

No. 13, May Term, 1891

Vacate & Supply
Public Road.

Versus

Cooper Township

Contents:

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Part 1 To 2 Rd 11 1890

Philada May 16th 1892

To the Hallingam and
Gautel Means Road
Commissioners in Blairfield
County Pa

~~Mr E. G. J.~~

Mr George I Thompson
Mr E G Gearhart
Mr John M^c Gaughery
please to pay to
Daniel Jones

Ten Dollars the assessment
for damages for a Road
passing thru part of my
place out there

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
lay out a road in Cooper township

No. 13 May S.D. 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 due 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~~ of 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 ^{occupants} 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*

Clearfield 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.

Sworn & 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 thereunto and are legal reasons why the report should not be confirmed.

A. H. Woods and

Atty for Exemptants.

No 13 May 58 1891

Read in Court Ch.

Excellence to Report
of Ueencia -

Filed 30 Jan'y 1893
H. H. H. H. H.

Mr. H. H. H.

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
Kipertown to the Roaling 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 ^{said township} 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 men-

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

And will ever pray &c.

George Hoover

Larry Hoover

Jackson Hoover

W A Lucas

Daniel Jones

Joseph P. C.

Lucas Hoover

John H. Dancy

Joseph Jones

Calvin Hoover

John K. Hoover

Alexander Hoover

Alv. Ralston

G D Heals

John Davis

E D Hoover

E J Hoover

J. Hoover

Richard Hoover

William Hoover

Alv. Peck

Calvin Hoover

John Hart

E. W. Brown

D. C. Giesey

Samuel Began

George Sedley

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
therein 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 Rykeltown to the Rolling
Stone at a point ^{exactly} at the lane leading to the house of
George Hoover thence 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 ^{four} ~~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~~ ^{six} degrees East ~~eight~~ ^{six} 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 Kylesburg
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 Kylesburg 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 Stiffle
H. A. Reese

Clearfield County, ss: (C)

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 4th day of May, A. D. 1887, before Judges of said Court, upon a petition of sundry inhabitants of the township of Cooper, in said county, setting forth that they claim under

great inconvenience for want of a public road to begin in a public road running from Keyserstown to the Reeling Stone at or near the End of George Horron's lane and to end in said public road at or near what is known as the long turnout in said Township and to lay out said road and to inquire of and vacate the public road now opened from George Horron's lane to said long turnout on the line of the proposed road in said Township of Cooper which last mentioned road will by reason of the laying out of the proposed road become useless &c.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, ^{Vacate} Make Report at next Term of Court whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Ruee Jas C. Horron Geo Hipple 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 Blom
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 ensembling 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 Skiffle
James P. Hoover

No. 13 May Sessions, 1891

ORDER

Vacate & supply

To view, and lay out a road for

Public use in the township of

Westford, Clearfield Co.

25 Sept 1891, Referred back

Decision to correct 148 same

13, 145 Township

Dec Sess 1891 Confirmed

mi. sec. the opened 33 feet

wide. 2 apt at side hill cutting

substantiated or bridging this

16 feet By 16 Secord

4th Sept 1892. No testimony

being taken by whom you open

road & Report confirmed

By McCourt

Filed 11 Aug, 1891

Fees \$1.20 paid by J. H. McCourt

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.

Subscribed

W. H. Reed } Days 1 1/2 Amount,

Cent 1000 } Miles Three

James O. Secord } Days one.

Cur. Conf. H. 1020 } Miles two

George W. H. } Days one

Cent 1020 } Miles four

Days

Miles

Days

Miles