

No. 13, May Term, 1891

State & Supply  
Public Road.

Versus  
Cooper Township

Contents:

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First Term Rd 1780

Philadelphia May 16<sup>th</sup> 1892

To the Hellinga Wm and  
Gantel Mearns Roads  
Commissioners in Clairfield  
Country Pa

Mr E G St

Mr George Thompson  
Mr E G Gearhart  
Mr John Mc Gough  
please to pay to  
Daniel Somes  
In Dallas the amount  
for damages for a Racer  
passing thru Part of my  
place out there

To oblige John Andrews  
Very Respectfully  
Yours

John Andrews

In the Court of Quarter Sessions of Clearfield Co. Pa.  
In re road in Cooper township   
to view, vacate and supply and   
layout a road in Cooper township   
No. 13 May 8.8. 1891.

A. H. Woodward, Attorney for exceptants to said  
public road files the following exceptions to the  
same:-

1. That the report of the viewers shows that  
the public notice was given by three hand bills  
put up near the location of the road; the report does  
not show any notice to the owners of seated land  
through which the road runs as required by rule of  
Court No. 172, and no notice was given to said  
owners of seated land.

2. The report of the viewers does not show  
5 days notice, written or printed, ~~notice to~~ to the County  
Commissioners of the time of the view, as required  
by rule of Court No. 172, and no such notice was  
given to said County Commissioners.

3. The report does not show that ten days  
notice of the time of the view was given to the  
owners of improved land, as required by act of  
Assembly, and such notice was not given.

4. That the report of the viewers does not  
show that the said viewers were sworn in the  
manner prescribed by law, and exceptants believe  
that the said viewers were not sworn or affirmed,  
or if sworn or affirmed the oaths or affirmations  
were not administered by persons competent to  
administer the same.

5. That the powers of said viewers were exhausted when their report was filed at Sept Sessions 1891 of said Court of Quarter Sessions, and that it was not within the power of the Court to refer said report back to said viewers for correction as to any material matter, and that said report is fatally defective; and the defects thereof not corrected by the order of Court referring the report back to said viewers. *James J. Lucas*

Clarke County, ss.

James J. Lucas being duly sworn according to law doth depose and say that the facts set forth in the foregoing exceptions are true and correct to the best of his knowledge and belief.

Swn & subscribed before me this 29th Jan. 1892 *James J. Lucas*

I do certify that so far as the exceptions above stated appear upon the face of the proceedings they embrace and are legal reasons why the report should not be confirmed.

*A. N. Woodward*

Atty for Exceptants.

No 13 May 25 1891

Road in Copper M.

Exceptions to Report  
of Observers -

File 30 Jan 1892  
Anderson

Indowand

To the Honorable the Judges of the  
Court of Quarter Sessions of  
Clearfield County.

The petition of the undersigned  
inhabitants of the township  
of Cooper respectfully repre-  
sents that they labor under  
great inconvenience for want  
of a public road to begin in  
a public road running from  
Kadertown to the Roaring Stone  
at or near the end of George  
Hoovers lane in said township  
of Cooper and to end in said  
public road at or near what  
is known as the long turn-  
out in <sup>the</sup> ~~said~~ <sup>way in</sup> said township. The pe-  
titioners therefore pray the  
Court to appoint proper per-  
sons qualified according to law  
viewers to view and lay out  
said road and to inquire of and  
vacate the public road now  
opened from George Hoovers  
lane aforesaid to said long  
turn out on the line of the  
proposed road in said townsh-  
ip of Cooper which last mea-

tioned road will by reason of the laying out of the proposed road become useless and make report of their proceedings to the next Court.

And will ever pray &c,

George Hoover

Henry Hoover

J. C. Gissey

Jackson Hoover

Daniel Begay

W. H. Lucas

George Adeay

Daniel Jones

Joseph R. B. Hoover

John J. Daniels

Joseph Daniels

Cain Daniels

Jer. K. Gissey

Alexander Hoover

Aly. Ralston

G. D. Gissey

Joseph Hoover

L. D. Gissey

E. J. Daniels

J. F. Daniels

Bethel Daniels

Walter Hoover

St. J. Peeler

Linck Hoover

Joseph Hart

E. W. Brown

Montgomery Johnson

Wilkins vacated  
and supplied that place  
of a public road.  
Kingsbridge from Ryde  
Brown Wallingford  
Stony Grange and  
afterwards the end  
of George Street  
Long. It is what is  
known as the long  
terrace and was called  
Road, or Cooper  
Rowership.

Now day Sep 1891. Many  
people, Mrs. Horner and  
Geo. Kippel appointed new  
importants Sep 91

Hans Meyer  
Kraicer

To the Honorable the Judge within  
named. We the undersigned persons appointed by the  
within order of Court to view and lay out the Road  
therin mentioned respectfully Report That after  
having given due public notice by three written and  
printed notices put up near the location of said  
Road of the time and place of meeting to view and  
lay out the same we met at the Sylvan Grove School  
House on the Eleventh day of June A.D. 1891 and  
after being duly affirmed in pursuance of said  
order we viewed and laid out and do return for  
public use the following road to wit Beginning  
in a public road running from Rylestown to the Rolling  
Stone at a point <sup>exactly</sup> at the lane leading to the house of  
George Hoover then a running south eighty six degrees  
East thirty two perches through improved land thence  
North four and one half degrees East thirty two perches  
through improved land thence South eighty four degrees  
East thirteen perches through improved land thence North  
Seventy nine degrees East twenty seven perches through  
improved land thence North twenty seven and one half  
degrees East twenty seven perches through unimproved  
land thence North thirty three degrees East fifty seven  
perches through unimproved land thence North thirteen  
perches through unimproved land thence North thirty  
two degrees East thirty five perches through unimproved  
land thence North ten degrees East <sup>six</sup> eight perches through  
unimproved land thence North twenty five degrees west twenty  
four perches through unimproved land thence North forty  
seven degrees west forty perches through unimproved land  
thence North sixty eight degrees west fifteen perches through  
unimproved land thence North fifty five degrees west  
Eleven perches through unimproved land thence North

Twenty eight and one half degrees west thirty perches  
to a point in aforesaid road leading from Rykertown  
to Rolling Stone. About two perches North of upper end  
of the long turnout. Being the point of ending of  
the road as viewed and laid out. Which said road  
as aforesaid laid out we are of opinion is necessary  
for a public road. We would further report that  
that part of said road running from Rykertown to  
the Rolling Stone from the lane of George Hoover  
to the long turnout supplied by the present road  
will become useless inconvenient and burdensome  
and therefore vacate the same

James P. Hoover  
George Shiff  
H. A. Reese

Clearfield County, ss: 

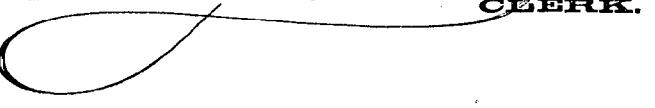
At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 4<sup>th</sup> day of

May, A. D. 1881, before Judges of said Court, upon a petition of sundry inhabitants of the township of Cooper, in said county, setting forth that they labor under

great inconvenience for want of a public road to begin in a public road running from Tylerton to the Roaring Stone at or near the end of George Hoxom's lane and to end in said public road at or near what is known as the long turnpike in said township and to lay out said road and to inquire of and Vacate the public road now opened from George Hoxom's lane aforesaid to said long turnpike on the line of the proposed road in said township of Cooper which shall then meet road will by reason of the laying out of the proposed road become useless.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Make Report at next Term of Court whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Ruee Jas. D. Brown & Geo. Hippel 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 lay out 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 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 lands 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 lands 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.

  
Am. Blum

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 \_\_\_\_\_ 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. 188 .



## 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 John Andrews. the sum of Ten Dollars (\$10)  
To \_\_\_\_\_ the sum of \_\_\_\_\_  
To \_\_\_\_\_ the sum of \_\_\_\_\_

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 188 .

*H. A. Reese*  
*George Shiffle*  
*Janes - P. Hoover.*

No. 13 May Sessions, 1891

ORDER

vacate & supply  
To view, and lay out a road for

public use in the township of  
Corbett, Clearfield Co.

2 Sept 1891, Preferred bank of  
viewers to connect the same

By 1st Court

Dec 1891 Confirmed

ni. sc. the opened & cut  
wide. road at side hill cutting  
subbankments or brushings thick  
16 feet

By 1st Court

4th apr 1892. no testimony  
being taken application for order  
denied & remanded to  
By 1st Court

Opening order given to Jas. P. Hixon 18 April 1892

Filed 11 Augt., 1891  
Fees \$1, ~~20~~ paid by Jas. P. Hixon

Note.—In case of a private road, the valence 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 reviewees.

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.

*H. J. Pease* } Days  $1\frac{1}{2}$  Amount,  
cont 1004 } Miles *Three*

*James P. Hixon* Days one  
cont *Centerville* Miles *Four*

*George H. Hix* Days one  
cont *West N. R.* Miles *Four*

Days Miles  
Days Miles  
Days Miles