Helper Supervisors of Penn Township; -----

After the view and hearing above mentioned, the undersigned, ~~viewers~~ viewers, do agree that there is ----- 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 a point in the public road leading from Gramplan to Luthersburg about three hundred feet north east of the residence of J. E. McCartney in Penn Township in the County aforesaid: Thence running north eighty one (81) degrees, thirty (30) minutes, west one hundred and ninety (190) feet on the dividing property line between J. E. McCartney and W. V. Flynn; thence over land of W. V. Flynn the following courses and distances; North eighty one (81) degrees thirty (30) minutes, west one hundred and ten (110) feet; thence north sixty eight degrees (68), west two hundred (200) feet; thence north fifty eight (58) degrees, west two hundred (200) feet; thence north fifty two (52) degrees, west three hundred (300) feet; thence north forty nine (49) degrees, fifteen (15) minutes, west three hundred (300) feet; thence north forty four (44) degrees west one hundred (100) feet; thence north twenty seven (27) degrees, west fifty (50) feet to property line of E. J. & M. T. Flynn, thence along the dividing property line of E. J. & M. T. Flynn and M. V. Flynn the following courses and distances to wit: North twenty one (21) degrees east fifty (50) feet; thence north fifty three (53) degrees, east one hundred (100) feet; thence west sixteen (16) degrees, east one hundred (100) feet; thence north fifteen (15) degrees forty five (45) minutes, west three hundred (300) feet; thence north eleven (11) degrees thirty (30) minutes, west two hundred (200) feet; thence north nineteen (19) degrees, west one hundred (100) feet; thence north thirty one (31) degrees, west one hundred (100) feet; thence north thirty nine (39) degrees, west one hundred (100) feet; thence north forty five (45) degrees west, three hundred (300) feet;

To; Jesse, E, Dale, H, H, Spencer and Austin, Haney,  
County Commissioners of Clearfield County Pennsylvania.

You are hereby notified; that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and lay out a public road, leading from a point in the public road, leading from Grampian to Luthersburg, at or near Wall's Mill in Penn Township: To a point in the public road leading from Grampian towards Punxsutawney, at or near the property of David Rafferty, in Penn Township in the County aforesaid; will meet at the end of the road to be laid out at Wall's Mill in Penn Township on Tuesday the seventh (7th) day of October A, D, 1919 at one (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.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested, either for or against said road a chance to be heard by the viewers, before the filing of their report in Court, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday October the eighth (8th) 1919 at nine (9) o'clock A. M. ; when and where all parties interested in said road, either for or against the same may appear and be heard.

A. G. Krassner  
E. D. Billotte  
George K. Weber  
VIEWERS.

Now Sept 23 1919 service accepted for the County Commissioners  
of Clearfield County Penna.

L. C. Morris  
Clerk'

To, G. W. Clarey, William, Helper and William, T, Thorp  
Supervisors, of Penn Township, Clearfield County Penna.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and lay out a public road leading from a point in the Public road leading from Grampian to Luthersburg at or near Wall's mill in Penn Township: To a point in the public road leading from Grampian towards Punxsutawney at or near the property of David Rafferty in Penn Township in the County aforesaid; will meet at the end of the road to be laid out at Walls Mill in Penn Township on Tuesday the seventh (7) day of October A, D, 1919 at one (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.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested, either for or against said road a chance to be heard by the viewers before the filing of their report in Court, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday October the eighth (8) 1919 at nine (9) o'clock A, M, when and where all parties interested in said road either for or against the same may appear and be heard.

E. J. Flynn  
Chas. H. H. H.  
George H. H. H.  
VIEWERS.

Now Sept, 26 1919 served the above notice on G, W, Clarey, William Helper and William, T, Thorp the Supervisors personally by handing each of them a copy of same.

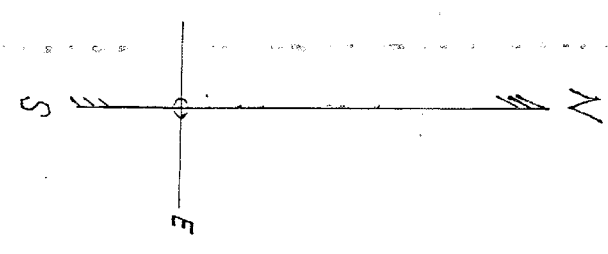
E. J. Flynn

David Rafferty

John McKenna  
 Chas. S. McKenna

E. J. & M. J. Flynn

E. J. & M. J. Flynn



E. J. & M. J. Flynn

M. V. Flynn

M. V. Flynn

J. E. McCartney

Public Road

to Luthersburg

Draft showing location of a view

made for a public road in Penn township

Clearfield County, Pa. Viewed and laid out

the 7th day of October A.D. 1919,  
 A. G. Kramer,  
 Correlator



thence north, forty seven, (47) degrees, west two hundred (200) feet; thence south, forty seven (47) degrees, thirty (30) minutes, west four hundred (400) feet; thence south, seventy two (72) degrees, west one hundred (100) feet; thence south eighty nine (89) degrees, thirty (30) minutes west, four hundred (400) feet; thence north eighty nine (89) degrees, west, five hundred (500) feet; thence north, eighty five (85) degrees west five hundred (500) feet; thence along land of David Rafferty, north eighty five (85) degrees, west three hundred (300) feet; over land of David Rafferty; thence over same south twenty (20) degrees, west sixty (60) feet thence south, fifty eight (58) degrees, east two hundred and forty (240) feet; thence south forty five (45) degrees, east two hundred (200) feet; thence south twenty seven (27) degrees, east two hundred (200) feet; thence south, thirty eight, (38) degrees, east three hundred (300) feet; thence south, twenty nine (29) degrees, forty five (45) minutes, east three hundred (300) feet to line of land of Charles Wall; thence over land of the said Charles Wall; thence south, twenty two (22) degrees, thirty (30) minutes east three hundred (300) feet; thence south, twenty four (24) degrees, east, three hundred (300) feet; thence south three (3) degrees, forty five (45) minutes, east, one hundred (100) feet; thence south forty seven (47) degrees, west one hundred (100) feet; thence south, seventy five (75) degrees, west one hundred and seventy (170) feet; to line of land of John, McKenrick; thence over land of said John, McKenrick; south seventy five, (75) degrees, west three hundred (300) feet to a point in the public road leading from Grampian to Punxsutawney in Penn Township Pa 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,

~~REDACTED~~

~~REDACTED~~

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 ~~no releases~~ no releases and therefore assess the damages as follows;




the following persons having refused to release the damages to which they respectfully may be entitled 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:

W. V. Flynn	\$1.00
E, J. & M. T. Flynn	1.00
David Rafferty	1.00
John, McKenrick	1.00
Charles, Wall	1.00

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

WITNESS our hands and seals this 8<sup>th</sup> day of October

A. D. 1917.

A. G. Brainerd   
E. J. Billore   
Geo. K. McKenrick 

No. 1 Dec. Sessions, 1919.

## ORDER

To view \_\_\_\_\_ a  
road for public use in the  
township of Penn  
Clearfield County, Penn'a.

Specul Session, 1919,  
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 the Court  
Ingelburt Bell  
Suby Sessions 1920  
Culford, Secretary  
Myrdal, Clerk  
Filed \_\_\_\_\_ 19

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.
A. G. Kramer	3	\$24.10
W. H. L. Platt	3	68 23.70
Jack Weber	2	84 19.20

## 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 ensembling 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 \_\_\_\_\_



# Know all Men by these Presents

THAT We, E. J. Flynn, of Penn Township, Clearfield County, Pa.,  
and \_\_\_\_\_ are

held and firmly bound unto Commonwealth of Pennsylvania,

in the sum of Fifty (\$50.00) Dollars,

lawful money of the United States of America, to be paid to the said  
Commonwealth of Pennsylvania, its,

certain Attorney, Executors, Administrators or Assigns; to which payment well and truly  
to be made, we do bind ourselves, and our

Heirs, Executors and Administrators,  
firmly by these Presents. Sealed with our  
Seal & Dated the 12<sup>th</sup> day of September, in the year of  
our Lord one thousand nine hundred and nineteen.

The Condition of this Obligation is such, That if the above  
bounden E. J. Flynn, and

their

Heirs, Executors, Administrators, or any of them, shall and do well and truly pay, or cause  
to be paid unto the above-named Commonwealth of Pennsylvania, its

certain Attorney, Executors, Administrators or Assigns,  
~~the just sum of~~ the amount of any costs or expenses incurred in a certain  
Proceeding or petition for a public road in Penn Township, Clearfield  
County, Pennsylvania, which petition is filed in the Prothonotary's  
Office herewith, and shall save and keep harmless the said Common-  
wealth or the County of Clearfield from any costs or expenses incurred,  
in the event said petition should be abandoned or discontinued.

without any fraud or further delay, then the above Obligation to be void, or else to be and  
remain in full force and virtue.

Sealed and Delivered }  
IN THE PRESENCE OF US,

E. J. Flynn (SEAL)  
Jas. M. Mullers (SEAL)  
Lee McCracken (SEAL)

18

Bond.

Public Road in  
Penn Strop.

For \$

No. 670. John C. Clark & Sons, Stationers, 290 Dock St., Philada.