

No. 1 December 8th. Term, 1919.

RE PUBLIC ROAD IN PENN.

TOWNSHIP

Versus

R.S. & v - Page 430

R.H. 17477

IN RE: Public road in Penn Township leading from a road at or near the residence of Thomas McCartney and ending on the Luthersburg Road near the residence of John McKenrick.

TO THE BOARD OF VIEWERS:-

We, the undersigned citizens, residents and tax payers of the township of Penn in said County, do hereby remonstrate and protest against the granting 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 great public purpose.

3rd: That the township of Penn is already much burdened with roads and that it is almost impossible now to keep the roads that are in existence in proper condition without great burden to the tax payers of the township.

4th: Because many of the persons who signed the petition for view signed the same by inadvertence and misunderstanding and there is no public demand for the building and construction of said road.

This is to note
that I signed the
petition for above
road without a
full understanding
of its import.

T. L. Hall
Edward Spamer
J. F. Miller

Wm J. Henn
G. M. Tamm
W. B. Russell
H. M. Clegg
Oscar B. Brown
L. J. Phillips
J. P. Scott
James D. Giddings
J. R. Wingersworth
Thos. E. Hall

to the best of my knowledge and belief based on the following:

That no public or private person or persons so classified and when

so named shall be liable to damages for any loss or damage

Mr. William B. Quigley

William Petty

Charles Wall

before the Board of Aldermen

or to the Board of Aldermen

Frank Brinker

ent of damages for any loss or damage

Spencer

John Spencer

titles of office and not liable for any loss or damage

Charles Wall

before the Board of Aldermen

W. H. Wriggleworth

Robert C. Ross

Attorney Wriggleworth

Edward Bloom

John C. Ross

John Freeman
Wm Walker
A. B. Wilson
Leonard Petty
James D. Wall
W. M. Dickey
John Pontefract
Fay & Fawcett
Walter R. Spencer
M. A. Spencer
Walter Henry
Blair Raigh
John H. Clegg
Leedell Johnston
Foster Peager
W. E. Wall
S. L. Lester Jr
C. J. Petty
E. M. Davis
E. P. Spencer
B. Rafferty
Russell Hobbs
Clark Taylor

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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 McCormick, and Charles Wall, and David Flynn~~)

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. C. Hall
C. W. Wall
Sam C. Clegg
Michael J. Flynn
J. J. Clark
J. A. Moore
Wm. Miller
Andy Connor
Ray Gubler
J. J. Miller

Malcolm J. Cook
C. J. Johnson
W. W. Widmire
J. A. Clegg
William B. Dingley

Dykester Peifley
W. G. Peck
Bernard J. J. J. J.
John Henry
Otto Blagoe
Allison J. J. J. J.
W. L. Rawles
Alvin Rawles
J. J. J. J. J.
Miles W. W. W.
Rufus F. F. F. F.
A. J. B. B. B.
A. B. B. B.
W. W. W. W.

By Caldwell
J. W. Conroy
Steve Flomoski
James a Rafferty
James E. Rafferty
Frank Glassell
Bob Spencer
Tomie & McKernick
Jos. O. Walker
H. O. Yorke
John Donvin
Harvey McKernick
Ed. McLean
John Barlett
Thos. McLean
Russell Thorp
John Overduff
Wm. Dickey
J. de Rafferty
Edmund Spencer
Thomas Moore
Ralph Miller
D. J. Davis
R. Freeman
A. Marples
Joe Colles
Frank Shadley
B. Glassell
Wm. J. Thorp
John Clark
Lyman & Lester
Bush Mahon

* William Overduff
A. J. Yeager
J. J. Davis
Ambrose Rafferty
Bob Clark
Edward J. Glassell
Glen Spypser
John Walker
Martin Haag
H. B. Sephart
Mr. Stanley Anthony
* Domiley
Allen Bentz
C. H. Flynn
E. Clark
Creston
John McDaniel
John Evans
Thos. E. McCartney
Bernard Rafferty
John Mattay
John Bentz
H. H. Dins
Thomas McLean
Onoch O'Thomas
J. W. Hall
Ly R. Spencer
C. McCorister
Percy Ellinger

Hornsey Bonsell	James McHenry
Beth Olson	Vincent Flynn
Harold Pearson.	J. J. Weigeler
Sam McDonald	Robt Mathews
Mike Patrick	Murray Spencer
Callard Dash	Calvin Smith
Edie Dash	Al Finner
E. A. Spencer	John H. Curran
Edwina Mahon	Steve Grier
Edys Winn	M. A. Bloom
Mike Katch	Bob Phillips
John Smith	Walter H. Moore
John Ruone	St. L. Wingerworth
Samuel Sorkin	Daniel McLawren
Geo. Liberto	J. D. McTeigue
John Purt	G. W. Grey
Geo. L. Conrad	

No.

Dear. 919

Petition for appointment
of receiver for public
Road in Penn Twp.

Now Sept 15th 1919
A. G. Kramer, Sy. George
Mohr and S. D. Bullock
an attorney and execs
to report to the Court at
10 a.m. on Oct 1st 1919

At the County
Registration Bldg

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, ¹⁹¹⁹ 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 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, at which time you can file your objections if you have any.



For Petitioners.

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


Mr. H. J. Helfer
Mrs. H. J. Helfer

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 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 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 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 S. 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 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 ;

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. Brasseler
Ed Billotte
George K. Miller

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.

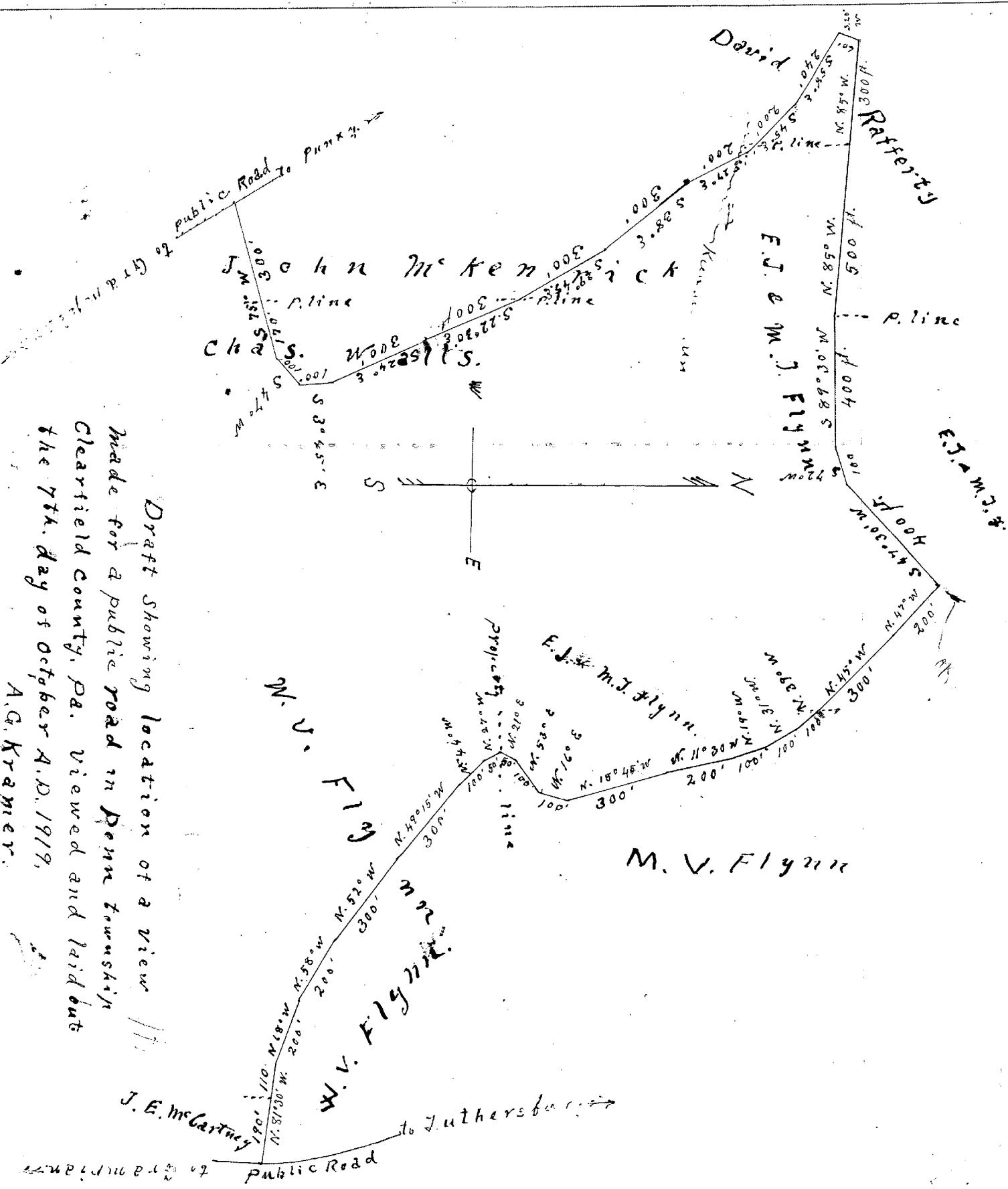
And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested, either for or against said road a chance to be heard by the viewers before the filing of their report in Court, will be held in the Arbitration Room in 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. Helper
G. W. Helper
W. T. Thorp

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. Helper



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,

Ep. Billotte

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; ~~mmmmmm~~ 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.

~~RECORDING~~

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 ~~100/1000/1000000000~~ 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 8th day of October

A. D. 1917.

A. G. Brazee 
E. K. Billotte 
G. R. Thayer 

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 s Dated the 12th 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)
G. M. McElroy (SEAL)
L. McCracken (SEAL)

18

Bond.

Public Road in
Penn. of prop.

For \$

No. 610. John C. Clark & Sons, Stationers, 239 Dock St., Philada.